# SOUTH ASIA STATE *of* MINORITIES REPORT 2023

Majoritarianism and Its Impact on Minorities

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## Majoritarianism and Its Impact on Minorities

THE SOUTH ASIA COLLECTIVE

The South Asia Collective

Norad

**South Asia State of Minorities Report 2023**
*Majoritarianism and Its Impact on Minorities*

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# Executive Summary

## Background

Majoritarianism has risen to the top in South Asia. It has involved unfettered propagation of majority interests by governments, negating minority concerns, needs and demands. The Taliban takeover in Afghanistan, the junta's takeover in Myanmar and the propagation of Hindutva majoritarianism in India represent flashpoints in the region which have proliferated incendiary identity politics, radicalising the majority population and inciting discrimination and violence against minorities. For other countries in the region—Bangladesh, Nepal, Pakistan and Sri Lanka—the seeds of majoritarianism lie in the monist nation-building process undertaken by past governments and continue to perpetuate power asymmetries between majority and minority populations.

This report, the seventh in the **South Asia State of Minorities** series, provides an overview of the drivers and manifestations of majoritarianism and their impact on minorities in the region.

## Key Findings

### Overview of Regional Trends

A trend of democracy backsliding can be witnessed in most of the countries covered by the report. Majoritarian governments have enacted laws and policies that discriminate against minorities, providing legal sanction to their scrutinisation. This form of constitutional engineering allows countries to keep their veneer of democracy while undermining minorities.

Violence against minorities has precipitated in Afghanistan, Myanmar and India in particular, with the other countries also seeing bouts of violence, especially when minorities partake in religious or ethnic expression. With majoritarian governments

controlling the narrative and villainising minorities, expression by minorities evokes insecurity in the majority population, causing them to unleash their wrath, thus divesting minorities from cultural and social rights. This trend has also resulted in the targeting of minority places of worship in multiple countries.

With minorities in one state representing the majority in another, cross-border ramifications are unavoidable in the region. The growing majoritarian sentiment in most of these countries means there are fears of retaliatory action across the region when one of the countries witnesses an escalation. A ripple effect also remains a possibility, with the majoritarian wave reopening age-old divisions and causing polarisation in relatively unfractured societies.

## Overview of National Trends

### Afghanistan

Since the Taliban takeover in August 2021, religious communities in Afghanistan—including Hindus, Sikhs, Christians, Jews and Bahais—have witnessed active persecution. The Taliban's opposition to religious diversity has resulted in religious groups being victims of casualties, systematic displacement, forced evictions, religious taxation and marginalisation from governance. The Christian community, in particular, faces additional threats as the Taliban incentivises the reporting on Christians by offering financial compensation. Even Muslim sects are not spared by the Taliban, with Sufis, Hazaras, Ismaili Shias and Ahmadiyyas subjected to persecution. The Taliban's pursuit of homogenising Afghanistan is evident in actions such as forcibly converting Ismaili Shia places of worship into Sunni-Hanafi mosques, compelling Ismaili Shia youths to undergo Sunni-Hanafi religious education and desecrating Sufi places of worship. Discrimination, restrictions on religious activities, abuse of property rights, lack of security and restricted educational possibilities have forced Hindus, Sikhs, Ahmadiyya Muslims and Bahais, among others, to flee Afghanistan as threats mount.

**Bangladesh**

Bangladesh has long struggled with a form of majoritarianism which manifests itself in various government policies and results in disadvantaging minorities in education and jobs. Remedial efforts inbuilt in the 1972 Constitution, which extends protection to minority communities in particular, including guaranteeing freedom of religion and thought, the right to equality and non-discrimination, linguistic and cultural rights and preservation and promotion of distinct local cultures. The government has set up the National Human Rights Commission (NHRC) and also introduced a number of programmes targeting marginalised groups, including economic empowerment and cultural preservation initiatives. Despite this, *de jure* safeguards have yet to be realised since religious minority groups like Christians, Buddhists and Hindus continue to face problems in exercising their cultural and religious rights. Notably, discriminatory land regulations have resulted in the Bangladeshi Hindu community experiencing a downturn in their social and political representation while also facing economic decline across a wide range of sectors. Even among the Hindus, the situation of Dalits, considered 'low caste', is precarious, with the group continuing to lack sufficient housing, sanitation and educational opportunities.

**India**

Hindu nationalist forces such as the Rashtriya Swayamsevak Sangh (RSS) in India are actively trying to reshape Indian history. Dominated by 'upper-caste' Hindu men, the RSS, in collaboration with the ruling Bharatiya Janata Party (BJP) leaders, has launched campaigns exaggerating ancient Hindu contributions to science, presenting mythological events as historical events and vilifying Muslim rule in India. The revisionist agenda extends to educational curricula as well, influencing how history is taught in schools and institutions. Parallelly, Prime Minister Modi has strategically cultivated an image as a champion of the Hindu cause, evident from his public participation in Hindu rituals, visits to nationwide temples and presence at religious events alongside RSS leaders, which contribute to bolstering his semi-religious persona and

shielding him from political criticism. Minorities and secularists are portrayed in the Hindu nationalist narrative as existential dangers to Hindu and Indian interests. Labelled 'anti-nationals' and 'traitors', they are frequently linked to armed separatists. Hindu nationalists have also begun regulating religious conversions from Hinduism. Laws in BJP-run states criminalise what is deemed as 'forcible' or 'fraudulent' conversions as well as 'love jihad'—a conspiracy theory promoted by Hindutva right-wing groups in which Muslim men pursue Hindu women for conversion through marriage—paving the way for Muslim men to be persecuted. Likewise, the enactment of the Citizenship (Amendment) Act (CAA) has raised concerns about its potential discriminatory effect on minority religious groups, especially Muslims, since the legislation aims to accelerate Indian citizenship for persecuted non-Muslim migrants from neighbouring Muslim-majority countries.

**Myanmar**

Following the February 2021 coup which saw military commander-in-chief Min Aung Hlaing ascend to power, ethnic conflict within Myanmar has grown progressively complex. From the Civil Disobedience Movement—which faced brutal suppression—to armed factions engaging in hostilities against the military, the protracted violence has seen civilian casualties in the thousands. These ethnic armed organisations have managed to exert control over certain parts of the nation, aiming to restore the country's social and cultural diversity. Regardless, the Rohingya situation has not improved since the Burmese military and ethnic Rakhine armed groups launched a systematic attack against them in 2017. Even historically, Rohingyas have been easy targets because of their ethnicity and language differences from the Buddhist majority as well as their adherence to the Muslim faith. Following the coup, the military junta established the State Administration Council to manage Rakhine State. However, since the United League of Arakan (ULA) and the Arakan Army (ULA-AA) currently administer Rohingya-populated areas, the remaining Rohingya are placed in a precarious situation, as they now have to traverse dual systems of governance, endure double taxation and risk detention by rival forces.

**Nepal**

Manifestations of majoritarianism in Nepal today are often elusive and isolated. Political analysts have expressed concern over the rising influence of the nationalistic Hindutva ideology of India's ruling Bharatiya Janata Party (BJP) on Nepali politics. On multiple occasions, Hindu religious leaders and public figures from India have continued to make statements akin to outright endorsement of a pro-Hindu agenda in Nepal. The state's predilection towards Hindu traditions is also evident in its financial backing of Hindu festivities and state officials' active participation in the same, and the presence of Hindu temples and memorabilia in the premises of public institutions. Discrimination against religious minorities is exacerbated by the restriction on proselytisation, principally targeting those of Christian faith. In addition to the legal constraints embedded in the country's domestic legal framework, religious minorities in Nepal also face administrative hurdles in exercising their freedom of religion or belief. Discrimination also extends to the denial of burial rights for both Christian and Muslim communities. Further, the harms of Hindu majoritarian sentiments are not just limited to Nepal's non-Hindu population but also continue to impact Dalits and indigenous groups. The issue of inadequate representation of minorities in both the federal- and state-level legislatures remains a significant concern, even with the introduction of electoral quotas. The revision of grade-school academic curricula remains constrained, with the narrative in school textbooks maintaining majoritarian undertones and portraying a whitewashed version of Nepali society. Also worrying is the inaccurate and often derogatory portrayal of minorities in Nepali pop culture and media.

**Pakistan**

While some provisions within the constitution of Pakistan ensure equal rights for minorities without discrimination, these rights are not enforced in the way legally required. In fact, the constitution contradicts itself and overtly embodies majoritarian values, exemplified by the stipulation that both the president and the prime minister of the country be Muslims. That a bill against forced conversion was rejected in the Sindh Assembly underscores

the superficial attempts at reform. The systematic discrimination against minority religious groups has also helped validate societal prejudices against them. Such discriminatory beliefs extend into the labour market, confining minority religious groups to work considered impure, limiting their economic opportunities and upward mobility socially. The imposition of majoritarianism manifests differently for each of the several minority religious groups in Pakistan. For example, the Sunni majority opposes the Ahmadiyya community's view of Islamic ideals and forbids them from identifying as Muslims; discrimination against Hindus stems from their historical ties to India; and Shia Muslims continue to live in fear of retaliation for holding somewhat divergent religious beliefs from the majority Sunnis. Christians, on the other hand, experience less coercive means of suppression, such as being hired in low-paying industries and the state dismissing their contribution to the Muslim-dominated society, because the state perceives them to be ideologically non-threatening to the Muslim state.

**Sri Lanka**

In the aftermath of independence in 1948, the political landscape in Sri Lanka underwent significant shifts. The introduction of the Ceylon Citizenship Bill in 1948 rendered more than 700,000 Indian Tamils stateless. A watershed moment came in the form of the enactment of the Sinhala Only Act in 1956, designating Sinhala as the official language. This decision relegated English-speaking Burghers and Tamil-speaking minorities to the periphery of governmental affairs. Although the 13th Amendment to Sri Lanka's constitution formally recognised Tamil and English as official languages alongside Sinhala, its implementation remains inconsistent. Furthermore, discriminatory land policies, coupled with constitutional provisions mandating the state to protect the Buddhist faith, have exacerbated the already unequal relationship between the majority Buddhist Sinhalese and those of other faiths. The use of draconian laws like the Prevention of Terrorism Act (PTA) adds to minority groups' challenges as it continues to target religious and other marginalised populations despite government assurances that it will be repealed. As a result, groups such as Tamils

and Muslims grapple with political, economic and social disparities, resulting in waves of out-migration from the country and increased scrutiny and condemnation from the international community.

## Conclusion

While the overall democratic and human rights situation in South Asia offers cause for concern, there are some encouraging signs. Some documented outcomes include Nepal's reformed electoral quotas for marginalised groups, encompassing indigenous peoples, Dalits and women as well as civil resistance against the implementation of CAA and National Register of Citizens (NRC) in India, which has resulted in the government halting its nationwide implementation so far. In the setting of repressive regimes such as Pakistan, Bangladesh, Sri Lanka and India, civil society has played a crucial role in advocating for minority rights—even leading to legal reforms in rare cases. However, the recent meteoric rise of populist and authoritarian regimes across South Asia threatens to reverse any gains made thus far.

## Recommendations

### To National Governments

- Abide by international human rights commitments by translating obligations into domestic laws.
- Ensure the participation of minority groups in all organs of the state and key decision-making positions.
- Strengthen the independence of democratic values and institutions, including the judiciary, electoral bodies and legislative authorities, to curb unchecked power.
- Proliferate press freedom, making it conducive to reporting news about minority groups.
- Create a conducive environment and strengthen the presence of civil society and non-governmental institutions.
- Enact and enforce legislation protecting religious, ethnic and other minorities within their territory.
- Enforce legal remedies for violations carried out against ethnic and religious minorities.

- Ratify or accede to international standards relevant to minority rights.
- Address underlying socio-economic disparities among different communities by launching targeted programmes.

**To the UN and Wider International Community**

- Encourage countries to ratify/accede to international human rights standards alongside their individual complaint mechanisms.
- Support efforts to hold perpetrators of human rights violations accountable by lending countries' technical assistance in prosecuting violations against minority communities.
- Assist countries in translating international human rights commitments into domestic legal frameworks by lending technical and expert support.
- Facilitate and foster regional dialogue on minority rights and inclusivity.
- Monitor the implementation status of international human rights standards, and track the situation of minority groups in South Asia—partnering with local civil society organisations (CSOs).

**CSOs Working on Human and Minority Rights**

- Work with other regional CSOs to foster dialogue on minority rights and create a regional network of like-minded institutions.
- Engage with and sensitise policy makers and thought leaders on pressing concerns plaguing minority communities.
- Lobby for the drafting of substantive legislation protecting the specific rights and freedoms of minority communities.
- Conduct local-and regional-level activities targeted at strengthening democratic institutions, such as the judiciary and independent investigative authorities, i.e., ombudsman.
- Launch advocacy campaigns designed to foster rule of law, participatory and democratic values at the grassroots level.

# Foreword

It is undeniable that the world today is more exclusionary than in the recent past. Age-old divisions have been reignited and presented as absolute, engendering rifts and sharply dividing populations. Such polarisation can also be seen in South Asia, home to a fifth of mankind. For many, it is their governments that propagate these divisions—a rightward shift in political culture that conflates ethnic or religious identity with national identity. In a bid to solidify their political reigns and augment their votes, many political leaders have resorted to populism. In this quest, they resort to minoritising the population they consider 'others', scapegoating and casting them as representing an existential threat to the privileges of a political majority that is framed as a homogeneous nativist group. Such securitisation and xenophobia not only directly and often irretrievably harm these stigmatised and politically excluded groups, but also invariably suppress the civic space, destroy social trust, corrode democratic institutions, undermine the rule of law, and produce authoritarian regimes.

The seventh edition of the South Asia Collective's State of Minorities Report, *Majoritarianism and Its Impact on Minorities*, in this regard, is timely and relevant. It reveals the concerning rise and persistence of majoritarianism in seven South Asian nations—Afghanistan, Bangladesh, India, Myanmar, Nepal, Pakistan and Sri Lanka—and the grave consequences for minorities. The focus on minorities is pertinent, as no matter the rhetoric of populist leaders and majoritarian governments, the realities of South Asia are that it is home to a diverse population. The majoritarian impulse to claim homogeneity is, however, ubiquitous across the region. Each of the chapters delves into the historical path building that is but a central component to these exclusionary ideologies, a critical juncture driving majoritarianism today. The report highlights this surge with the protracted civil war in Myanmar, the Taliban

takeover in Afghanistan, and the propagation of Bharatiya Janata Party (BJP)-sponsored Hindutva ideology in India as examples of major escalations. The persistence of majoritarianism characterise the other countries as the state continues to consecrate a singular religious identity in Bangladesh, Pakistan and Sri Lanka. Despite the abrogation of the Hindu monarchy and the transition to secularism in Nepal, the country continues to uphold anachronistic elements in its legal documents, confounding, through obfuscation, secularism with Hinduism. Further, its transition remains truncated and mostly top-down, with the report revealing content incompatible with democratic state-building in its academic curriculum.

The report exposes the worsening plight of minorities. The palpable shift to majoritarianism or the incorporation of its elements has thwarted the claims of minorities to their homelands, with many governments crafting legal and other mechanisms to further disenfranchise them. Minorities have been subjected to marginalisation, discrimination and violence, with state action emboldening non-state actors to mete out their own punishment. The cow vigilantes in India, the blasphemy accusers in Pakistan and the double jeopardy for Rohingyas in Myanmar from junta and ethnic armed organisations are emblematic cases in point. Likewise, Sri Lanka's history of ethnic favouritism and discriminatory policies against Tamils, Christians and Muslims, for example, underscore the ongoing challenges of political and economic disparities in the country.

Rising repression has been accompanied by increasing digital authoritarianism, with chilling effects on voices from the region both online and offline. At a time of global decline in respect for democracy and human rights, the malevolent forces in South Asia by and large seem to operate with impunity. Moreover, the vast economic potential of the region, rather than bringing solace to the teeming populations of the countries in the region, sadly appears to offer a disincentive to members of the international community to 'leave no one behind' in their engagement with this region.

The majoritarian trend does not bode well for democracy and pluralism in the region. The report notes that much of the progress on the development of a pluralistic value system has

been diminished or erased. The gradual yet substantive democratic nation-building in Afghanistan has been completely reversed with the Taliban reestablishing a theocracy, with a similar tale of religious nationalism in Myanmar. Even India, which was built on a secular foundation post-independence, has, with the BJP's doing, relapsed into communal bifurcations. The other countries, similarly, have witnessed a democratic backsliding that threatens to polarise their respective societies as well. My own country, the Maldives, though not covered in this report, itself is not immune from rising populist, xenophobic and authoritarian tendencies that threaten the rule of law and respect for human rights.

Agreeing with the report's diagnosis, I find recent developments in South Asia profoundly disquieting. It is paramount that governments strive to promote pluralism and diversity in the region, acknowledging the rights of all citizens, including minorities, to their civil, political, economic, social and cultural rights, among others. It is high time we leave monist imaginations behind and conceptualise nations that revel in their diversity. The report is a reminder that singularity is manufactured by political leaders and nation-states for their political benefits, and it is necessary for us, as citizens, to look beyond them. Likewise, the international community must take heed of these trends that are threatening to tear down the social fabric and placing these countries at risk of becoming broken political entities.

This compelling report comes out at a time when the international community is preparing for the *Summit of the Future* this September and for a new 'Social Contract' by 2025. In this context, I would like to highlight that this report demonstrates that the global mantra of 'leaving no one behind' has never been more urgent in South Asia than it is now.

Professor Ahmed Shaheed
University of Essex

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# Acknowledgements

We are grateful to Professor Ahmed Shaheed, professor of International Human Rights Law at the University of Essex and former United Nations Special Rapporteur on Freedom of Religion or Belief as well as former UN Special Rapporteur of the Human Rights Council on the situation of human rights in the Islamic Republic of Iran, for kindly writing the foreword to the report, and for being a steadfast friend, ally and guide to the South Asia Collective (SAC). We have learned much and grown, thanks to the opportunities his mandate has provided the SAC to engage on the subject of freedom of religion or belief and collaborate with many other stakeholders, including at the regional level. We are grateful for this opportunity.

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**Afghanistan**

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**Bangladesh**
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We would like to extend our warmest thanks to Mario Gomez, Executive Director at the International Centre for Ethnic Studies (ICES), and Dr Shamara Wettimuny, Junior Research Fellow, Queens College, University of Oxford, for taking the time to review the Sri Lanka Chapter and helping refine it.

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# Note on the South Asia Collective

A group of human rights activists and organisations that dream of a just, caring and peaceful South Asia came together in December 2015 to document the condition of the region's minorities—religious, linguistic, ethnic, caste, and gender, among others—hoping this would help in bettering outcomes for South Asia's many marginalised groups. We call ourselves the South Asia Collective.

We have since been able to rally other like-minded groups and platforms to our cause. Building on this initial success, we have also begun experimenting with small-scale practical support to minority groups across borders, to nurture their capacity for better outcomes for minority communities, working at local and regional levels. And we are now exploring interventions for peacebuilding and dialogue, to challenge majoritarianism in the region that lies at the root of the problem.

This coming together of like-minded groups is particularly gratifying given the otherwise political environment in the region, which militates against any serious regional effort by state parties on minority and human rights. It is then left to civil society initiatives to try to pave the way in the hope for more formal efforts, going forward. Eventually, we want to see the establishment of a South Asia charter of minority and human rights, and regional and national mechanisms to enforce the same.

Founding members of the South Asia Collective are:

- Civil Society and Human Rights Network, Kabul
- Citizens Against Hate, Mumbai
- Law and Society Trust, Colombo
- Nagorik Uddyog, Dhaka
- Social Science Baha, Kathmandu

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# Note on the Contributors

**Elaine Alam** is a social scientist and an international development and human rights professional. Her work on religious minorities, especially research, programming and advocacy in Pakistan, South Asia and globally emphasises the infringement of rights faced on a daily basis through the blasphemy laws and forced conversions in Pakistan. She holds a Masters in Governance, Development and Public Policy from the Institute of Development Studies (IDS) at the University of Sussex and a Postgraduate Diploma in Poverty Reduction-Policy and Practice from SOAS University of London. Her research has explored the marginalisation of religious minority women and how they navigate their environments of fear of violence through local ways of dispute resolution. She has also worked closely with women who work as domestic workers and organise themselves in worker unions, most of whom are religious minority women. Elaine has worked closely with international missions and policymakers of international governments, advocating and lobbying for human rights policies, particularly those related to religious minorities and women's rights.

**Sayed Hussain Anosh** is a human rights defender and has worked with the Civil Society and Human Rights Network (CSHRN) for more than a decade. He is also the Executive Lead with Human Rights Defenders Plus (HRD+).

**Apurwa Baral** is an LLM graduate from the Fletcher School at Tufts University with specialisations in human rights law and conflict resolution. She takes a keen interest in migration, minority rights, self-determination and post-conflict restructuring. Since beginning her professional career in 2018, most notably, Baral has interned with the United Nations Regional Centre for Peace and Disarmament in Asia and the Pacific (UNRCPD) and worked under

the umbrella of A4ID and the Harvard Law and International Development Society to draft a rule of law handbook. Currently, she works at Social Science Baha in the capacity of researcher.

**Sajjad Hassan** is a human rights researcher and trainer. He is the Convenor of the South Asia Collective.

**Farhan Hossain Joy** is a human rights researcher and climate activist working in the development sector in Bangladesh for the last three years. His work includes conducting field research in collaboration with various international organisations, including Amnesty International, Equality Now, etc. His areas of interest are political economy, minority rights and climate science. He holds a Masters in Economics along with a Bachelors in Business Administration from the University of Dhaka.

**Sakuntala Kadirgamar** is the Executive Director of the Law and Society Trust, a human rights research and advocacy organisation in Colombo. She is a senior governance expert with extensive experience providing policy and technical advice on constitutions, governance reform, transitional justice, the design of electoral systems and political party reform, mainstreaming gender and social inclusion and the sustained promotion of human rights. She has worked in fragile states and post-conflict transitions in contexts of extreme political volatility, change and uncertain transitions. She has been called upon to play a key role in providing policy advice to defuse political and social tensions and to advance new governance and development initiatives that ensure the inclusion of diverse political factions, minorities and women. She has a PhD in Jurisprudence from the University of Sydney and received her LLB from the University of Colombo and a BA in Social Sciences from the University of Reading, UK. She was the Senior Constitution Adviser at the International Institute for Democracy and Electoral Assistance (IDEA) and the Head of the Asia Programme (IDEA), based in Stockholm, Sweden. She has served as an adviser to the Mediation Support Unit of the United Nations (UN) as the Gender and Inclusion Adviser and as an adviser on constitution and power

sharing. She was also an Adviser at the National Dialogue Conference of Yemen and a Senior Constitutional Adviser to the United Nations Political Office for Somalia and to the United Nations Development Programme (UNDP) in Nepal.

**Maria Khan** is a researcher and LLB graduate who focuses widely on human rights issues, particularly those related to women's rights.

**Sabber Kyaw Min** is the Founder and Director of the Rohingya Human Rights Initiative (ROHRIngya). Prior to this, he worked with United Nations High Commissioner for Refugees as an interpreter for four years, as he speaks several languages such as Burmese, Rohingya, Rakhine, Urdu, Hindi and English. Being a Rohingya refugee himself, his aim is to advocate internationally for the rights of the persecuted Rohingya community and highlight human rights violations suffered by Rohingya in Bangladesh, India and Myanmar. As a provider of daily news updates, he works closely with international news agencies such as Al Jazeera, the British Broadcasting Corporation (BBC), German TV, The Telegraph, Arab News, Reuters News, etc. Sabber has been instrumental in leading conferences on various projects, including those related to education, research and the Covid-19 response. He has also worked closely with the UN Independent International Fact-Finding Mission on Myanmar to collect and preserve evidence of the war crimes committed in Myanmar since 2011.

**Samanwita Paul** has recently submitted her doctoral thesis on the Politics of Displacement and Representation of Rohingya Women Refugees in India at Jawaharlal Nehru University, India. Her areas of interest include refugee studies, political geography and feminist studies. She has published academic pieces in journals and editorials. Prior to this, she has worked extensively on issues pertaining to forced migrants in various refugee-focused and refugee-led organisations. She has been a part of several teams for field research and policy formulation about refugee groups. At present, she is engaged as a Teaching Fellow at the Social Sciences and Humanities Department in the Indraprastha Institute of

Information Technology, Delhi, wherein she co-conducts courses on social and political philosophy as well as urban spaces and political power.

**Sanjit Shrestha** is a researcher at Social Science Baha. His research interests include migration, minority rights, history, politics, public policy, economics and development. He regularly contributes opinion pieces to newspapers and online platforms on various issues. Before research, he worked in the development sector for many years.

**Abhimanyu Suresh** is a human rights researcher with five years of experience working on issues of marginalisation, exclusion and accountability. He holds a Master of Laws (LLM) degree in International Human Rights Law from the University of Essex.

**Mohammad Asghar Surush** is a dedicated researcher and a human rights defender. He earned his Masters in Human Rights from Jamia Hamdard University in India in 2019. With over a decade of experience, he has contributed significantly to research and human rights initiatives within diverse national and international organisations in Afghanistan. In addition to his research endeavours, Mr Surush has excelled as a master coordinator and project officer, demonstrating his commitment to advancing human rights causes.

**Sudeshna Thapa** is a human rights lawyer and holds an LLM in International Human Rights Law from Lund University, Sweden. She has previously worked as a research assistant to the United Nations Special Rapporteur on Human Rights and Toxics, involved, among others, in research related to the human rights implications of exposure to toxic and hazardous substances on particular groups, including workers and indigenous communities. She is currently a Research Coordinator at Social Science Baha, where she is primarily involved in research and writing on a range of issues pertaining to Nepali labour migrants. Her research interests include labour, mobility and minority rights. She writes regularly on a range of socio-legal issues including minority rights and social inclusion.

# Abbreviations and Acronyms

| | |
|---|---|
| AA | Arakan Army |
| ACBAR | Agency Coordinating Body for Afghanistan Relief and Development |
| AJK | Azad Jammu and Kashmir |
| AJMM | Anti-Junta Mass Movement |
| AL | Awami League |
| ANDSF | Afghanistan National Defence and Security Forces |
| ARSA | Armed Rohingya Salvation Army |
| ASEAN | Association of Southeast Asian Nations |
| ASSP | Anjuman-i-Sipah-i-Sahaba |
| BBC | British Broadcasting Corporation |
| BBS | Bodu Bala Sena |
| BCL | Bangladesh Chhatra League |
| BD | Bajrang Dal |
| BGB | Border Guard Bangladesh |
| BHBCUC | Bangladesh Hindu Buddhist Christian Unity Council |
| BJP | Bharatiya Janata Party |
| BNP | Bangladesh Nationalist Party |
| BSPP | Burma Socialist Programme Party |
| CAA | Citizenship (Amendment) Act |
| CDC | Curriculum Development Centre |
| CDF | Chinland Defence Force |
| CDM | Civil Disobedience Movement |
| CEDAW | Elimination of all forms of Discrimination Against Women |
| CERD | Convention on the Elimination of All Forms of Racial Discrimination |
| CHT | Chittagong Hill Tracts |
| CHTC | Chittagong Hill Tracts Commission |

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| CID | Criminal Investigations Department |
| CNF | Chin National Front |
| CRC | Convention on the Rights of the Child |
| CRPH | Committee Representing the Pyidaungsu Hluttaw |
| CSO | Civil Society Organisation |
| EAO | Ethnic Armed Organisation |
| EU | European Union |
| FIDH | International Federation for Human Rights |
| FPTP | First-Past-the-Post |
| FT | Foreigners Tribunal |
| GSP+ | General Scheme of Preferences Plus |
| HDI | Human Development Index |
| HRCP | Human Rights Commission of Pakistan |
| HRD | Human Rights Defender |
| ICCPR | International Covenant on Civil & Political Rights |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| ICHR | Indian Council of Historical Research |
| ICT | Information & Communication Technology |
| IDP | Internally Displaced People |
| IMLI | International Mother Language Institution |
| INC | Indian National Congress |
| INGO | International Non-Governmental Organisation |
| IS | Islamic State |
| ISIS | Islamic State of Iraq and Syria |
| ISKP | Islamic State – Khorsan Province |
| J&K | Jammu & Kashmir |
| JI | Jamaat-e-Islami |
| JUI-F | Jamiat Ulema-e-Islam (F) |
| KIO | Kachin Independence Organisation |
| KNPP | Karenni National Progressive Party |
| KNU | Karen National Union |
| KPK | Khyber Pakhtunkhwa |
| LEA | Law Enforcement Agency |
| LGBTIQA+ | Lesbian, Gay, Bisexual, Transgender, Intersex, Queer/Questioning, Asexual |
| LLRC | Lessons Learnt and Reconciliation Commission |

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| LTTE | Liberation Tigers of Tamil Eelam |
| MMDA | Muslim Marriage and Divorce Act |
| MP | Member of Parliament |
| NCHR | National Commission for Human Rights |
| NCPCR | National Commission for Protection of Child Rights |
| NCRC | National Commission on the Rights of Child |
| NCSW | National Commission on the Status of Women |
| NGO | Non-Governmental Organisation |
| NHRC | National Human Rights Commission |
| NHRCB | National Human Rights Commission of Bangladesh |
| NJP | Nepal Janata Party |
| NLD | National League for Democracy |
| NPR | National Population Register |
| NRC | National Register of Citizens |
| NSA | National Security Act |
| NUG | National Unity Government |
| OIC | Organisation of Islamic Cooperation |
| PDF | People's Defence Force |
| PECA | Pakistan Electronic Crimes Act |
| PPP | Pakistan People's Party |
| PR | Proportional Representation |
| PTA | Pakistan Telecommunication Authority |
| PTI | Pakistan Tehreek-i-Insaf |
| PTM | Pashtun Tahaffuz Movement |
| PWDs | Persons with Disabilities |
| RAB | Rapid Action Battalion |
| RPP | Rastriya Prajatantra Party |
| RSS | Rashtriya Swayamsevak Sangh |
| SAC | South Asia Collective |
| SAJC | South Asia Justice Campaign |
| SC | Supreme Court |
| SLFP | Sri Lanka Freedom Party |
| SLR | Sri Lankan Rupee |
| SNC | Single National Curriculum |
| ST | Scheduled Tribes |

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| TLP | Tehreek-e-Labaik Pakistan |
| TNA | Tamil National Alliance |
| TNFJ | Tehriki-Nifaz-i-Fiqh-i-Jaafria |
| TNFP | Tamil National People's Front |
| UAPA | Unlawful Activities Prevention Act |
| ULA | United League of Arakan |
| UN | United Nations |
| UNAMA | United Nations Assistance Mission in Afghanistan |
| UNHCR | United Nations High Commissioner for Refugees |
| UNOCHA | United Nations Office for the Coordination of Humanitarian Affairs |
| UNODC | UN Office on Drugs and Crimes |
| UNP | United National Party |
| UPA | United Progressive Alliance |
| UPR | Universal Periodic Review |
| USCIRF | United States Commission on International Religious Freedom |
| USDP | Union Solidarity and Development Party |
| VHP | Vishwa Hindu Parishad |

# Introduction

South Asia, and the world in general, has witnessed strong political polarisations in recent years driven mainly by longstanding identity differences. Unlike in the past, when the state had accommodated and sometimes even embraced heterogeneity, identity is increasingly being weaponised by governments in South Asia. In a clear shift towards majoritarianism, the region has seen the introduction of overtly pro-majority laws and policies along with the othering of minorities and subjecting them to violence.

Majoritarianism differs from a majoritarian democracy, or rule by the majority, since it represents an unfettered propagation of majority interests by the government, negating minority concerns, needs and demands. Where a democratic regime is committed to honouring the rights and needs of minorities, a majoritarian rule homogenises—by assimilation or excommunication—and exalts the identity of the majority. This regressive form of identity politics not only confounds ethnic or religious identity with national identity, in the process, it radicalises the majority population and incites them towards discrimination of and violence against minorities, rendering the country little more than a mobocracy.

The basis of this majoritarian wave, in most cases, lies in the historical state-building process, which was rooted in monist identities. Many South Asian nations, following independence from colonial rule, attempted to create a unified national identity for nation-building. State religions were adopted in some with the pinnacle of this trend being the assumption of power in Afghanistan by the ultraconservative Taliban in the 1990s, which followed the withdrawal of Soviet troops and a period of a complete breakdown of civil order. Although not colonised, Nepal also adopted an exclusionary nation-building approach predicated on a singular identity. The exception to this general pattern was India, which had

embraced secularism and pluralism for much of its independent history with a rapid decline since the assumption of power by the Bharatiya Janata Party (BJP) in 2014.

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## Who are the Minorities in South Asia

### Afghanistan

Afghanistan's minority, encompassing Shia Hazaras, Ismaili Shias, Hindus, Sikhs and communities of Jews and Bahais, has endured historic marginalisation and persecution. The Taliban's 2021 comeback has significantly deteriorated their situation. Shia Hazaras and Ismaili Shias confront increased violence, arbitrary arrests, torture and cultural repression because they do not believe the Taliban's hardline interpretation of their faith. Hindus and Sikhs continue to be subjected to targeted attacks, property violations and a lack of basic security and education. The situation is most egregious for Christians, who face social ostracism and the continual threat of violence or even death, many resorting to concealment of their faith or exile. Sufi believers have similarly had their religion undermined, with places of worship destroyed as a result of the Taliban's conflict with Sufi mysticism.

### Bangladesh

In Bangladesh, religious minorities like Hindus, Buddhists, Christians, Ahmadiyyas and Dalits confront significant challenges. Despite historical roots in Bangladesh, Hindus experience violence and vandalism, particularly during festivals.[1] While ethnic minorities like the Chakma, Garo, Khasi, Bihari and Rohingya add to the diversity, they, too, confront discrimination at the hands of the dominant majority, with matrilineal communities like the Garo and Khasi facing communal violence and land disputes. Urdu-speaking Muslims, known as Biharis, navigate an uncertain legal status and struggle with integration.[2]

1 'Bangladesh: Deadly Attacks on Hindu Festival', Human Rights Watch, October 21, 2021, https://bit.ly/3w9or7d.

2 Geoffrey Macdonald, 'Bangladesh: Urdu-Speaking Biharis Seek Recognition, Respect and Rights', International Republican Institute, February 4, 2021,

The Rohingyas, as stateless refugees, suffer legal and social prejudices.

**India**

India's religious minorities, including Muslims, Sikhs, Christians, Buddhists, Jains and Zoroastrians, have been facing discrimination and marginalisation at the hands of the current BJP-led government.[3] This is particularly pronounced for Muslims but also Adibasi and Dalit communities, who face widespread prejudice and hostility. Additionally, Muslims and Christians encounter persecution from both state and non-state actors, are often vilified in popular media, and lack adequate legal safeguards in critical civil rights areas.

**Myanmar**

The primarily Theravada Buddhists Bamar (also known as Burman) constitute the biggest ethnic and linguistic community in the country, exerting significant political and social influence. Karen, Shan, Mon, Chin, Kachin and Karenni are among the most prominent ethnic minorities, and they experience pervasive discrimination and persecution. Religious minorities include those who practise Islam, Christianity, Hinduism and animistic faiths.

**Nepal**

Nepal's social and legal systems significantly entitle those from the Khas Arya community. This dominance has historically resulted in the exclusion of Madhesis, Dalits, ethnic and indigenous groups. Caste-based discrimination is rampant, particularly against Dalits, who are at the lowest rungs of the Hindu caste system. Religious minorities such as Muslims and Christians encounter limitations on their religious practices due to anti-proselytisation laws and lack of adequate legal protections.

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https://www.iri.org/resources/new-bangladesh-report-reveals-priorities-of-the-bihari-minority.

3 Minority Rights Group International, 'India', Minority Rights Group International, accessed February 30, 2024, https://minorityrights.org/country/india.

### Pakistan

Sindhis, Pakhtuns and Baluchis constitute ethnic minorities in Pakistan.[4] Religious minorities, mainly Christians and Hindus,[5] face heightened vulnerability to violence and persecution, often perpetrated by the very state apparatus entrusted with their security. The rise of religious nationalism, advocating for a monolithic Islamic identity, has also put groups at the intersection of ethnicity and religion, such as the Shia Hazaras, in danger.[6]

### Sri Lanka

Muslims (Moors and Malays) and Tamils (who are mostly Hindus and some of whom are of Indian descent) have historically been marginalised,[7] confronting legal sanctions and government surveillance, alongside forced displacement. The government favours the Sinhalese Buddhist majority, leaving its minorities legally unprotected. Tamils have faced outright persecution in the past, even leading to a quarter of a century-long brutal civil war.[8]

## Relevant International Standards

The principles of freedom of thought, conscience and religion—a cornerstone of democracy—find placement in Article 18 of the International Covenant on Civil and Political Rights (ICCPR) and are interpreted by General Comment 22 as being non-derogable even in times of emergencies—ensuring a bulwark against the suppression of expressions of faith. Despite being parties to the covenant, Nepal and India interrupt minority faiths' right to

4 Minority Rights Group International, 'Pakistan', Minority Rights Group International, accessed February 29, 2024, https://minorityrights.org/country/pakistan.

5 Minority Rights Group International, 'Pakistan'.

6 Minority Rights Group International, 'Pakistan'.

7 Minority Rights Group International, 'Sri Lanka', Minority Rights Group International, accessed February 29, 2024, https://minorityrights.org/country/sri-lanka.

8 Outlook Web Desk, 'Sri Lankan Pres Wickremesinghe Promises Policies For Better Integration Of Indian-Origin Tamil Workers', *Outlook*, October 31, 2022, https://www.outlookindia.com/international/sri-lankan-pres-wickremesinghe-promises-policies-for-better-integration-of-indian-origin-tamil-workers-news-233658.

practise and profess their religion by criminalising conversion to minority faiths from the predominant religion—Hinduism. This especially sounds the alarm for the countries' minority communities because both constitutions declare the countries to be secular. Also, concerning is the codification of the 'love jihad' conspiracy in some Indian states that unfairly targets the state's Muslim

population by criminalising inter-faith marriages. Likewise, the enactment of the contentious Citizenship (Amendment) Act (CAA) and the update to the National Register of Citizens (NRC) provide a pathway to citizenship for citizens of neighbouring states while leaving Muslims out of coverage, violating the principles of non-refoulement.

Pakistan and Myanmar stand as extremes, having instituted state-sponsored assimilatory policies to counter diversity. In Pakistan, blasphemy and discriminatory laws, aided by the lack of independent democratic institutions and accountability measures, work to undermine minority cultural practices. While the legal apparatus of Sri Lanka does not overtly discriminate against its religious minorities, it undermines other religions by privileging Buddhism in its constitution. Furthermore, critics argue that the Prevention of Terrorism Act (PTA) allows for the silencing of minority voices. This practice raises concerns about violations of the ICCPR's Article 19, which guarantees freedom of expression, and Article 14, the right to a fair trial, including freedom from arbitrary arrest. Myanmar is not a party to the ICCPR, and with a military regime in tow that persecutes minority groups such as Rohingyas, right-wing groups' feel emboldened to discriminate against and persecute religious minorities.

Further, the right to culture, as articulated in Article 27 of the Universal Declaration of Human Rights and subsequently in Article 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ensures, most importantly, the uninterrupted right to participate in cultural life. Moreover, Article 15 of the ICESCR expands on its scope by recognising, as the CESCR General Comment No 25 put it, the right also to 'take part in scientific progress and in decisions concerning its direction'. This right underscores the importance of membership in a community, exercising collective identity and benefiting from the fruits of scientific advancement. Denial of these rights has the potential to silence individual freedom of expression, along with imposing the dominant culture on minority groups. This, in turn, facilitates the erasure of minority cultures and practices, as exemplified by India's rewriting of Mughal history and Nepal's undermining of minority groups' contribution

to the formation of the state. By renaming Muslim historical places, vilifying Mughal rulers, rewriting academic textbooks in BJP-governed states to include teachings of Hindu scriptures, and even going so far as to undercut contributions made by members of the Muslim faith, India has raised concerns about the state's obligations arising under the ICESCR and ICCPR. Likewise, the Nepal government's refusal to provide burial spaces for its religious minorities impedes their ability to exercise cultural rights while simultaneously encouraging assimilation with the dominant culture and stifling unique religious and cultural practices, demonstrating weak commitment towards its human rights treaty obligations. Meanwhile, states like Pakistan have been tacitly endorsing the forced conversion of their Hindu population. Conversely, Myanmar has long incentivised conversion to Buddhism, particularly among the historically marginalised Rohingya population, by promising educational and work opportunities.

## Trends in Majoritarianism across South Asia

### Constitutional Engineering and Narrative Manipulation

The varnished nature of majoritarianism is what makes it extremely deleterious. It operationalises not only overt forms of violence, but institutionalises anti-minority sentiments in the legal structure through constitutional engineering. By introducing discriminatory laws and policies and operationalising them to marginalise minorities, the state maintains its veneer of democracy—at least to its majority population—justifying its acts as 'legal'. This, then, confers legal sanction to the scrutinisation of minorities by the majority population.

Pakistan's longstanding blasphemy law is emblematic of this majoritarian impulse. The Pakistani government recently exacerbated the punishment for blasphemy from a three- to a ten-year sentence through the Criminal Laws (Amendment) Act, 2023. The general law on blasphemy under Section 295 (C) of the Pakistan Penal Code further includes the death penalty as punishment for those accused. Because what constitutes blasphemy is not specifically spelt out in the law and requires no

concrete proof on the part of the accuser, it has resulted in the terrorisation of minorities. The surveillance, post-accusation, often turns into violence against the accused and their family, regardless of the court's verdict.

Despite having adopted secularism as a concomitant to its transition to a federal republic, Nepal has discreetly privileged Hinduism in its constitution. The constitution upholds the right to religion and deems the country secular, but qualifies 'secularism' to signify the upholding of the *sanatana dharma*, or the religion practised since ancient times, which has been understood as alluding to Hinduism. This constitutional recognition reinforces extant power asymmetries between adherents of different faiths and enfeebles calls for equal status by religious minorities. In addition, the restriction on proselytisation further curbs the free right to practise one's religion. Hence, Nepal's adoption of secularism and religious tolerance rests on the acquiescence of the others to the superiority of Hinduism—a hierarchical secularism predicated on the unquestioned primacy of Hinduism.

India has operationalised legal mechanisms to disenfranchise minorities in the country. The enactment of the CAA in 2019, which expedites the path to Indian citizenship for persecuted non-Muslim migrants from India's Muslim-majority neighbours, dovetailed with the NRC in the northeastern state of Assam, an administrative exercise to identify illegal 'foreigners' residing in the state, and a possible nationwide replication in the form of the National Population Register (NPR), could have dire consequences for Muslims in the country. The CAA could exclusively enfranchise Hindus among the 1.9 million people excluded from the NRC in Assam, with expansion in the form of the NRC putting Muslims around the country at risk of disenfranchisement.

The Taliban has reinstated Sharia law in Afghanistan, completely derailing its gradual but substantive progress towards democracy before the takeover in 2021. It has refused legal recognition to other religious minorities, only accepting the dominant Hanafi School of Sunni Islamic jurisprudence. The Shia faith, as such, remains undermined, perpetuating an environment of inequality. The Taliban placed restrictions on the religious practices of Shia

and Hazaras during Moharram in 2022 and 2023. The Ministry of Higher Education also rejected calls for the encapsulation of Jafari jurisprudence in the curriculum, guaranteeing the sole inculcation of its narrative in academics.

Besides legal instruments, the state can also misrepresent facts and data as well as alter prevailing narratives to undermine minorities. The Bangladesh government, for example, has been accused of underreporting ethnic minorities in its census by indigenous rights activists. The latter claim that the numbers have been almost halved. Muslims in Sri Lanka are accused of being a demographic threat by increasing their population to become the majority, although they only constitute 9.6 per cent of the population. Minorities in Sri Lanka also argue that their heritage sites remain neglected, are destroyed or renamed, and are incorporated into the dominant Sinhalese narrative. Examples include the Dafthar Jailani Mosque and the Karunthoormalai Hindu shrine, both of which were destroyed.

**Violence against Minorities**

Afghanistan and Myanmar represent the most extreme cases among the countries covered by the report, with the Taliban takeover in the former and the junta takeover in the latter turning them into militarised states. Minorities were forced to flee the countries and those who could not escape have been repressed. With the state condoning systematic attacks against minorities by groups like the Islamic State-Khorasan Province (ISIS-KP), such attacks have precipitated in Afghanistan. Minorities are regularly subjected to arbitrary arrests, torture, summary executions and enforced disappearances, with verbal intimidation disseminated in the form of inflammatory speeches for their killing.

Following the military takeover in Myanmar, the country has descended into a civil war, with fears of a protracted war of attrition resulting in grave human rights violations. Following the coup, civilians have been subjected to artillery barrages and air strikes as well as extrajudicial killings, torture and arson. The country's non-Buddhist minorities, Rohingyas in particular, are enmeshed between two warring sides—the Junta and ethnic armed organisations (EAOs)—facing persecution from both.

Anti-minority mass violence has been on the rise in India since the BJP came to power. With the perpetrators, in almost all cases BJP leaders and members of Hindu nationalist groups, conferring impunity, these violent episodes are then characterised as 'riots', masking the state-backed pogroms that transpired. Most recently, 200 people, predominantly members of Christian Kuki tribes, were killed, with thousands more displaced. Similar incidents against Muslims in 2020 and 2013 in Delhi and Uttar Pradesh, respectively, also highlight the sheer frequency of these atrocities.

The targeting of minority places of worship seems to be an overarching trend throughout South Asia. In Pakistan, Ahmadiyya places of worship are routinely targeted. They are denied identity as Muslims and are neither allowed to call their place of worship 'mosque' nor build minarets on them. The multiple attacks on various Shia mosques and Hindu and Sikh temples in Afghanistan evidence a similar pattern.

Ethnic and religious expression by minorities seems to trigger

wrath against them by the majority population. The celebration of Durga Puja by the Hindu minority in Bangladesh in 2021 was marred by several incidents of violence, even leading to the desecration of Hindu temples and idols. Similarly, Sunni Muslim devotees attempted a march towards Salana Jalsa, a periodic gathering of the Ahmadiyya community. As the police stopped the procession, the march turned violent and led to clashes between the religious communities. Pakistan saw a political party, the Tehreek-i-Labbaik Pakistan (TLP), publicly mobilise in order to stop any Ahmadiyya from performing animal sacrifices on Eid-ul-Adha of 2023, a day when Muslims around the world offer animal sacrifices. Calls to name the erstwhile Province-1 reflecting the Kirat heritage of the region were ignored by authorities in Nepal, inciting mass protests by the community that have led to escalating violence and even the death of a protester. Muslims in Sri Lanka have been targeted by both Sinhalese and Tamils, with their being displaced from the north during the civil war by Tamil separatists but also subjected to violence by the Sinhalese Buddhist community because of their business success while their right to cultural expression has been curtailed by the ban on the burqa and the niqab.

## Drivers of Majoritarianism and Its Impact on Minorities

### Intersections and Comparisons

For most countries covered by the report, the driver of majoritarianism today lies in the historical state-building process rooted in singular identities. Although history is not completely deterministic, it does constrain and define possibilities. A certain path-dependent institutional and value-system reproduction has transpired even in the absence of factors responsible for original production in some countries,[9] while populist and authoritarian politicians in others have deliberately leveraged these age-old differences for political dividends.

State religions were adopted in Bangladesh, Myanmar, Sri Lanka and Pakistan. Bangladesh, formed out of the self-determination

9 James Mahoney, 'Path Dependence in Historical Sociology', *Theory and Society* 29, no. 4 (August 2000): 507–548.

movement of Bengalis, has followed the same exclusionary tactics that fuelled their grievances against the erstwhile West Pakistan-dominated state. Sri Lanka regressed from its post-independence inclusivity with the promulgation of its constitution in 1972, which removed previous provisions prohibiting discrimination, with the 1978 constitution privileging the Sinhalese language and Buddhism. Born out of a 'two-nation theory' demanding a separate state for Muslims in colonial India, Pakistan continues to hold that ideological othering and denigrates minorities in the country. With the authoritarian military officially and unofficially ruling the country for its entire existence, a similar value system of the superiority of the majority over others has been transmitted in society.

Myanmar's nationalism had its genesis in its refusal to accept the inferiority of a colonised people. The notion of *taing-yin-tha*, meaning 'offspring of the land', included those residing in the country before the British invasion. Later, when the military came into power, the current exclusivist definition of the term was established, conflating Burmese with Buddhist identity. The Taliban in Afghanistan operationalised Sharia law with its particular interpretations and established an oppressive regime in the country. With its second coming, it has reinstated draconian majoritarian measures that are terrorising minorities. Although not colonised, Nepal also adopted a unitary identity with the absolute monarchical regime, in particular, having earmarked a Hindu Hill identity as Nepali, with ethnic and religious minorities suppressed and assimilated. India stood alone in the post-independence period as having adopted a pluralistic and secular path to nation-building. This historical pattern has seen severe reversals in recent times with the rise of the BJP and its stated objective of turning India into a Hindu state and discriminating against people of other faiths, mainly Islam.

**Inter-country Impact and Influence**

Cross-border ramifications are unavoidable in a region like South Asia, where minorities in one state—for example, Hindus in Bangladesh and Pakistan, and Muslims in India—may form the

dominant group in another.[10] Most of these countries have also seen protracted periods of violence driven by ethnic or religious identity.[11] India, Pakistan and Bangladesh—once sharing a common history—now harbour hostility against ethno-religious groups with historical ties to each other's nations.[12]

As cross-border migration increases, it serves to further interlace ethnic and religious ties across South Asian states and also exposes some of these groups to violence and discrimination. Often, retaliatory action against ethnic or religious groups in one country has implications for ethnic and religious minorities in another. Any perceived slight to the Muslim population in India leaves the Hindus in Bangladesh and Pakistan susceptible to violence. In reality, threats against an ethno-religious minority in one state also fuel rhetoric advocating for the restoration of such a group's influence in a state where the said group is dominant.

Conversely, some countries in the region, such as Nepal and India, have comparable religious linkages and see a rippling effect, with the emergence of Hindutva ideology in India making inroads into Nepal as well. Most notably, India and Nepal are contending with increased radicalisation and ethnicisation of their dominant religious populations, who believe themselves to be under threat from small minority groups—i.e., Muslims and Christians, among others. Terrorism concerns have also dominated the treatment of minorities within the region. Until recently, Sri Lanka's attitude towards Tamils was shaped by the country's civil conflict pitting the Sinhalese state against Tamil rebels.[13]

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10 Rowena Robinson, 'The Politics of Religion and Faith in South Asia', *Society and Culture in South Asia* 3, no. 2 (2017): viii; 'Introduction Chapter: South Asia, International Human Rights xxxi and Minorities: Improving the Record', in *Weakening Human Rights Commitments and Its Impact on Minorities*, (Kathmandu: SAC, 2023), https://thesouthasiacollective.org/wp-content/uploads/2023/03/SASM2022.pdf.

11 Robinson, 'The Politics of Religion and Faith in South Asia'.

12 Robinson, 'The Politics of Religion and Faith in South Asia'.

13 Robinson, 'The Politics of Religion and Faith in South Asia'.

## Keeping the Flame Alive

Even though South Asian states present reasons for concern amidst rising authoritarianism, erosion of democratic norms and a dwindling commitment to human rights norms, there are still some glimmers of hope. For instance, in Nepal, the new constitution in 2015 transformed the state from a monarchy to a federal system, decentralising power and instituting electoral quotas at the federal, provincial and local levels in an effort to enfranchise historically marginalised groups—such as indigenous peoples, Dalits and women—in governance. Similarly, in neighbouring India, anti-CAA and NRC protests are successful examples of civil resistance, drawing international headlines and compelling the government to back down from the implementation of the said laws nation-wide—thus far. Civil society activism in South Asian countries advocating for minority groups' rights is also commendable, particularly in the context of repressive regimes, such as Pakistan, Bangladesh, Sri Lanka and India, where advocacy efforts have, if nothing else, increased awareness about legal rights and, in some rare cases, led to legislative reforms. However, as long as politics remains concentrated in the hands of populist leaders, progress will remain constrained.

## Recommendations

### To National Governments

- Abide by international human rights commitments by translating obligations into domestic laws.
- Ensure the participation of minority groups in all organs of the state and key decision-making positions.
- Strengthen the independence of democratic values and institutions, including the judiciary, electoral bodies and legislative authorities, to curb unchecked power.
- Proliferate press freedom, making it conducive to reporting news about minority groups.
- Create a conducive environment and strengthen the presence of civil society and non-governmental institutions.
- Enact and enforce legislation protecting religious, ethnic and other minorities within their territory.

- Enforce legal remedies for violations carried out against ethnic and religious minorities.
- Ratify or accede to international standards relevant to minority rights.
- Address underlying socio-economic disparities among different communities by launching targeted programmes.

**To the UN and Wider International Community**

- Encourage countries to ratify/accede to international human rights standards alongside their individual complaint mechanisms.
- Support efforts to hold perpetrators of human rights violations accountable by lending countries' technical assistance in prosecuting violations against minority communities.
- Assist countries in translating international human rights commitments into domestic legal frameworks by lending technical and expert support.
- Facilitate and foster regional dialogue on minority rights and inclusivity.
- Monitor the implementation status of international human rights standards, and track the situation of minority groups in South Asia—partnering with local civil society organisations.

**Civil Society Organisations Working on Human and Minority Rights**

- Work with other regional civil society organisations (CSOs) to foster dialogue on minority rights and create a regional network of like-minded institutions.
- Engage with and sensitise policy makers and thought leaders on pressing concerns plaguing minority communities.
- Lobby for the drafting of substantive legislation protecting the specific rights and freedoms of minority communities.
- Conduct local-and regional-level activities targeted at strengthening democratic institutions, such as the judiciary and independent investigative authorities, i.e., ombudsman.
- Launch advocacy campaigns designed to foster rule of law, participatory and democratic values at the grassroots level.

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# Vulnerabilities of Religious Minority Groups under the Taliban Extremist Group in Afghanistan

**Mohammad Asghar Surush** and **Sayed Hussain Anosh**

## Background

Religious minorities in Afghanistan, namely Shia Hazaras, Ismaili Shias, Hindus, Sikhs, Christians, Sufis, Ahmadiyyas, Jews and Bahais, have long endured a history of discrimination and persecution. After the 2021 takeover of the country by the Taliban with their radical, ultraconservative religious views and practices, the challenges faced by these minority communities have exacerbated, resulting in heightened violence, restrictions on religious practices and systematic marginalisation. This introductory summary provides an overview of the dire situation and key points of concern for each minority group.

The persecution and marginalisation of religious minorities in Afghanistan is evident through targeted violence, restrictions on religious practices and systematic discrimination. The Taliban's rise to power has further exacerbated these challenges, forcing these communities to live in an environment of fear, vulnerability and repression. The international community's attention to these issues is crucial to ensuring the protection of religious freedoms and human rights for all Afghan citizens.

This chapter aims to assess the vulnerabilities of religious minority groups to religious extremism under Taliban rule, with a comprehensive analysis of the historical context, cultural dynamics and religious ideologies to identify the specific vulnerabilities faced by religious minority groups under Taliban rule. The assessment

considers factors such as legal rights, social acceptance and physical security.

This chapter also develops potential scenarios for the lives of religious minorities should Taliban rule continue. These scenarios will help shed light on the likely challenges and hardships these groups might encounter, providing insights into the potential consequences of the Taliban's policies.

Finally, this chapter will focus on exploring strategies and interventions that can effectively counter the vulnerabilities faced by religious minority groups. The aim is to identify approaches that could lead to positive changes in the circumstances of these groups and contribute to achieving a point where the vulnerabilities are significantly reduced or eliminated.

This chapter is based on desk research consisting of an analysis of news articles, opinion pieces and journalistic reports related to religious minority groups under Taliban rule, providing real-time insights into ongoing events and trends. In addition, a review of reports published by international organisations documenting the conditions and challenges faced by religious minority groups in Afghanistan was also undertaken. The researchers used the content analysis method, which involves interpreting the collected data on the current situation of religious minorities and the challenges they face in the country, in order to gain meaningful insights. The sections that follow will highlight the present status of religious communities in Afghanistan and end with a conclusion and recommendations.

## Shia Hazara Religious Minority

### Marginalisation and Persecution

The Hazara community, predominantly Shia, has a long history of facing discrimination and persecution in Afghanistan. Since the Taliban takeover of the country in August 2021, the level of persecution against Hazaras and Shias has increased. This persecution has manifested in various forms, including arbitrary arrests, torture, summary executions, enforced disappearances

and economic, social and cultural discrimination.[1]

Reports highlight that Hazaras have been historically marginalised by Afghan governments[2] and have faced discrimination in enjoying their economic, social and cultural rights, among others. This marginalised status is rooted in historical, ethnic and religious factors. Since the Taliban came to power, the situation of the Hazaras has become worse. The rejection of Jafari jurisprudence in the educational curriculum,[3] restrictions on religious practices[4] and exclusion from decision-making processes[5] underscore the Taliban's role in perpetuating this marginalisation.

## Targeted Attacks and Violence

Reports indicate ongoing targeted violence and attacks against the Hazara community. These attacks range from arbitrary arrests, torture, summary executions and enforced disappearances to inflammatory speech calling for the killing of Hazaras. The involvement of groups like the Islamic State-Khorasan Province (ISIS-KP) in such attacks indicates a systematic effort to intimidate and harm the Hazara population with the aim of suppressing their religious and cultural practices.[6]

Ever since the Taliban takeover of Afghanistan, the ISIS-KP has

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1 Richard Bennet, 'Situation of Human Rights in Afghanistan: Report of the Special Rapporteur on the Situation of Human Rights in Afghanistan', September 9, 2022, https://reliefweb.int/report/afghanistan/situation-human-rights-afghanistan-report-special-rapporteur-situation-human-rights-afghanistan-advance-edited-version-ahrc5580.

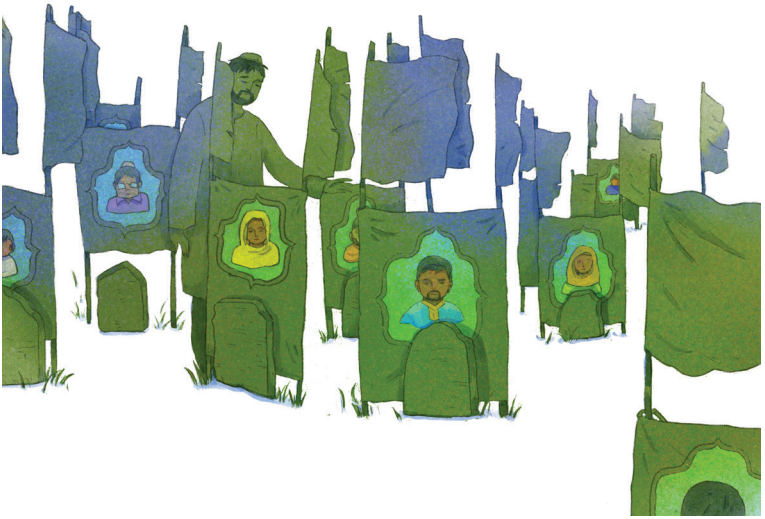
2 Fereshta Abbasi, 'Testimony to the US Commission on International Religious Freedom: Religious Freedom in Afghanistan: One Year Since the Taliban Takeover', Human Rights Watch, August 24, 2022, https://www.hrw.org/news/2022/08/24/testimony-us-commission-international-religious-freedom.

3 'The Ministry of Higher Education of the Taliban rejected the request to teach Shia jurisprudence in universities', *BBC*, April 11, 2023, تالیصحت ترازو درک در ار اهاگشنادر د هعیش هقف سیردت تساوخرد نابلاط یلاع - BBC News یسراف.

4 Shoaib Tanha Shokran, 'Member of the Ashura ceremony commission: The Taliban are violating their commitments', DW.com, July 2023, نویسیمک وضع مراسم عاشورا: طالبان خلاف تعهدات عملم یکنند – DW – ۱۴۰۲/۵/۵.

5 Bennet, 'Situation of human rights in Afghanistan: Report of the Special Rapporteur on the situation of human rights in Afghanistan'.

6 Bennet, 'Situation of human rights in Afghanistan: Report of the Special Rapporteur on the situation of human rights in Afghanistan'.



asserted responsibility for 13 attacks that targeted individuals from the Hazara community and is suspected to be involved in at least three additional incidents. These acts of violence have resulted in the deaths of at least 700 individuals.[7]

In a few instances, the Taliban's control over Ghazni Province, located in southeastern Afghanistan and highly populated with Hazaras, resulted in the deaths of nine Hazara men, foreshadowing a series of violent incidents targeting the community. Subsequent actions, such as the forced displacement of 1200 Hazara Shia from Daykundi Province[8] and the confirmed killing of 13 Hazaras in the region, underscore the severity of the situation.[9]

The emergence of ISIS-KP further escalated the crisis, with a brutal attack on a Shia mosque in Kunduz Province leading to the deaths of at least 46 worshippers and many more wounded.[10]

7 Abbasi, 'Testimony to the US Commission on International Religious Freedom'.

8 Niala Mohammad and Zack Udin, 'Factsheet: Afghanistan', The U.S. Commission on International Religious Freedom (USCIRF), October 2023, https://bit.ly/4d75ra8.

9 'Afghanistan: 13 Hazara killed by Taliban fighters in Daykundi province–new investigation', Amnesty International, October 5, 2021, https://www.amnesty.org/en/latest/news/2021/10/afghanistan-13-hazara-killed-by-taliban-fighters-in-daykundi-province-new-investigation.

10 'Afghanistan: Suicide Attack hits Kandahar Mosque During Prayers', *BBC*,

Another attack targeting the Shia community in Kandahar amplified the devastation.

In 2022, a series of attacks directly targeted the Hazara Shia community, including a mosque and a school. The United Nations Assistance Mission in Afghanistan (UNAMA) documented a total of 2106 civilian casualties (700 killed and 1406 wounded) between August 2021 and June 2022.[11] The majority of these casualties were the result of targeted attacks by ISIS-KP against ethnic and religious minority communities as they went about everyday activities like attending school and worship services.

The systematic nature of attacks against the Hazara community, as well as the historical context of discrimination, raises concerns about potential international crimes, including crimes against humanity.[12] The deliberate targeting of Hazara places of worship, schools and gatherings suggests an organised policy with far-reaching implications.

**Systematic Discrimination**

Discrimination against Hazaras is intertwined with both their religious and ethnic identities. The suppression of Hazaras goes beyond physical violence and includes systematic forms of discrimination. For instance, reports indicate the forced eviction of Hazaras from their homes,[13] the imposition of religious taxation contrary to Shia principles[14] and their exclusion from senior government positions.[15] These multiple forms of discrimination

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October 16, 2021, https://www.bbc.com/news/world-asia-58925863.

11 'Human Rights in Afghanistan, 15 August 2021–15 June 2022', United Nations Assistance Mission in Afghanistan, July 2022, https://unama.unmissions.org/sites/default/files/unama_human_rights_in_afghanistan_report_-_june_2022_english.pdf.

12 Bennet, 'Situation of human rights in Afghanistan: Report of the Special Rapporteur on the situation of human rights in Afghanistan'.

13 Amnesty International, 'One Year of the Taliban's Broken Promises, Draconian Restrictions and Violence', August 15, 2022, https://bitly.ws/3i7at. https://www.amnesty.org/en/latest/news/2022/08/afghanistan-one-year-of-the-talibans-broken-promises-draconian-restrictions-and-violence.

14 Bennet, 'Situation of human rights in Afghanistan: Report of the Special Rapporteur on the situation of human rights in Afghanistan'.

15 Bennet, 'Situation of human rights in Afghanistan: Report of the Special Rapporteur on the situation of human rights in Afghanistan'.

impact various aspects of Hazara life, ranging from housing to economic opportunities.

**Lack of Recognition of Shia Religion by the De Facto Government**

The main problem facing the Shia community is the Taliban government's refusal to acknowledge religious minorities other than the dominant Hanafi school of Sunni Islamic jurisprudence. This position has significant effects on the socio-cultural makeup of the nation. Despite repeated requests by Afghanistan's Shia Scholar Council for official recognition,[16] the Shia faith remains unrecognised. This disregard not only undermines the principles of religious freedom but also perpetuates an environment of inequality, leaving the Shia minority feeling marginalised and excluded from the nation's collective identity.

**Taliban's Restrictions on Religious Practices**

Media reports from the ground indicate that the Taliban imposed restrictions on the religious practices of Shia and Hazaras during Moharram in 2022 and 2023.[17] According to reports, the Taliban have instructed the Hazara and Shia communities to refrain from certain religious practices, including ritual chest-beating processions on roads, setting up mourning processions in cities and displaying flags on houses, vehicles and shops during Moharram. The Taliban have called on all their security officials and the public to cooperate in implementing this directive across Afghanistan. In some provinces, restrictions imposed by the Taliban on religious freedom caused clashes between mourners and Taliban soldiers. Local sources in Ghazni Province provide varying accounts of casualties resulting from the Taliban's shooting at mourners during Ashura, a religious commemoration of Shias on the 10th of Muharram celebrations in the city of Ghazni. It was reported that during the incident, two people were killed and 15 others wounded. Of the latter, seven were

16 RFI Report, 'Afghan Shiites Want to Recognize the Jafari religion', December 30, 2021, شیعیان افغانستان خواهان به رسمیت شناختن مذهب جعفری هستند (rfi.fr).

17 VOC Report, 'The Shiite Ulema Council Does Not Accept Restrictions on the Muharram Ceremony', July 19, 2023, شورای علمای اهل تشیع، محدودیت‌ها بر مراسم محرم را نمی‌پذیرد - خبرگزاری صدای شهروند (voc-news.com).

wounded due to gunfire, while the remaining eight were injured as a result of beatings by Taliban forces.[18]

**Taliban's Rejection of Jafari Jurisprudence**

The rejection of Jafari jurisprudence by the Ministry of Higher Education[19] encapsulates the systematic nature of the marginalisation faced by the Shia minority. The decision not to incorporate Jafari jurisprudence in the curriculum underscores a broader pattern of exclusion. This stance not only undermines the principle of academic and religious freedom but also perpetuates a climate of inequality and exclusion.

## Ismailli-Shia Religious Minority

**Forced Conversion of Ismaili Shia Places of Worship**

Reports indicate that the Taliban have forcibly converted Jamatkhanas, places of worship for the Ismaili Shia community, into Sunni Hanafi mosques. This conversion process is accompanied by forcing children from Ismaili Shia communities to receive Sunni-Hanafi religious education.[20] These actions underline the Taliban's intention to impose their interpretation of religious norms and practices, specifically within the Sunni-Hanafi tradition. This deliberate alteration of religious beliefs signifies the Taliban's goal of homogenising religious practices according to their particular ideological framework.

**Taliban's Systematic Efforts to Undermine Ismaili Shia Faith**

An audio message attributed to a local Taliban leader in Ishkashim district serves as evidence of the Taliban's deliberate efforts to

18 Etilaatroz, 'Taliban Forces Shot Ashura Mourners in Ghazni; The Dead Were Buried', July 29, 2023, شلیک نیروهای طالبان بر عزاداران عاشورا در غزنی؛ کشته شده‌ها به خاک سپرده شدند - اطلاعات روز (etilaatroz.com).

19 BBC, 'The Ministry of Higher Education of the Taliban Rejected the Request to Teach Shia Jurisprudence in Universities', April 11, 2023, تالیصحت ترازو درک در ار اهاگشنادر ده عیش هقف سیردت تساوخرد نابلاط ناعلی - BBC News فارسی.

20 Ali Taimirksha - Etilaatroz, 'The Security Consequences of the Sunniization of the Followers of the Ismaili Shia Religion', August 5, 2023, پیآمد امنیتی سنیسازی پیروان مذهب شیعه ی اسماعیلیه - اطلاعات روز (etilaatroz.com).

alter the religious identity of the Ismaili Shia community. In the message, the speaker labels Ismaili Shia followers as polytheists and infidels, suggesting a systematic campaign to delegitimise the Ismaili Shia belief system and impose a strict Sunni-Hanafi perspective.[21] The conversion of several Jamatkhanas into Sunni mosques is presented as a triumph for this ideological agenda.

**Religious Conversions**

Videos shared on social media platforms, verified by the British Broadcasting Corporation (BBC) and local human rights defenders,[22] coupled with reports from reputable local media and social networks, provide visual evidence of the situation. One such video features a man reportedly converting from Ismaili Shia to Sunni-Hanafi Islam due to a perceived lack of support from the central Ismaili Shia authority in the region.[23] This conversion highlights the pressure exerted by the Taliban's actions, which might lead individuals to conform to the dominant religious environment to escape potential persecution or isolation.

**Marital Restrictions and Non-Muslim Labelling**

The Taliban's approach towards the Ismaili Shia community is not a novel occurrence. Reports allude to earlier instances when local Taliban authorities prohibited marriage between Sunni and Ismaili Shia followers. This action is in line with the prevailing ideology within the Taliban, which often considers Ismaili Shia adherents as non-Muslims.[24] The historical backdrop of the Taliban's interactions with religious minorities showcases a pattern of intolerance, revealing their dogmatic interpretation of faith and their eagerness to suppress differing beliefs.

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21 Taimirksha-Etilaatroz, 'The Security Consequences of the Sunniization of the Followers of the Ismaili Shia Religion'.

22 Phone call by researchers with two witnesses on the ground on August 16, 2023.

23 BBC Persian 'Video', August 4, 2023, منابع د ر ولسوالی اشکاشم والیت بدخشان ر د گفتگو با بیبیسی تایید کردن که یک مرد پیر مذهب شیعه اسماعیلیه د ر این ولسوالی یک ماه پیش طی مراسمی د ر حضور... | By BBC News فارسی' - Facebook | Facebook.

24 Taimirksha-Etilaatroz, 'The Security Consequences of the Sunniization of the Followers of the Ismaili Shia Religion'.

## Hindus and Sikhs Religious Minorities

### Population Decline

The stark decline in the Hindu and Sikh populations, from around 7000 in 2016 to under 50 in 2022,[25] illustrates a dire situation for these minorities. This rapid decrease in the population signifies a distressing trend of marginalisation and forced migration due to the prevailing hostile environment.

### Targeted Attacks

Hindu and Sikh minorities have been systematically targeted by insurgent groups and fundamentalists, specifically by the Islamic State of Iraq and Syria (ISIS), solely because of their religious beliefs.[26] In recent years, there has been a disturbing rise in targeted attacks aimed at these communities. On January 1, 2018, there was a massive bomb explosion in the city of Jalalabad, swiftly claimed by ISIS. The explosion killed 19 individuals, among them Awtar Singh Khalsa, the lone Sikh candidate in Afghanistan's parliamentary election, while also leaving 20 others injured.[27] Another heart-wrenching attack unfolded on March 25, 2020, within the confines of Kabul's historic old city. This time, the tragic scene was set within a revered Gurdwara, the Sikh place of worship. The attack resulted in the loss of 26 innocent lives, with an additional 11 injured. Once again, ISIS claimed responsibility for the incident.[28]

In the aftermath of the country's fall to the Taliban, the threat of targeted attacks has continued unabated. On June 18, 2022, two people were killed and seven others wounded in a terrorist attack

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25 Bennet, 'Situation of human rights in Afghanistan: Report of the Special Rapporteur on the situation of human rights in Afghanistan'.

26 International Society for Human Rights, 'The Forgotten Religious and Ethnic Minorities in Afghanistan', September 30, 2022, The Forgotten Religious and Ethnic Minorities in Afghanistan (ishr.org).

27 BBC News, 'The "Only Candidate" of the Sikh Elections in Afghanistan was Killed in the Jalalabad Attack', January 1, 2018, کیس 'دزمان امنت' ندش هتشک داباآلاج ملمح رد نانسنانغفا تابانختنا - BBC News یسراف.

28 Farhad Noori–Independent Farsi, 'ISIS: 'The Attack on the Hindu Place of Worship in Kabul Was Our Work', March 26, 2020, اودنه هاگتدابع هب ملمح» :شعا «دوب ام راک لباک رد | ایادنپیدنتن تفارس یسراف (independentpersian.com).

within a sacred Hindu and Sikh temple in Kabul. No individual or group claimed responsibility for this particular assault.[29]

### Systematic Discrimination and Restrictions on Religious Practices

Hindus and Sikh minorities have endured grave challenges such as restrictions on religious practices, including the cremation of the deceased[30] and discrimination against children in schools.[31] Discriminatory measures, such as forcing them to wear identifying scarves,[32] further isolate these minorities from the broader Afghan society.

### Seeking Resettlement

Reports say that members of Sikh and Hindu religious minorities are actively seeking resettlement outside Afghanistan due to fears of further persecution under the Taliban's interpretation of Sharia law.[33] This exodus reflects the grim reality of the challenges faced by these communities in their homeland.

### Property Rights Violations

Another part of Hindu and Sikh minorities' hardship is that their property rights are being ignored. Hindus and Sikhs have been unjustly stripped of their lands, homes and places of

29 Alarabyia News, 'The Attack on the Hindu Place of Worship in Kabul Left 2 Dead', June 18, 2022, حمله به عبادتگاه هندوها در کابل 2 کشته به رب ای جاذگ تشاذ (alarabiya.net).

30 Deepa Bharath, 'Attacked at Home, Afghan Sikhs Find Community in New York', *Los Angeles Times*, August 30, 2022, https://www.latimes.com/world-nation/story/2022-08-30/attacked-at-home-afghan-sikhs-find-community-in-new-york.

31 International Society for Human Rights, 'The Forgotten Religious and Ethnic Minorities in Afghanistan'.

32 Ruchi Kumar, 'The Decline of Afghanistan's Hindu and Sikh Communities', *Al Jazeera*, January 1, 2017, https://www.aljazeera.com/features/2017/1/1/the-decline-of-afghanistans-hindu-and-sikh-communities.

33 US Department of State, 'Afghanistan 2022 International Religious Freedom Report', https://www.state.gov/wp-content/uploads/2023/05/441219-AFGHANISTAN-2022-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf.

worship by government authorities,[34] militias and warlords[35] for several decades. The loss of these sites has dispossessed these minorities of their cultural heritage and religious spaces, further

34 Radio Azadi, 'Sikhs and Hindus of Afghanistan Complained to the Taliban Government in Response to the Seizure of Their Properties', October 27, 2023, تموکح مب ناش یاه دادیاج فرصت مب شنکاو رد ناتسناغفا یاه ودنمو امعکیس دندرک تیاکش نابلاط (azadiradio.com).

35 DW, 'Demand of Hindus and Sikhs; Restitution of Usurped Lands', November 3, 2011, https://bitly.ws/3i6wX.

undermining their ability to continue to live in the country.

### Lack of Security and Educational Opportunities

The Taliban's inconsistent provision of security for gurdwaras has contributed to an environment of fear and vulnerability. The fact that Hindu and Sikh children no longer attend school[36] and women refrain from participating in religious gatherings due to security threats highlights the pervasive nature of the challenges these communities have been facing.

## Christian Religious Minority

### Denial of Christian Followers by the Taliban

Despite overwhelming evidence to the contrary, the Taliban regime persists in denying the existence of a Christian community in Afghanistan. This denial is particularly alarming in light of credible reports that have come forth, revealing the harrowing experiences of Afghan Christians. Inamullah Samangani, a spokesperson for the Taliban, has said, 'There are no Christians in Afghanistan', even though reports indicate the presence of an estimated 10,000 to 12,000 Christians in the country.[37]

### Societal Discrimination and Isolation

Christians worship in private to avoid societal discrimination, harassment from neighbours and potential persecution from co-workers. Following the Taliban's rise to power, those aware of Christians' identities are more likely to treat them harshly or report them to the Taliban,[38] reflecting a deeply divided and dangerous societal environment.

Christians live in constant fear of exposure and threats from both family members and society at large. Even converts and those

36 US Department of State, 'Afghanistan 2022 International Religious Freedom Report'.

37 Niala Mohammad, 'Religious Freedom in Afghanistan', Country Update: Afghanistan, The U.S. Commission on International Religious Freedom (USCIRF), August 2022, https://bitly.ws/3h2vi.

38 US Department of State, 'Afghanistan 2022 International Religious Freedom Report'.

studying Christianity face death threats, creating an atmosphere of terror and forcing individuals to hide their beliefs.[39] The lack of public spaces for worship limits the expression of religious beliefs and practices as well.

The worsening economic conditions in Afghanistan have increased the security threat for Christians. The Taliban's offer of financial compensation to anyone reporting on Christians further heightens the security risk for believers.[40]

**Religious Identity Concealment**

Living under the shadow of persecution, Afghan Christians are reluctant to reveal their religious identities to anyone. Converts to Christianity and those studying the faith become targets for threats, including death threats, from family members who oppose their actions.[41] This secrecy has only intensified since the Taliban takeover, resulting in a deeply ingrained fear of violent societal backlash.

**Torture and Ransoms**

Christians captured by the Taliban's 'courts' face brutal torture and possible death. Ransoming is a challenging option, as survivors and their families are often left bankrupt by high demands. Fleeing their homes becomes a necessity to avoid repeated kidnappings.[42]

Since August 2021, the Taliban has initiated a targeted search for Christian leaders. Those who believe in Christianity now encounter severe repercussions, such as disownment, detention, torture and even death.[43] An Afghan House Church Network leader living in

39 US Department of State, 'Afghanistan 2022 International Religious Freedom Report'.

40 International Christian Concern, 'Freedom Focus Report: Afghanistan's Christians Fight to Survive Under the Taliban', July 13, 2023, https://www.persecution.org/2023/07/13/afghanistans-christians-fight-to-survive-under-the-taliban.

41 US Department of State, 'Afghanistan 2022 International Religious Freedom Report'.

42 International Christian Concern, 'Freedom Focus Report: Afghanistan's Christians Fight to Survive Under the Taliban'.

43 David Curry, 'One Year After Withdrawal, Afghanistan Christians Are in hiding or on the Run', *Religious News Service*, August 31, 2022, https://religionnews.com/2022/08/31/one-year-after-withdrawal-afghanistan-christians-are-in-hiding-or-on-the-run.

exile said that the Taliban had killed some Christians who were in hiding. The killing of a Shia man who had converted to Christianity has also been reported.[44] This tragic occurrence underscores the life-threatening risks faced by individuals who choose to exercise their freedom of religion by embracing Christianity.

### Escape and Dilemma of Survival

Many Christians escape to Pakistan, exposing themselves to the risk of capture and death by the Taliban. However, even in Pakistan, they must hide their faith due to fear of similar treatment or worse there. Some Christian refugees have even contemplated returning to Afghanistan, believing it offers a better chance of survival.[45]

## Sufi Religious Minority

Afghanistan's history is deeply intertwined with Sufism, an Islamic mystical tradition. However, its teachings have clashed with the Taliban's strict interpretation of Islam. Since the Taliban takeover of the country, this religious minority has experienced two brutal targeted attacks. The attacks on Sufi places of worship, like the Sahib Khalifa mosque[46] and the Mawlawi Sekandar Sufi mosque,[47] underscore the grave danger Sufis face. These attacks resulted in significant casualties, revealing the extent of the threat Sufis experience from extremist groups.

## Ahmadiyya Religious Minority

The Ahmadiyya Muslim community faces persecution from the Taliban, who consider them non-Muslims and have targeted their leaders as blasphemers.[48] This viewpoint is underscored by the

44 US Department of State, 'Afghanistan 2022 International Religious Freedom Report'.

45 International Christian Concern, 'Freedom Focus Report: Afghanistan's Christians Fight to Survive Under the Taliban'.

46 Pamela Constable, 'Sufi Mosque Bombed in Afghanistan', *The Washington Post*, April 30, 2022, https://www.washingtonpost.com/world/2022/04/30/afghanistan-sufi-mosque-blast.

47 Mujiburrahman Awrang, 'Reactions to the Deadly Attack in Kunduz', Tolo News, April 23, 2022, https://bitly.ws/3i7d5.

48 Abbasi, 'Testimony to the US Commission on International Religious Freedom'.

Taliban's belief in punishing those who leave Islam, which they consider apostasy, with death.

Following the Taliban's takeover, Ahmadiyya Muslims have been driven to hide their faith due to fear of persecution by the Taliban and its sympathisers. The extreme risks they face are evident, as openly expressing their beliefs could result in dire consequences, including death.[49] This environment forces the Ahmadiyya community into secrecy and silence.

In response to the escalating danger, many Ahmadiyya Muslims chose to leave Afghanistan for safer countries in the region or the West after the Taliban's takeover in August 2021.[50] Additionally, the detention (and subsequent release) of 28 members of the Ahmadiyya Muslim community in Kabul in 2021 by the Taliban,[51] illustrates the oppressive environment they are subjected to.

The Taliban's actions extend beyond just persecution; they actively target and discriminate against vulnerable religious minorities, specifically the Ahmadiyya. This discrimination is often compounded by the denial of their existence or their right to openly practice their faith.[52] This further marginalises and endangers Ahmadiyya Muslims in Afghanistan.

The community's estimated population ranges from 450 to 2500, with the majority living in Kabul.[53]

## Jewish Religious Minority

The once-thriving Jewish community in Afghanistan has significantly dwindled over the years, and the last remaining member, Zebulon Simentov, fled after the Taliban's takeover. The history of the Jewish community dates back centuries, evidenced

49 Abbasi, 'Testimony to the US Commission on International Religious Freedom'.

50 US Department of State, 'Afghanistan 2022 International Religious Freedom Report'.

51 US Department of State, 'Afghanistan 2022 International Religious Freedom Report'.

52 United States Commission on International Religious Freedom, 'Annual Report of the U.S. Commission on International Religious Freedom', April 2023, https://bitly.ws/3h2vF.

53 United States Commission on International Religious Freedom, 'Annual Report of the U.S. Commission on International Religious Freedom'.

by Hebrew manuscripts found in northern Afghanistan's caves.[54] According to a report, Simentov had also experienced life during the previous Taliban regime and was not very worried about their return. However, he was more concerned about the possibility of being kidnapped and killed by a much more radical ISIS.[55]

## Bahai Religious Minority

The Bahai community, like other religious minorities, lives in fear of exposure due to societal discrimination and the Taliban's stance against religious diversity. Members of the Bahai community in Afghanistan find themselves living in a constant state of fear, wary of revealing their religious identity due to the potential risks and consequences. This fear underscores the harsh reality of religious intolerance and discrimination this religious minority faces.

In 2007, during the republic government of Afghanistan, Afghanistan's Supreme Court issued a ruling stating that the Bahai faith is different from Islam and is considered disrespectful to Islam. This ruling has had important effects on the Bahai community, leading to their being called 'infidels' while Muslims becoming Bahais are viewed as abandoning their religion, which makes their difficulties even worse.[56]

Afghan Bahais and individuals who do not hold religious beliefs are restrained from openly articulating their faiths or convictions, as they encounter grave repercussions, such as death, if found out by the Taliban.[57]

## Conclusion

In conclusion, the situation of religious minorities in Afghanistan, particularly the Shia Hazaras, Ismaili Shias, Hindus, Sikhs,

54 'Last Member of Afghanistan's Jewish Community Leaves Country', *The Guardian*, September 8, 2021, https://www.theguardian.com/world/2021/sep/08/afghanistans-last-jew-leaves-country.

55 Euronews Persian, 'The Last Member of the Jewish Community of Afghanistan Left This Country', September 9, 2021, آخرین عضو جامعه یهودیان افغانستان این کشور را ترک کرد | Euronews.

56 US Department of State, 'Afghanistan 2022 International Religious Freedom Report'.

57 United States Commission on International Religious Freedom, 'Annual Report of the U.S. Commission on International Religious Freedom'.

Christians, Sufis, Ahmadiyya Muslims, Jews and Bahais, reflects a distressing reality of discrimination, marginalisation and persecution. Historical, ethnic and religious factors that have contributed to their oppression are further exacerbated by the Taliban takeover of the country. This tragic situation has led to widespread human rights violations and threats to the very existence of these diverse communities.

The Hazara Shia community's long history of being discriminated and persecuted, compounded by the Taliban's rule, has further entrenched their marginalisation. The deliberate violence and targeted attacks against them as well as the systematic suppression of their religious and cultural practices, highlight the urgent need for international attention and intervention to protect their rights and ensure their safety.

The forced conversion of Ismailli Shia worship places and the Taliban's systematic efforts to undermine their faith reveal a calculated attempt to impose a particular ideological framework. This echoes a broader trend where extremist groups seek to homogenise religious practices, erasing diversity and suppressing pluralism.

The decline of Hindu and Sikh populations, the targeted attacks against these communities, and the erosion of their property rights and security underline the urgent need for protective measures. The exodus of these communities from Afghanistan reflects a heart-breaking reality where people are forced to leave their homeland due to the persistent threats they face.

The challenges faced by the Christian community, including the denial of its very existence by the Taliban, isolation and threats, reflect the harsh environment of religious intolerance. The forced concealment of religious identity and the desperate efforts to escape persecution illustrate the dire situation faced by Afghan Christians.

Sufis, Ahmadiyya, Jews and Bahais also face unique struggles as religious minorities in Afghanistan. The attacks on Sufi places of worship, the persecution of Ahmadiyya, the departure of the last remaining Jew, and the fears of exposure and discrimination among Bahais all point to a disturbing trend of erasing diversity and suppressing religious freedoms.

The situation of religious minorities in Afghanistan demands urgent international attention. The violations they face, ranging from physical violence to psychological and economic discrimination, may amount to crimes against humanity. Addressing these issues requires not only condemnation of such actions but also concrete steps to ensure the safety, rights and dignity of all Afghan citizens, regardless of their religious beliefs. The international community's collective efforts should aim at creating an inclusive and diverse Afghanistan where religious minorities can practice their faiths without fear and contribute to the nation's rich tapestry of cultures and traditions.

## Recommendations

**International Collective Action**

A. The global community must unite to condemn the persecution of religious minorities in Afghanistan, exerting diplomatic pressure on all stakeholders, including the de facto government, to uphold human rights and religious freedoms.
B. Collaborative efforts should involve international organisations, governments, non-governmental organisations (NGOs) and religious leaders to address the multifaceted challenges faced by these minorities.
C. Utilise international platforms to raise awareness about the challenges faced by these communities and advocate for their protection.

**Humanitarian Aid and Resettlement**

D. Establish humanitarian aid programmes to provide immediate support and relief to religious minorities impacted by violence and displacement.
E. Countries hosting Afghan refugees, specifically neighbouring countries with refugees from religious minority backgrounds, should ensure proper resettlement options that guarantee their safety, security and well-being.

**Legal Protections and Accountability**

F. Continue to advocate for legal reforms that explicitly protect the rights of religious minorities, ensuring equal treatment under the law and swift action against perpetrators of violence.
G. Support international mechanisms to investigate and hold accountable those responsible for crimes against religious minorities, including crimes against humanity.

**Cultural Heritage Preservation**

H. Collaborate with de facto authorities and organisations to restore and preserve religious sites, artefacts and cultural heritage belonging to minority communities (jamatkhanas, temples, gurudwaras, etc.).

**Media and Awareness Campaigns**

I. Leverage media platforms to raise awareness about the challenges faced by religious minorities in Afghanistan, engaging global audiences to foster empathy and solidarity.
J. Amplify stories of individuals from religious minority backgrounds who contribute positively to Afghan society.

**International Religious Freedom Monitoring**

K. Establish mechanisms for continuous monitoring of religious freedom violations in Afghanistan, ensuring that accurate information reaches the global stage and motivates action.

**Empowerment and Representation**

L. Support initiatives that empower women, youths and leaders from religious minority communities to actively participate in shaping their future and advocating for their rights.

**Long-term Support and Engagement**

M. Collaborate with Afghan civil society organisations to build long-term resilience within religious minority communities, providing resources for education, healthcare and economic opportunities.

N. Invest in sustainable development projects that uplift these communities and help them rebuild their lives.

Addressing the dire situation of religious minorities in Afghanistan requires a comprehensive and coordinated effort on the part of the international community. Only by working together can attempts to ensure the safety, rights and dignity of all Afghan citizens, irrespective of their religious affiliations, be possible, and contribute to the creation of an inclusive and diverse Afghanistan where religious freedoms are upheld and celebrated.

# Majoritarianism in Bangladesh
## Drivers, Consequences and Solutions

**Farhan Hossain Joy**

### Introduction

Historically, Bangladesh has seen a significant role of minorities in becoming the current state it is today. As a country that emerged from a struggle for linguistic and cultural identity, it has recognised the importance of protecting the rights of its diverse population. The term 'minority' in the Bangladeshi context encompasses various ethnic, religious and linguistic groups that coexist within the broader national framework. Ensuring the protection and promotion of minority rights is not only a matter of social justice but also a crucial aspect of nation-building, harmony and sustainable development. This country chapter delves into the intricate landscape of minority rights in Bangladesh, examining the potential challenges faced by minority communities due to the rise of majoritarianism, particularly of the religious kind, and the steps taken towards their empowerment. It investigates specific trends of majoritarianism and links the Bangladesh cases with well-established theories. While the impact of religious extremism on minorities is of special thematic interest, the solutions suggested incorporate trends, patterns and consequences.

The main objective of this chapter is to analyse the status of minorities in Bangladesh vis-à-vis international human rights standards. Making use of both primary and secondary sources, it aims to explore the overall situation of minorities in Bangladesh with a focus on the years 2023, explore the root causes and effects of majoritarianism, examine the effectiveness of the institutional frameworks available in the country, and recommend potential possible measures to protect and promote rights.

## Majoritarianism: A Thematic Approach

Majoritarianism refers to a political ideology or approach in which the preferences and interests of the majority group are prioritised and upheld, often at the expense of minority groups.[1] In the context of Bangladesh, majoritarianism can manifest as a phenomenon where the cultural, religious and linguistic identity of the majority Bengali Muslim population takes precedence over those of various ethnic, religious and linguistic minorities within the country.

The mistreatment of minorities is a complex and deeply ingrained issue that spans across cultures and societies worldwide. This phenomenon is rooted in intricate psychological dynamics that involve cognitive biases, social attitudes and intergroup dynamics. Understanding the psychological underpinnings of mistreating minorities can shed light on the factors that contribute to bias, discrimination and prejudice.

## Conceptualising Majoritarianism in Bangladesh: Looking at the Root Cause

Bangladesh, with its predominantly Bengali population, has historically grappled with the challenges posed by majoritarianism. The dominance of Bengali culture, language and traditions has at times led to the marginalisation of minority groups, including indigenous communities, religious minorities and linguistic minorities. This can manifest in policies, practices and societal norms that inadvertently or deliberately disadvantage these minority groups in various aspects of life, such as education, employment, political representation and cultural recognition.

The census of 2022 is criticised by advocates of minority rights in Bangladesh, claiming that minorities have been underrepresented.[2] The census 2022 found only 1,650,159 people of ethnic communities in Bangladesh. However, indigenous rights activists claim the number would be no less than 3 million. The census showed that

1 Nicholas Capaldi, 'Majoritarianism', Britannica, accessed January 7, 2024, https://bitly.ws/3hSWH.

2 Pinaki Roy and Mintu Deshwara, 'Ethnic Population in 2022 Census: Real Picture Not Reflected', *The Daily Star*, August 9, 2022, https://www.thedailystar.net/news/bangladesh/news/ethnic-population-2022-census-real-picture-not-reflected-3090941.

91 per cent of the population are Muslims, with 8 per cent Hindus and 1 per cent belonging to other religions.

Majoritarianism can manifest in various ways, from the imposition of a single cultural narrative in educational curricula to the underrepresentation of minority voices in public discourse. In some instances, it can even lead to the neglect or suppression of the languages, traditions and cultural practices of minority communities, as they are overshadowed by the majority culture.

## Minority Situation Overview of Bangladesh

### Religious Minorities

Bangladesh is a country renowned for its rich cultural diversity, which is reflected in its multitude of religious communities. According to the 2011 Census, the nation's religious landscape is composed of various faiths. The majority of the population adhere to Islam, while several distinct religious minority groups—including Hindus, Buddhists, Christians, Ahmadiyyas and Hindu Dalits—contribute to the nation's religious mosaic, enriching its social fabric and cultural heritage.

Despite the constitutional guarantee of religious freedom, religious minorities in Bangladesh have faced challenges over the years.[3] Incidents of violence, discrimination and land disputes have occasionally marred the social fabric. Particularly, the violence in 2021 during Durga Puja marked a distressing episode that highlighted the challenges faced by religious minorities in the country. The celebrations were marred by incidents of violence and vandalism in various parts of Bangladesh against its Hindu minority. Reports indicated that several incidents of violence and attacks were directed towards Hindu temples, idols and devotees. Instances of idols being vandalised and temples being desecrated and clashes between religious groups were reported in different regions. These incidents not only disrupted the festivities but also underscored the vulnerability of religious minorities in

3 Md. Jahid Hossain Bhuiyan, 'Law and Religion in Bangladesh', *BYU Law Review* 2017, no. 4 (June 2017), https://bitly.ws/3hSVJ.

Bangladesh.[4] The violence exposed deep-rooted issues related to religious tensions, intolerance and discrimination.[5] The incidents raised questions about the adequacy of safeguards for religious minority communities in Bangladesh.

However, efforts have been made to address these issues and promote inter-faith harmony. Organisations like the Bangladesh Hindu Buddhist Christian Unity Council (BHBCUC) advocate for the rights of religious minorities and work towards creating an environment of religious tolerance.[6] The Government of Bangladesh has also taken steps to ensure the protection of minority rights. These include the provision of reserved seats in parliament are allocated for minority representatives, allowing them to have a voice in the legislative process, and organising inter-faith dialogues and events that encourage understanding and cooperation among different religious communities.

**Ethnic Minorities/Indigenous Communities**

The ethnic minorities in Bangladesh can be broadly categorised into two different types based on where they primarily live: plain land minorities and hill tract minorities. The Constitution of Bangladesh, 1972, acknowledges the rights of ethnic minorities and guarantees their right to preserve and promote their distinct language, culture and heritage. However, ethnic minority communities, encompassing the Chakma community, the Bihari community, the Rohingyas, the Garo and Khasi matrilineal community, and the Santals, have faced challenges related to land rights, socioeconomic disparities and political representation. Efforts to address the concerns of ethnic minorities have included the signing of the Chittagong Hill Tracts (CHT) Peace Accord, which aims to ensure the protection of land

4 'Bangladesh: Deadly Attacks on Hindu Festival', Human Rights Watch, October 21, 2021, https://bitly.ws/3hSVt.

5 'Durga Puja Ends Amid Tension, Violence Across the Country', *Dhaka Tribune*, October 15, 2021, https://www.dhakatribune.com/bangladesh/2021/10/15/durga-puja-ends-amid-tension-violence-across-the-country.

6 Immigration and Refugee Board, Canada, 'Information on the Bangladesh Hindu Buddhist Christian Unity Council: Executive Members, Duties, Function and Role of the Group and Its Relationship with the Government (1999–2001)', April 5, 2002, https://www.refworld.org/docid/3df4be1124.html.

rights and cultural identities in the region. Additionally, reserved seats for ethnic minorities in parliament provide a platform for their representation and voices in the legislative process.

**Linguistic Minorities**

Bangladesh is a nation known for its rich linguistic diversity, with a multitude of languages spoken across the country. According to the Ethno-Linguistics Survey of Bangladesh, conducted by the International Mother Language Institution (IMLI), under the Education Ministry, there are 50 ethnic communities in Bangladesh and 41 different languages. Of these, 14 indigenous languages are extremely vulnerable to being extinct.[7]

The Constitution of Bangladesh acknowledges the importance of linguistic diversity and protects the rights of linguistic minorities. Article 28 guarantees equality before the law and

7 Sikder Monoare Murshed, *The Ethnolinguistic Survey of Bangladesh: Volume 1* (Dhaka: International Mother Language Institute, 2018).

prohibits discrimination on linguistic grounds.[8] Article 29 ensures the right to practise, profess, and propagate any language, allowing linguistic minorities to preserve their languages and cultural identities.[9]

Efforts to address the concerns of linguistic minorities include initiatives to promote multilingual education and cultural preservation. Recognising the significance of linguistic diversity, some educational institutions offer instruction in languages other than Bengali, catering to the needs of linguistic minority students.

**Gendered Minorities**

Bangladesh, like many countries, grapples with the rights and recognition of its LGBTIQA+ (lesbian, gay, bisexual, transgender, intersex, queer/questioning, asexual) community. Amidst legal and societal challenges, LGBTIQA+ individuals assert their identities and advocate for their rights. Data from various sources illuminates the experiences of LGBTIQA+ minorities in the country.[10]

In a society where conservative norms often prevail, LGBTIQA+ individuals in Bangladesh face significant challenges. The penal code criminalises same-sex relations, perpetuating a climate of discrimination and marginalisation.[11] Moreover, societal stigma and a lack of legal protection contribute to a hostile environment for LGBTIQA+ minorities.

Despite these challenges, Bangladesh's LGBTIQA+ community remains resilient and active. Organisations like Bandhu Social Welfare Society[12] provide support and advocacy for sexual and gender minorities. Moreover, the annual 'Rainbow Rally' held in Dhaka serves as a platform for LGBTIQA+ individuals and allies to demand recognition, rights and an end to discrimination.

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8 The Constitution of the People's Republic of Bangladesh, Article 28, http://bdlaws.minlaw.gov.bd/act-367/section-24576.html.

9 The Constitution of the People's Republic of Bangladesh, Article 29, http://bdlaws.minlaw.gov.bd/act-367/section-24577.html.

10 Geoffrey Macdonald, 'Understanding the Lives of Bangladesh's LGBTI Community', International Republican Institute, April 8, 2021, https://www.iri.org/resources/iri-conducts-innovative-mixed-method-lgbti-study-in-bangladesh.

11 Macdonald, 'Understanding the Lives of Bangladesh's LGBTI Community'.

12 Bandhu Social Welfare Society, https://www.bandhu-bd.org.

While legal and societal challenges persist, there have been small steps towards recognition. Some LGBTIQA+ individuals are open about their identities, contributing to a growing discourse on sexual and gender diversity. In 2017, the first transgender news anchor appeared on television, marking a milestone in media representation.

Bangladesh's LGBTIQA+ minorities face a challenging environment due to legal restrictions and societal stigma. However, the community's resilience and advocacy efforts underscore their determination to assert their identities and demand recognition. As societal perceptions evolve and conversations around LGBTIQA+ rights gain traction, there is hope for progress in fostering a more inclusive and equitable society for all.

## 'Otherising' Minorities in Bangladesh from the Lens of Majoritarianism

The history of minority rights in Bangladesh is deeply intertwined with the country's struggle for independence, its cultural diversity and its commitment to pluralism. From the pre-independence period under British rule to the present day, the trajectory of minority rights has been marked by challenges, progress and ongoing efforts to ensure the inclusion and protection of diverse communities. The following explains the background of minority rights in Bangladesh, examining the journey before and since independence, shedding light on the complexities and advancements in this critical aspect of the nation's identity.

### British-Indian Period

The concept of minority rights has been a crucial aspect of the social and political fabric of Bangladesh, especially in its pre-partition era. During this period, the region that would later become Bangladesh was a part of British India, marked by a rich diversity of ethnic, religious and linguistic groups. The protection and promotion of minority rights were integral to the broader discourse on self-governance and human rights in the subcontinent.

In pre-partition India, British India grappled with the issue of minority rights as it navigated the transition from colonial rule

to self-governance. The Montagu-Chelmsford Reforms of 1919[13] marked a pivotal moment as they introduced separate electorates for religious minorities, allowing them a voice in legislative bodies. This reform was intended to safeguard the political representation of minorities, particularly Muslims, who were a minority in many areas of India, including present-day Bangladesh.

Furthermore, the round table conferences held between 1930 and 1932 emphasised the need to protect minorities in India in the context of India's constitutional reforms. The Communal Award of 1932[14] granted minority communities reserved seats in legislatures, ensuring their political participation and representation.

These measures, while significant, were not without their limitations. Critics argued that separate electorates reinforced divisions among communities and hindered the creation of a unified nation. Nonetheless, they laid the groundwork for the later discussions on minority rights and representation in the subcontinent.

**Partition and Its Impact**

The partition of British India in 1947 resulted in the creation of two independent nations, India and Pakistan, with East Pakistan becoming a part of the latter. As East Pakistan, later becoming Bangladesh, joined the newly formed Pakistan, it faced the challenge of accommodating diverse linguistic, ethnic and religious groups within the framework of a religiously defined nation. The quest for a unified Pakistani identity often overshadowed the concerns of linguistic and cultural minorities.[15]

Minorities in East Pakistan, particularly the Bengali-speaking population, began to experience a sense of cultural and linguistic

13 'Montagu-Chelmsford Report: United Kingdom-India [1918]', Britannica, accessed January 9, 2024, https://www.britannica.com/event/Montagu-Chelmsford-Report.

14 Helen M. Nugent, 'The Communal Award: The Process of Decision-making', *South Asia: Journal of South Asian Studies* 2, no. 1–2 (1979): 112–29, DOI: 10.1080/00856407908722988.

15 Yoginder Sikand, *Sacred Spaces: Exploring Traditions of Shared Faith in India* (New Delhi: Penguin Books India, 2003).

marginalisation due to the dominance of West Pakistan, with Urdu promoted as the official language. This linguistic disparity highlighted the potential for minority rights to be compromised in the interest of preserving a homogenous national identity.[16]

Partition also brought about challenges related to religious minority rights. The communal violence that accompanied the partition led to the displacement of Hindus and other religious minorities from East Pakistan, while a significant Hindu minority remained.[17] Over the years, the dwindling Hindu population faced discrimination and social exclusion, impacting their access to education, employment and political representation.

**Language Movement and the Seeds of Identity**

The period of Pakistan's existence from 1947 to 1971 was marked by complex dynamics that influenced the status of minority rights. Linguistic diversity was one of the primary challenges during the Pakistan period. The imposition of Urdu as the sole national language led to protests in East Pakistan, where Bengali was the dominant language. This issue highlighted the linguistic minority status of Bengalis within the larger framework of Pakistan, raising concerns about cultural assimilation and the marginalisation of the Bengali identity.

Religious minorities also faced challenges during this period. Hindus, in particular, experienced a decline in their representation in various sectors, which impacted their overall socio-economic and political standing. Land reform policies and discriminatory practices hindered their economic opportunities, while political marginalisation limited their influence in the governance of the province.

Ethnic minorities in the CHT and in the plains faced challenges related to land rights and cultural preservation. Policies that affected land ownership and resource allocation disrupted the

16 Taseen Islam, 'The Language Movement of 1952', ResearchGate, Preprint, August 2021, https://bitly.ws/3hSVZ.

17 Parvez Rahaman, 'The Retrieving Memories of Gandhi's Peace-mission: Noakhali Riots 1946, East Pakistan', *Scientia et Humanitas: A Journal of Student Research*, Spring 2023: 165–173, https://libjournals.mtsu.edu/index.php/scientia/article/view/2414.

traditional ways of life of these communities. Additionally, their distinct cultures and languages were often suppressed within the larger framework of Pakistani nationalism.[18]

**Freedom and the Emergence of Bangladesh**

In the years leading up to the Liberation War of 1971, East Pakistan experienced growing discontent due to political and economic disparities, as well as perceived discrimination against the Bengali-speaking population by the ruling authorities in West Pakistan. The struggle for autonomy and equal representation gained momentum, eventually leading to the declaration of independence by Bengali leaders in 1971.[19]

## The Constitution of 1972 and Onwards: Was There Enough to Tackle Majoritarian Urges?

The Constitution of Bangladesh, 1972, enshrines a commitment to upholding the rights and dignity of all citizens, including minority communities. It contains several provisions that explicitly protect minority rights. Article 28 ensures the equality of all citizens before the law, prohibiting discrimination on grounds of religion, race, caste, sex or place of birth. Article 29 guarantees freedom of thought, conscience and religion, ensuring the right of every citizen to profess, practice or propagate any religion. Moreover, Article 10 affirms the right to equality and non-discrimination, establishing the foundation for minority rights protection.[20]

The constitution's provisions also protect linguistic and cultural minority rights. Article 23 emphasises the right to participate in the cultural life of the community and ensures the protection and promotion of the unique cultural heritage of minority groups.

18 'CHT History & Struggle', Parbatya Chattagram Jana Samhati Samiti, https://www.pcjss.org/cht-history-struggle.

19 Avik, 'The Identity Crisis of the Bengali Hindu and Reclaiming its Hindu Character', INDICA Today, September 20, 2020, https://www.indica.today/long-reads/identity-crisis-bengali-hindu-reclaiming-hindu-character.

20 Country Report (BANGLADESH) for the United Nations General on 'Eliminating Intolerance and Discrimination Based on Religion or Belief and the Achievement of Sustainable Development Goal 16 (SDG 16)', https://www.ohchr.org/sites/default/files/Documents/Issues/Religion/Submissions/CSOs/10.bamapa.doc.

Article 36 guarantees the right to use one's mother tongue in educational institutions, ensuring linguistic diversity and accessibility for linguistic minorities. The 15th amendment of the constitution in 2011 enacted Article 23A, which stated, 'The State shall take steps to protect and develop the unique local culture and tradition of the tribes, minor races, ethnic sects and communities'.[21]

In addition to these explicit provisions, the Constitution of Bangladesh establishes the National Human Rights Commission of Bangladesh (NHRCB) under Article 147A. The NHRCB serves as an independent body to ensure the protection and promotion of human rights, including those of minority communities. This mechanism provides a platform for addressing issues related to minority rights violations and discrimination.

## Situation of Minorities in Bangladesh 2023

In 2023, Bangladesh finds itself at a critical juncture in its journey towards ensuring the rights and well-being of its minority communities. As a nation that values diversity and pluralism, Bangladesh has made significant strides in acknowledging and safeguarding minority rights. However, challenges persist, ranging from socio-economic disparities to communal tensions. This section delves into the situation of minorities in Bangladesh in 2023, examining both the progress that has been achieved and the areas that require further attention to foster a truly inclusive and harmonious society.

### Progress in Legal Framework

Bangladesh's legal framework stands testament to the nation's commitment to minority rights. The Constitution of Bangladesh, with its explicit guarantees of equality, freedom of religion and cultural preservation, provides a strong foundation for safeguarding the rights of minorities. The provisions in Articles 28 to 31 underscore the government's commitment to ensuring

21 United States Department of State, 2011 *Report on International Religious Freedom–Bangladesh*, July 30, 2012, https://2009-2017.state.gov/documents/organization/171752.pdf.

**Incident Report 1: Communal Attack on Ahmadiyyas**

Ahmadiyyas, also known as Qadianis, are a small religious community in Bangladesh. After the Jummah prayers on March 3, 2023, religious programmes of the Ahmadiyya community, known as Salana Jalsa, in Panchagarh city came under fierce attack. This caused the police to fire pellets and charge bludgeons to restore law and order. At least two people were killed and around three dozen sustained injuries due to the clashes that continued till night on that Friday.

Tensions over the Jalsa, a periodic gathering of the Ahmadiyya community, have been going on for a long time in the area. Some Islamic groups in Bangladesh consider Ahmadiyyas to be non-Muslims and want the state to declare them as non-Muslims (as has been done in Pakistan). After the Friday prayers, Sunni Muslim devotees gathered in the city square and started a march. At one point, they marched towards Jalsa in the Ahmednagar area.

As the police stopped the procession at the Chowrangi crossroad, the protesters became angry and started throwing stones at the police in the Cinema Hall Road area. The mob also defaced and pillaged several houses and shops in the Ahmednagar area.
The Border Guard Bangladesh (BGB) and Rapid Action Battalion (RAB) joined the police to control the situation. During the clashes, police fired more than 100 rounds of rubber pellets and tear gas shells to disperse the protesters. At least 30 people, including intelligence officers covering the violence, were injured. One protester died that day while a member of the Ahmadiyya community succumbed to injuries the next day. In the morning of the following day, the local governing administration directed the Jalsa organisers to end the programme, which was supposed to take place for seven days.*

* 'Attack on Ahmadiyya: What led to the deaths of 2 people?', *DhakaTribune*, March 4, 2023, https://www.dhakatribune.com/bangladesh/nation/306083/attack-on-ahmadiyya-what-led-to-the-deaths-of-2.

that minority communities are free from discrimination and can practise their religion and culture without hindrance.[22]

22 The Constitution of the People's Republic of Bangladesh, http://bdlaws.minlaw.gov.bd/act-367.html.

**Government Initiatives**

Bangladesh has implemented various initiatives aimed at promoting the welfare of minority communities. These include efforts to restore confiscated land to indigenous communities and targeted socio-economic development programmes. Such initiatives acknowledge the need to bridge existing disparities and create opportunities for minorities to participate actively in the country's progress.

**Educational Opportunities**

Access to quality education is a crucial factor in ensuring the empowerment of minority communities. Over the years, Bangladesh has made strides in improving educational opportunities for students from minority communities. The government has initiated classroom instruction in five indigenous languages at the primary school level and published books in indigenous languages. Initiatives to provide scholarships and ensure equal access to education are steps in the right direction. However, challenges such as lack of infrastructure, recruitment of indigenous teachers and culturally sensitive curriculum remain obstacles that need to be addressed for a more inclusive educational landscape.[23]

**Economic Empowerment**

Socio-economic disparities persist among minority communities in Bangladesh. Factors such as land disputes and limited access to credit hinder their economic progress. The government's efforts to address land-related issues and provide microfinance opportunities are noteworthy.[24] Yet sustained efforts are required to create an environment where minorities can fully participate in the economic activities of the nation.

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23 Mamunur Rashid, 'Ethnic Minorities of Plain Land Districts A Deprived Lot', *Daily Observer*, December 7, 2022, https://www.observerbd.com/news.php?id=396347.

24 Jennifer L. Solotaroff, Aphichoke Kotikula, Tara Lonnberg, Snigdha Ali, Rohini P. Pande and Ferdous Jahan, 'Economic Empowerment Patterns among Ethnic Minority Groups in Bangladesh', in *Voices to Choices: Bangladesh's Journey* in *Women's Economic Empowerment, International Development in Focus* (Washington, DC: World Bank), 161–182, https://bitly.ws/3hPL7.

**Religious Freedom and Harmony**

Bangladesh's commitment to religious freedom is evident in its constitution. The government has made efforts to ensure the security of religious minority communities and their places of worship. Inter-faith dialogue and community engagement initiatives have contributed to fostering harmony among different religious groups. However, occasional incidents of communal tension remind us that continuous efforts are needed to strengthen inter-faith relations and prevent conflicts.

**Incident Report 2: Grabbing Land from Indigenous Mro**

On January 2, 2023, a mob consisting of approximately a hundred unidentified people vandalised and looted houses of the ethnic Mro community at Soroi Union of Lama in Bandarban. Villagers left their homes in a panic and took shelter in nearby jungles. Many of the attackers were wearing masks.

The Lama Rubber Industries authorities were blamed by the locals for the fresh attack, which came as a sequel to arson attacks, land-grabbing and poisoning of drinking water sources for the previous couple of years. The International Chittagong Hill Tracts Commission (CHTC) also accused the rubber company of persecuting locals. The organisation demanded exemplary action against the alleged perpetrators and immediate food support and shelter for the victims.

There are about 200 women, men and children from 39 families at Langkam Karbari Para, Jai Chandra Tripura Karbari Para and Rengen Mro Karbari Para. The people of this neighbourhood have been making a living by *jhum* (shifting) cultivation on about 400 acres of hilly land.

Previously, on March 19, 2022, the Lama Rubber Industries authorities occupied some land of the Mro people. On April 27 of the same year, jhum crops and vegetables on around 100 acres of land were destroyed in an arson attack. On September 6, people from Lama Rubber Industries allegedly poisoned the natural water reservoir in the area.

In Modhupur National Park area, the Garos have been protesting against an artificial lake-digging project planned by the Forest Department on Garo's paddy land. The Forest Department forcibly occupied the paddy land for digging the lake, but the indigenous peoples organised big movements and rallies against it, and the Forest Department could not implement the lake project.*

* S. Basu Das, 'Attack on Mro people in Lama continues', DhakaTribune, January 3, 2023, https://www.dhakatribune.com/bangladesh/nation/301913/attack-on-mro-people-in-lama-continues.

## Ongoing Government Programmes for Ethnic and Religious Communities

The Government of Bangladesh has been implementing various programmes aimed at addressing the concerns and promoting the

welfare of ethnic and religious communities in the country. While concerns remain regarding the efficacy of many of the government initiatives, some of the current government programmes in place at present, which focus on issues of interest to ethnic and religious communities in Bangladesh, are mentioned below.

**Indigenous Development and Welfare Programmes**

The Ministry of CHT Affairs is responsible for implementing various development and welfare programmes in the CHT, including education, healthcare and infrastructure development. The idea is to help improve the living standards and conditions of the indigenous peoples. One of the key programmes is the Special Development Package for CHT. This initiative aims to address the socio-economic disparities facing indigenous communities and promote sustainable development in the region.

**Religious Harmony and Social Cohesion**

Interfaith dialogues, seminars and workshops are organised by the Ministry of Religious Affairs to foster greater understanding and inculcate tolerance among the various religious and ethnic groups living in the hill tracts. Additionally, the government organised religious festivals and events involving the various communities belonging to different religions, with a view to celebrating diversity and strengthening inter-community harmony and unity.

**Social Safety Net Programmes**

To ensure social protection for vulnerable groups, including ethnic and religious minorities, the government runs a range of social safety net programmes. These include extending financial support, providing food assistance and delivering healthcare services to disadvantaged communities, including those adversely impacted by poverty, natural disasters and social exclusion.[25]

25 'Social Safety Nets in Bangladesh Help Reduce Poverty and Improve Human Capital', The World Bank, April 29, 2019, https://www.worldbank.org/en/news/feature/2019/04/29/social-safety-nets-in-bangladesh-help-reduce-poverty-and-improve-human-capital.

**Inclusive Education Initiatives**

The government has been taking steps to ensure inclusive education for children from ethnic and religious minority backgrounds.[26] Special support is provided to cater to the needs of these communities, including scholarships and stipends for students from marginalised backgrounds.

**Economic Empowerment Programmes**

The government promotes economic empowerment of ethnic and religious minorities through various skills development and entrepreneurship programmes.[27] These initiatives aim to provide training and access to credit and market opportunities to help minority communities become self-reliant and financially independent.

**Cultural Preservation and Promotion**

A number of initiatives have been put in place to protect, preserve and promote the unique cultural heritage of different ethnic and religious communities of the country. The government extends support for cultural events, festivals and traditional art forms to celebrate the diversity of the nation's cultural tapestry.[28]

With above-mentioned efforts, the government aims to promote inclusivity and social cohesion and strengthen the economic empowerment of these communities. However, the objectives of many of these programmes remain unattained because of a lack of adequate resources and weak institutional support. Indeed, there is still a long way to go in attaining the desired goal of creating a more equitable and more harmonious society for all in Bangladesh.

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26 Md. Saiful Malak, Hosne Ara Begum, Md. Ahsan Habib, Mahmuda Shaila and Mohammod Moninoor Roshid, 'Inclusive Education in Bangladesh: Policy and Practice', Paper presented Joint AARE Conference, Adelaide, 2013, https://files.eric.ed.gov/fulltext/ED603287.pdf.

27 Solotaroff, Kotikula, Lonnberg, Ali, Pande and Jahan, 'Economic Empowerment Patterns among Ethnic Minority Groups in Bangladesh'.

28 'Providing a Catalyst for the Preservation of Ethnic Minorities' Cultural Heritage', The World Bank, February 16, 2015, https://www.worldbank.org/en/news/feature/2015/02/16/providing-catalyst-for-preservation-ethnic-minorities-cultural-heritage.

## Minority Politics in Bangladesh: The Situation of 2023

The politics surrounding minority issues in Bangladesh are complex, shaped by historical, socio-economic and cultural factors. Here, we delve into the politics of minorities in Bangladesh, focusing on the three major political parties—Awami League (AL), the Bangladesh Nationalist Party (BNP) and Jamaat-e-Islami—and also how the minorities (namely the Hindu populace) have voted over the years.

### Awami League

The Bangladesh AL, one of the major political parties in Bangladesh, has historically positioned itself as a champion of minority rights and secularism. The party played a crucial role in the independence movement and has traditionally enjoyed support from minority communities, particularly Hindus. The AL's commitment to secularism and inclusive governance has resonated with minority voters, who view the party as a bulwark against religious extremism and communalism. However, this has posed a unique challenge for the ruling party. Often perceived as a political party that relies heavily on the support of India, it is getting increasingly difficult for AL to establish its sovereignty. In 2013, the country was divided over the war crimes tribunal's verdict of punishing several renowned Muslim scholars, who also happened to be from the largest religious-identity-based political party of Bangladesh, Jamaat-e-Islami. The tribunal and how the judicial process was conducted drew some criticism from the global community, with several human rights organisations expressing concerns.[29] It has ever since been a political challenge for AL to gain the trust of hardline Muslims.

With the Modi-led-Bharatiya Janata Party (BJP) coming to power in India in 2014, the situation got even trickier for AL, as the Muslim population of the country has a negative perception of the BJP. The Babri Mosque demolition of 1992 and the Gujarat violence of 2002 have made Modi an unpopular figure, and AL's association with the government has not been perceived well.

29 'Bangladesh Nizami execution will not deliver justice', Amnesty International, May 10, 2016, https://bitly.ws/3hshs.

Inevitably, the sentiment finds its unnatural outlet on the innocent Hindu minorities living within the border, and how AL manages to strike a balance in the future is yet to be seen.

**Bangladesh Nationalist Party**

In contrast, the BNP, led by Begum Khaleda Zia, has been perceived as more aligned with conservative and Islamist elements. While the party has made active efforts to reach out to minority communities, its association with Islamist groups, including Jamaat-e-Islami, has raised concerns among minorities regarding their safety and rights. Additionally, instances of violence and discrimination against minorities during the BNP-led governments have further strained relations between the party and minority groups.[30]

**Jamaat-e-Islami and Other Islamic Parties**

Jamaat-e-Islami, an Islamist political party, has had a contentious relationship with minority communities, particularly Hindus. The party's advocacy of Islamic law and its involvement in communal violence have generated fear and mistrust among minorities. While Jamaat-e-Islami has made attempts to present itself as a legitimate political entity, its past associations with war crimes and atrocities during the 1971 Liberation War have further alienated minority voters.

While the major leaders of the party have been jailed or executed, the new leadership has tried various strategies to regain its ground as the go-to religious identity-based political party of the country. With Hefazat-e-Islam and Islamic Andolan Bangladesh vying for the same spot but with better relations with the government, the challenge remains an uphill battle.

**Voting Patterns of Hindus**

The Hindu minority in Bangladesh constitutes a significant voting bloc, particularly in certain regions such as Sylhet, Khulna and

30 Sachi G. Dastidar, *Empire's Last Causality: Indian Subcontinent's Vanishing Hindu and Other Minorities* (KLM, 2008); Rock Ronald Rosario, 'Why Bangladeshi elections are a time for violence against minorities', *Union of Catholic Asian News*, October 2, 2017, https://bitly.ws/3hstj.

Barisal. Despite facing socio-economic challenges and occasional persecution, Hindus have actively participated in the electoral process. Their voting behaviour is influenced by a range of factors, including perceptions of security, economic opportunities and communal harmony. The Hindus have historically voted for the AL in large numbers, and there are no indications of that changing anytime soon. Although there have been numerous cases of violence against Hindus in the last 15 years, the minority community feels more represented when the ruling party stays in power.

## Call to Action: Individual and Collective Initiatives

Drawing from the above discussion on the status of minorities in Bangladesh based on national and international laws and human rights standards, this study offers recommendations for action to be taken by the Government of Bangladesh for civil society organisation (CSO) stakeholders and the international community.

### Recommendation for the Government of Bangladesh

- Include detailed questions as regards ethnicity, caste and religion in the next census and ensure that Dalit communities are appropriately accounted for. Consult concerned stakeholders, including policy organisations and non-governmental organisations (NGOs), as to how best to organise the data in a meaningful way and how individuals belonging to these groups can be identified in the right way. The advantages of modern information and communication technology (ICT) tools must be deployed towards this.
- Allocate a disaggregated budget (with separate earmarking for different minorities) for undertaking programmes for the advancement of minority communities, including in the education and health sectors, taking into consideration how disproportionately they are affected in these regards. Engage with ethnic and religious minority communities in the formulation of the budget. Universal social protection and pension schemes must be designed in a way that takes care of the needs of ethno-religious minority groups. Adopt a common but differentiated approach for the most vulnerable

within these communities, ensuring that 'no one is left behind'.

- Strengthen and resource the NHRCB and enable its independent functioning to address the rights of ethnic and religious minorities.
- Establish a Minority Rights and Protection Commission to safeguard them against any form of injustice and discrimination, empowering the body to investigate and try every incident of violence against minorities.
- Enact an inclusive and comprehensive law with the purpose of eliminating and abolishing all kinds of discrimination without any delay to address discrimination faced by marginalised excluded groups, minorities, Dalits and disadvantaged groups and to protect their economic, social and cultural rights.
- Amend the proposed Anti-Discrimination Bill based on inputs from CSOs and human rights experts for enacting an inclusive and comprehensive law to eliminate and abolish all kinds of discrimination without any delay to address discrimination faced by marginalised excluded groups, minorities, Dalits and disadvantaged groups and to protect their economic, social and cultural rights.
- Provide constitutional recognition to indigenous people and take special measures for their economic, social and cultural development.
- Introduce affirmative action initiatives such as quotas for admission to educational institutions, government jobs and social protection schemes for marginalised people.
- Ensure maximum coordination among local government institutions and administration to protect the rights of indigenous people on land, property, natural resources, customary rights, representation at the decision-making levels and language, education and cultural rights.
- Strengthen measures to ensure effective access to education and guarantee the registration of all refugee children living in Bangladesh, regardless of race, religion, national origin or the citizenship of their parents.
- Ensure the accountability of local representatives, admin-

istrative officers and law enforcement agencies in acting against communal attacks.

- Ensure speedy disposal of vested property return cases.
- Implement land acquisition processes with the utmost care and uphold the rights of the people, particularly ethnic and religious minorities by providing due compensation.
- Amend Section 97 of the State Acquisition and Tenancy Act, 1950, to include all ethnic minorities living in plain lands recognised by the Small Ethnic Groups Cultural Institution Act, 2010, to protect the land of all ethnic minority communities of plain lands.
- Establish a high-powered land Commission or taskforce to reclaim any land that has been transferred without prior compliance with Section 97 of the State Acquisition and Tenancy Act.
- Continue to advance the rights of women in areas linked with property rights and the private sphere to ensure the equality of women in matters of marriage, divorce, child custody and political empowerment.
- Enact laws criminalising sexual harassment of women and girls in public places, workplaces and schools.
- Enact uniform family laws for the protection of women from religious and ethnic minority groups.
- Conduct multi-level advocacy programmes to form public opinion in favour of reforming discriminatory religious laws.

**Recommendation for Civil Society**

- Support the Government of Bangladesh in implementing all initiatives taken for the protection of minorities.
- Assist the Government of Bangladesh to better understand its human rights obligations in relation to conflict prevention for minorities and assist with identifying approaches for the full respect of universal human rights standards.
- Encourage the Government of Bangladesh to facilitate discussions on a variety of issues with participation from representatives of minority communities to ensure protection of their human rights.

- Conduct studies and research documents relating to international laws and policies relating to minority rights and make recommendations to the Government of Bangladesh on translating them into national legislation.

**Recommendation for the International Community**

- Take on its obligation to establish, monitor and follow up on the issue of equal rights for minorities in Bangladesh.
- Provide technical and financial support to NGOs and national institutions such as the NHRCB to strengthen their capacity.
- Impose travel and visa sanctions on individuals perpetrating hate through social media or speech.
- Monitor the Government of Bangladesh's progress in compliance to its human rights commitments as expressed in international treaties and conventions and work as a pressure group for the protection of minorities.
- Monitor the Universal Periodic Review (UPR) recommendations to the Government of Bangladesh regarding the rights of ethnic and religious minorities
- Work to improve the situation of Rohingya refugees and investigate allegations of abuse and human rights violations against them in accordance with international standards for a sustainable solution.

## Conclusion

In conclusion, these comprehensive recommendations provide a roadmap for creating a more inclusive and equitable society. The recommendations reflect the urgent need for targeted policies and initiatives that address the challenges faced by these communities and empower them to fully participate in the nation's development.

The policy recommendations cover a wide range of areas, including education, healthcare, employment, representation, cultural preservation and social integration. By implementing these measures, the government can make significant strides towards reducing disparities and promoting social cohesion among all citizens.

Education emerges as a cornerstone in empowering ethnic and religious minorities, and the above-suggested policies aim to ensure access to quality education, promote inclusivity and preserve linguistic diversity. Investing in educational infrastructure, providing scholarships and promoting minority representation in educational institutions will foster a more educated and empowered citizenry.

The policy recommendations also emphasise the importance of representation and political participation. By ensuring proportional representation of minorities in government and political institutions, these communities can have a voice in decision-making processes that directly impact their lives.

Cultural preservation is an integral part of the recommendations, acknowledging the richness of Bangladesh's cultural diversity. Establishing cultural centres, promoting traditional arts and crafts, and incorporating minority history into the national curriculum will contribute to the preservation and celebration of the nation's diverse heritage.

To achieve the objectives outlined in the recommendations, collaboration among government agencies, CSOs and the international community is essential. Adequate funding, monitoring and evaluation mechanisms will be vital in tracking progress and ensuring the effective implementation of these policies.

However, it is crucial to recognise that challenges may arise during the implementation process, including resistance from conservative factions and bureaucratic hurdles. Addressing these challenges will require strategic advocacy, public awareness campaigns and inclusive stakeholder engagement to garner support for these policies.

By embracing these policy measures, the government can demonstrate its commitment to upholding the rights and dignity of all citizens, fostering social cohesion and unleashing the untapped potential of these communities in contributing to the nation's progress. Moving forward, the integration of these recommendations into the broader national development agenda will reaffirm Bangladesh's dedication to creating a society where

diversity is celebrated and valued as a source of strength and unity. With collective efforts and perseverance, Bangladesh can chart a path towards a brighter future, one where ethnic and religious minorities play an integral role in shaping the nation's growth and prosperity.

# Ascendant Majoritarianism and the Threat to Minorities and Democracy in India

**Sajjad Hassan** and **Abhimanyu Suresh**

## Introduction

India is the only country in South Asia that has never explicitly experimented with constitutional majoritarianism. Indians, who also subscribe to a multitude of complementary identities—religious, linguistic, regional, caste, among others—have, since the adoption of the constitution in 1950, been guaranteed fundamental rights to, inter alia, equality, liberty, protection against exploitation and freedom of religion. And yet, India's politics is now dominated by an avowedly majoritarian party—the Hindu nationalist Bharatiya Janata Party (BJP), led by Prime Minister Narendra Modi.

At international fora, the BJP government has continued to extol the values of pluralism and secularism, and played up India's reputation as one of the few successful post-colonial democracies.[1] Alongside, it has portrayed the 'new India' under Prime Minister Modi as a 'confident' society that is 'rejuvenating' after 'centuries of foreign attacks and colonialism'.[2] At the same time, the BJP government has targeted India's religious minorities, particularly Muslims and Christians—together numbering over 220 million,

1 Government of India, 'India's Candidature for Human Rights Council for 2019-2021 - Voluntary Pledges and Commitments in Accordance with United Nations General Assembly Resolution 60/251', n.d., https://www.hlrn.org.in/documents/India_Pledges_UNHRC_2018.pdf.

2 'India's Statement Delivered by the External Affairs Minister, Dr. S. Jaishankar at the General Debate of the 77th Session of the UN General Assembly', Ministry of External Affairs-Government of India, accessed August 26, 2023, https://www.mea.gov.in/Speeches-Statements.htm?dtl/35795.

or 16.5 per cent of the population—through hateful rhetoric, discriminatory laws and policies, denial of rights and, together with non-state Hindu nationalist actors close to the BJP, physical violence, among other methods. The media and civil society, including domestic and international scholars, have systematically documented these abuses and tried to raise alarm. One scholar described present-day India as facing a 'looming ethno-nationalist catastrophe'.[3] Another concluded that this new India under Prime Minister Modi is already a *de facto* Hindu Rashtra (nation), and fast transitioning into an 'authoritarian Hindu nation-state'.[4] A Pew study in 2020—which evaluated 13 metrics, including religious conflict and sectarian violence—found India to have the highest rate of social hostilities anywhere in the world.[5] India's performance in various international rankings and indices tracking democracy and the rule of law have also continued to tumble.[6]

A closer look at recent developments and trends in India provides credence for these indictments. India's unprecedented Hindu majoritarian turn was exemplified vividly in New Delhi recently when Prime Minister Modi's inauguration of the new parliament building evoked imagery reminiscent of the coronation of Hindu kings of ancient Indian lore.[7] A few months later, lawmakers attending the first parliamentary session in the new building were handed copies of the constitution that had the words 'secular' and 'socialist' removed from the preamble.[8] These are but a few

3 Siddhartha Deb, 'India's Looming Ethno-Nationalist Catastrophe', *The New Republic*, August 7, 2019, https://newrepublic.com/article/154682/india-looming-ethno-nationalist-catastrophe.

4 Christophe Jaffrelot, *Modi's India: Hindu Nationalism and the Rise of Ethnic Democracy*, trans. Cynthia Schoch (Princeton, New Jersey: Princeton University Press, 2021), 5.

5 Samirah Majumdar, 'Small Changes in Median Scores for Government Restrictions, Social Hostilities Involving Religion in 2020', in *How Covid-19 Restrictions Affected Religious Groups Around the World in 2020*, (Pew Research Center, November 2022), https://www.pewresearch.org/religion/wp-content/uploads/sites/7/2022/11/PF_2022.11.29_restrictions_REPORT.pdf.

6 Aakar Patel, *Price of the Modi Years* (New Delhi: Westland Non-Fiction, 2021).

7 'India's New Parliament Is Symbol of Modi's Nationalist Vision', *Bloomberg.Com*, July 1, 2023, https://www.bloomberg.com/news/features/2023-07-01/delhi-s-new-parliament-a-symbol-of-modi-s-nationalist-vision-for-india.

8 '"Secular", "socialist" Missing from Copies of Constitution given to

among a long list of indicators underlining how, despite helming a democracy that is avowedly secular in name, the current regime has flagrantly privileged Hinduism, actively marginalising and denigrating religious minorities in the process. In 2022 in Uttar Pradesh, India's most populous province, the BJP government led by extremist the Hindu monk, Yogi Adityanath, was re-elected to power with a resounding majority, despite its disastrous handling of the Covid-19 pandemic and presiding over a 'reign of terror' that has actively persecuted the province's 40 million-plus Muslims.[9] In Uttar Pradesh (UP) and in other states ruled by the BJP (Assam, Haryana, Jammu & Kashmir (J&K), Manipur and, notably, Uttarakhand), authorities have pursued a pattern of governance that has exacerbated the exclusion and marginalisation India's minorities have historically faced. In these states, newly introduced or enhanced laws have imposed majoritarian dietary restrictions, effectively criminalised inter-faith marriages as well as religious conversions out of Hinduism.[10] Moves apace at the national level, where the BJP has been in a commanding position since 2014, could, many fear, result in the large-scale disenfranchisement of India's Muslims.[11] We speak to some of these specific concerns in the following sections.

Across the country, Muslim and Christian faith symbols have come under sustained attack from both state and non-state actors, often working in tandem.[12] Minorities have also faced a spike in hate, incitement, and violence at the hands of Hindu extremists who have enjoyed impunity and continued to mobilise recruits

Lawmakers: Adhir Ranjan', *The New Indian Express*, September 20, 2023, https://www.newindianexpress.com/nation/2023/sep/20/secular-socialist-missing-from-copies-of-constitution-given-to-lawmakers-adhir-ranjan-2616612.html.

9 Dhirendra K. Jha, 'Adityanath's Reign of Terror', *The Caravan*, December 31, 2021, https://bitly.ws/3gWn8.

10 'India: Government Policies, Actions Target Minorities', Human Rights Watch, February 19, 2021, https://www.hrw.org/news/2021/02/19/india-government-policies-actions-target-minorities.

11 Human Rights Watch, '"Shoot the Traitors" Discrimination Against Muslims under India's New Citizenship Policy', April 9, 2020, https://bitly.ws/3gWnM .

12 Jeffrey Gettleman and Suhasini Raj, 'Arrests, Beatings and Secret Prayers: Inside the Persecution of India's Christians', *The New York Times*, December 23, 2021, https://bitly.ws/3gWms; 'India's Hindu Festivals Bring Increasing Anti-Muslim Violence', Human Rights Watch, April 5, 2023, https://bitly.ws/3gWnV.

and weapons on a large scale.[13] At the time of writing, patterns of violence that can be characterised as 'ethnic cleansing' were active in at least three states—Haryana, Uttarakhand and Manipur, all governed by the BJP.[14] A pattern is also emerging, across the country, of any resistance that arises from minorities in BJP-ruled states attracting reprisal from authorities in the form of collective punishment, including the mass and arbitrary destruction of their homes, businesses and places of worship, besides mass arbitrary detentions.

Despite this pattern of persecution, or indeed enabling it, India's national television news networks, almost all of which now effectively act as propaganda arms of the government, continue to portray minorities, particularly Muslims, as existential threats to Hindus and to India.[15] And in the background, Hindu nationalists have continued with their wholesale efforts to rewrite Indian history, portraying India as a monolith Hindu society, erasing the lives and stories of the many communities, including minorities and indigenous communities that together contributed to creating the diverse India under threat today.[16]

This report examines the key factors and developments that

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13 Rhea Mogul and Swati Gupta, 'India's Hindu Extremists Are Calling for Genocide against Muslims. Why Is Little Being Done to Stop Them?', *CNN*, January 15, 2022, https://www.cnn.com/2022/01/14/asia/india-hindu-extremist-groups-intl-hnk-dst/index.html.

14 'India Court Asks If Nuh Demolitions Were "an Exercise of Ethnic Cleansing"', *Al Jazeera*, August 8, 2023, https://www.aljazeera.com/news/2023/8/8/india-court-asks-if-nuh-demolitions-were-an-exercise-of-ethnic-cleansing; Meer Faisal, '"Clear Threats": Muslims Forced to Flee Northern Indian Town', *Al Jazeera*, June 13, 2023, https://www.aljazeera.com/news/2023/6/13/why-muslims-are-fleeing-a-small-town-in-indias-uttarakhand-state; Aakash Hassan and Hannah Ellis-Petersen, '"Foreigners on Our Own Land": Ethnic Clashes Threaten to Push India's Manipur State into Civil War', *The Guardian*, July 9, 2023, https://www.theguardian.com/world/2023/jul/10/foreigners-on-our-own-land-ethnic-clashes-threaten-to-push-indias-manipur-state-into-civil-war.

15 Reporters Without Borders, 'Media Ownership Monitor: Who Owns the Media in India?', June 29, 2019, https://rsf.org/en/news/media-ownership-monitor-who-owns-media-india; 'Editors Guild of India Rebukes TV Channels for "Spewing Hatred"', *Maktoob Media*, June 8, 2022, https://maktoobmedia.com/india/editors-guild-of-india-rebukes-tv-channels-for-spewing-hatred.

16 Hannah Ellis-Petersen, 'Thousands of Mosques Targeted as Hindu Nationalists Try to Rewrite India's History', *The Observer*, October 30, 2022, https://bitly.ws/3gWmU.

have driven and accelerated India's Hindu majoritarian turn, towards attaining and consolidating political, social and cultural hegemony, and the impacts this continues to have on the country's religious minorities. It will also engage with the policy question of how to challenge majoritarianism, towards proposing some tentative suggestions. Research for the report is based on primary analysis of legal and policy documents as well as a reading of texts of majoritarian ideologues. Secondary research included a review of published material such as media accounts, civil society reports, official data and statistics as well as scholarly analyses.[17]

The rest of this report is organised as follows: Section 2 examines the two competing visions for India proposed at the time of its inception as an independent state and their accommodation of religious minorities; Section 3 briefly charts Hindu nationalist forces' journey towards the domineering position they enjoy today; Section 4 examines how contemporary Hindu majoritarianism is manifesting itself in various spheres, and the consequences this has had on the lives of religious minorities; Section 5 highlights the factors and strategies that have allowed for the sustenance and perpetuation of Hindu majoritarianism; Section 6 concludes with a brief examination of counter-majoritarian strategies; and Section 7 proposes a set of recommendations.

## The Two Competing Visions for India and the Compromise

Since the decades that marked its struggle for freedom from British rule, there have been two competing visions for the kind of nation independent India should be, particularly with respect to its relationship with religious minorities. The most influential leaders of the freedom movement, led by Indian National Congress (INC) figures such as Mohandas Gandhi and Jawaharlal Nehru and others like B.R. Ambedkar, propounded a vision for India that was universalist in nature and secular in character. While the INC itself was dominated by Hindus belonging to the dominant 'upper' castes, the Indian nation, and by extension the state, they imagined, sought to accommodate the wide variety of religious traditions

17 We draw heavily on Christophe Jaffrelot's seminal work *Modi's India: Hindu Nationalism and the Rise of Ethnic Democracy* (2021).

and practices that have cohabited and coexisted in the land for centuries. While the state would have no religious inclination of its own, it would equally recognise all religions and guarantee the freedom of religion to all citizens.[18]

The predominance of this vision in the political mainstream contributed to the rise of multiple communalist movements. One, led by Muhammad Ali Jinnah, challenged the INC's claim to speak on behalf of all Indians, especially Muslims, and culminated in the establishment of Pakistan, which was envisioned as the homeland of the subcontinent's Muslims. Simultaneously, INC leaders' refusal to favour a state that was explicitly Hindu in character also spawned a powerful movement led by mostly 'upper' caste, socially conservative Hindus, whose conception of India was ethno-nationalist in character.

The Hindu nationalist movement had originally emerged in the late 19th century with a focus on 'reforming' Hindu society, particularly in response to the perceived dangers posed by European proselytism. The framing of Hindu nationalist ideals in the 20th century though, with increased contestation over the shape a post-independent India would take, was in alarmist and exclusivist terms, in opposition to Muslims in particular, the dominant minority, their elites also staking their own claim to a future India. Scholars have demonstrated how at the root of this movement was a 'majoritarian inferiority complex', exacerbated by the prevalence of caste and sectarian divisions within Hindu society, especially relative to the Muslim community, which was seen by Hindu nationalists as being more united.[19] The key elements of modern Hindu nationalism were most notably codified by V.D. Savarkar in 1923, containing several elements: a racial element, emphasising the idea that Hindus were descendants of the Aryans; a territorial element, with India portrayed as the 'sacred' land of the Hindus; a linguistic aspect, with Sanskrit described as the 'mother' of all languages; and a cultural element, which included religion as a cultural attribute of the Hindus.[20] Muslims and Christians,

18 Jaffrelot, *Modi's India*, 8.
19 Jaffrelot, *Modi's India*, 12.
20 Vinayak Damodar Savarkar, *The Essentials of Hindutva*, 1923,

with roots of their religion (and hence their 'sacred' lands or *punyabhoomi*) being outside India, were not merely outsiders, but also a threat to Hindus, the true Indians.[21]

The INC sought to accommodate diverse views in the process of the formulation of a constitution for independent India. The sessions of the Constituent Assembly were marked by the active participation of several Hindu nationalists, including many who were formally members of the INC but had a distinctly majoritarian worldview. In the end, what emerged was a constitution that although fundamentally secular in nature, conceded several key Hindu nationalist demands.[22]

For example, the protection of cows, that many Hindus consider an article of faith, was in the words of an observer, 'smuggled' into the constitution, in the form of a non-enforceable provision calling on the state to 'take steps' to prohibit the slaughter of cows, calves, milch and draught cattle.[23] While Gandhi had described the prohibition of cattle slaughter as being tantamount to 'converting (Muslims) to Hinduism' by force and Nehru had considered it a crucial factor in determining whether India would be a 'composite country' or a 'Hindu country', Hindu nationalists cloaked their arguments in economic, and not only religious terms, claiming that cows were vital for India's agrarian economy.[24]

Notwithstanding these and other crucial concessions, the

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https://archive.org/details/hindutva-vinayak-damodar-savarkar-pdf.

21 Jaffrelot, *Modi's India*, 12.

22 Despite this establishment of a secular state, scholars have highlighted the Islamophobic nature of India's initial governments led by the Congress Party, entrenching the systemic political and economic marginalisation of Muslims that continues to this day. Pratinav Anil, *Another India: The Making of the World's Largest Muslim Minority, 1947–77* (London: Hurst Publishers, 2023).

23 The Constitution of India, 1950, Article 48; Aakar Patel, 'Artifice for the Holy Cow', in *Our Hindu Rashtra: What It Is, How We Got Here* (Chennai: Westland Publications, 2020), 240.

24 Mohandas Karamchand Gandhi, 'Presidential Address at Cow-Protection Conference, Belgaum', in Collected Works, Vol. 30 (The Publications Division, Government of India, 1968); Jawaharlal Nehru, 'Nehru's Letter to Prasad Dated 7 August 1947', in *Selected Works of Jawaharlal Nehru: Second Series*, ed. S. Gopal, (New Delhi: Jawaharlal Nehru Memorial Fund, 1985), 189–92; 'Constituent Assembly Debates on 24 November, 1948', https://www.constitutionofindia.net/debates/24-nov-1948.

constitution adopted in 1950 contains several key protections for India's religious minorities, including:

- The prohibition of religious discrimination, including in recruitment to public employment and education, and protection from exploitation.[25]
- The freedom to profess, practice and propagate religion.[26]
- The right of religious denominations to establish institutions for religious and charitable purposes.[27]
- The prohibition of religious instruction in educational institutions wholly funded by the state.[28]

Religious minorities were also equally entitled to all other 'fundamental' rights guaranteed to all citizens. There is a caveat though that these rights are not absolute and are subject to 'reasonable restrictions' that may be placed in the interest of public order, morality and health; national security, sovereignty and integrity, provisions that authorities often resort to, undermining basic freedoms.[29] In addition to these rights, special safeguards were also set in place for several provinces (states), including those predominantly inhabited by religious minorities (as in Nagaland, Mizoram, among others), besides J&K, which had a separate arrangement altogether, and indigenous tribes.[30] Beyond the constitution, key legal provisions retained from the colonial era included the designation of promotion of enmity between different religious groups and the committing of deliberate and malicious acts designed to outrage religious feelings by insulting religion or religious beliefs as punishable offences.[31] These are in addition to laws and provisions set in place to guarantee life, security and the rule of law to all citizens.

Guided by India's constitutional guarantees, successive post-

25 The Constitution of India, Articles 15, 16, 29.
26 The Constitution of India, Article 25.
27 The Constitution of India, Article 26.
28 The Constitution of India, Article 28.
29 The Constitution of India, Article 25.
30 The Constitution of India, Part XXI.
31 Indian Penal Code, 1860, Sections 153A, 295A.

independence governments early on, all led by the INC, also ratified key international instruments that codify protections for religious minorities, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), the Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the Convention on the Rights of the Child (CRC), among others.[32]

The INC's monopoly over electoral power began to break down from the 1970s, and worsened in the 1980s, weakening Congress leaders' ability to stand by the non-sectarian ideals of the constitution. Compromise with sectarian interests increasingly became the norm.[33] This created an opening for the BJP to appeal directly to Hindu concerns and sensibilities. The BJP's electoral breakthrough came with the national campaign to demolish the mediaeval-era Babri mosque in Ayodhya in Uttar Pradesh in 1992.[34]

## Tracing the Hindu Nationalist Path to Power

At the heart of the modern Hindu nationalist movement is the Rashtriya Swayamsevak Sangh (RSS) (National Volunteer Organisation), a tentacular network that has functioned as its

32 For more on India's performance on its international obligations relating to religious minorities, see our previous report: South Asia Collective, 'Rhetoric v Reality: India, International Human Rights, and Minorities', in *Weakening Human Rights Commitments and Its Impact on Minorities* (Kathmandu: SAC, 2022), https://thesouthasiacollective.org/wp-content/uploads/2023/03/SASM2022.pdf.

33 Zoya Hasan, 'Ayodhya and the Politics of Religion: How Rajiv Gandhi's Plan to Use the Ram Temple Failed (Book Extract)', *Scroll*, October 21, 2019, https://scroll.in/article/941140/ayodhya-how-rajiv-gandhis-plan-to-use-the-ram-temple-for-the-congress-party-came-undone; Madhu Trehan, 'Congress Party's Hidden Role in Demolition of Babri Masjid', *Newslaundry*, April 27, 2017, https://www.newslaundry.com/2017/04/27/congress-partys-hidden-role-in-demolition-of-babri-masjid; Nilanjan Mukhopadhyay, 'Every Political Party in India Was Complicit in the Babri Masjid Demolition', *The Wire*, November 8, 2019, https://thewire.in/history/babri-masjid-demolition-political-parties-complicit.

34 Rahul Verma, 'The Emergence, Stagnation, and Ascendance of the BJP', in *The BJP in Power: Indian Democracy and Religious Nationalism*, ed. Milan Vaishnav (Washington DC: Carnegie Endowment for International Peace, 2019), https://carnegieendowment.org/2019/04/04/emergence-stagnation-and-ascendance-of-bjp-pub-78735.

primary custodian and purveyor. Historically led and dominated by 'upper' caste Hindu men strongly adhering to the traditional Hindu social order, the RSS has portrayed itself as a social reformist movement seeking to inculcate discipline within Hindu society, with a view to developing a nationalist conscience and a sense of solidarity, drawing inspiration from European fascist movements.[35]

35 Jaffrelot, *Modi's India*, 14.

It exerts influence over different facets of public life through its various specialised affiliates, which are together known as the Sangh Parivar (the RSS Family).[36] The BJP functions as the political wing of the RSS-led Hindu nationalist project. Other key affiliates include the Vishwa Hindu Parishad (VHP), deputed to oversee the social aspects of Hindu 'awakening', and the Bajrang Dal, the VHP's youth wing.[37] The RSS today has over 5 million members, and over 50,000 *shakhas* (local units) spread across the country.[38]

Following the assassination of M.K. Gandhi by one of its members in 1948, and the subsequent although brief ban imposed on the RSS, the Hindu nationalist vision was isolated from the political mainstream, viewed with suspicion by the most powerful political leaders of the time. Prime Minister Jawaharlal Nehru considered it to be the embodiment of Indian fascism.[39] And Sardar Patel, India's first Home Minister—among those in the INC suspected to harbour majoritarian sympathies, and who present-day Hindu nationalists have sought to appropriate, also due to his rivalry with Nehru[40]—described it as one of the 'forces of hate and violence' at work in the country.[41]

The RSS's first foray into politics was in 1951, after the ban on it was lifted, when several of its cadres were deputed to form the Jana Sangh. The BJP in its present form was established in 1981. In its initial years, RSS-backed BJP politicians focused on increasing their foothold in mainstream national politics, while

36 Walter Andersen and Shridhar D. Damle, 'Appendix II: Organizations Where RSS Swayamsevaks Are Active and Their Area of Work', in *Messengers of Hindu Nationalism: How RSS Reshaped India* (London: Hurst & Company, 2019).

37 Jaffrelot, *Modi's India*, 20.

38 Lauren Frayer and Furkan Latif Khan, 'The Powerful Group Shaping the Rise of Hindu Nationalism in India', *NPR*, May 3, 2019, https://www.npr.org/2019/05/03/706808616/the-powerful-group-shaping-the-rise-of-hindu-nationalism-in-india.

39 Jaffrelot, *Modi's India*, 17.

40 Hindu nationalists routinely demonise and downplay the legacy of Nehru, who was a staunch secularist and served as prime minister for 18 years since India's independence in 1947. Patel served as deputy PM under Nehru till his death in 1950. 'The Battle over the Legacy of India's "Iron Man"', *BBC News*, November 6, 2013, https://www.bbc.com/news/world-asia-india-24815680.

41 'When Sardar Patel Took on the "Forces of Hate" and Banned the RSS', *The Wire*, January 30, 2023, https://thewire.in/history/sardar-patel-rss-ban-1948.

the grassroots-level social aspects of Hindu 'awakening' were overseen by the VHP and other RSS affiliates. Partly in response to emerging social and political movements among 'backward' caste Hindus[42]—and the potential danger this posed to its stated goal of Hindu consolidation—the RSS re-activated the Ram Janmabhoomi movement, a long-standing campaign against the Babri Masjid, a Mughal-era mosque in Ayodhya town of northern Uttar Pradesh, that many Hindus claim stood atop the birth site of the Hindu deity Ram, after a Hindu idol was mysteriously smuggled into the mosque, back in 1949. The BJP got actively involved in the movement in 1989 when its top leaders, along with those of the VHP and other RSS affiliates, began a cross-country procession demanding the construction of a Hindu temple at the disputed site. The procession, which was marked by widespread anti-Muslim hate speech, incitement and violence, left hundreds dead in its wake, in a series of riots across the country that culminated in the illegal destruction of the mosque by extremist Hindu mobs, with several senior BJP leaders on site to egg on and witness the demolition.[43] The *kar sevaks* (religious volunteers said to have carried out the demolition), investigations revealed, were mobilised and coordinated by the Sangh Parivar.[44]

The Ayodhya movement catapulted the BJP to the centre stage of the national political landscape and contributed to the mainstreaming of Hindu nationalist goals. The BJP cashed in immediate electoral rewards—almost doubling its nationwide

42 The Indian constitution originally guaranteed affirmative action benefits only to members of historically discriminated castes (known as Scheduled Castes) and of indigenous tribes (known as Scheduled Tribes). In the 1980s, after popular mobilisation, these benefits were extended to 'other backward classes' (OBCs), a term used to collectively denote other socially and educationally backward classes that are not recognised as SCs or STs. The RSS has historically resisted the extension of affirmative action benefits to these groups but has sought to court Hindu OBC groups within its Hindu nationalist agenda. See Thomas Blom Hansen, *The Saffron Wave: Democracy and Hindu Nationalism in Modern India* (Princeton, New Jersey: Princeton University Press, 1999), 221.

43 'Babri Masjid's Destruction Laid the Foundation of Modi's New India of Today', *The Wire*, August 26, 2023, https://thewire.in/politics/babri-masjid-narendra-modi-bjp.

44 The Wire, 'Babri Masjid's Destruction Laid the Foundation of Modi's New India of Today'.

vote share between 1989 and 1991 and forming the provincial government in Uttar Pradesh where Ayodhya is located.[45]

Nevertheless, the compulsions of coalition politics then forced the BJP to go through a stage of 'forced moderation'.[46] Despite forming the national government on three occasions—including a full term from 1999 to 2004—the BJP was forced to put several of the RSS's main ideological goals on the backburner. These included, among other issues, the construction of a Ram Temple atop the ruins of the demolished Babri mosque, the adoption of a nation-wide, non-voluntary Uniform Civil Code and the removal of the special constitutional privileges including provincial autonomy accorded to the Muslim-majority state of J&K as part of the terms of accession of the state in 1947.

The current era of Hindu majoritarian politics, with Prime Minister Modi at the helm, can be traced back to the state of Gujarat, where Modi's stint as Chief Minister provided the template for what has played out at the national level since 2014. A life-long RSS man, who spent much of his adult life as a political organiser for the BJP—including during the Ayodhya movement—Modi was appointed Chief Minister in 2001. Shortly after assuming power, he presided over an anti-Muslim pogrom that resulted in over 1000 deaths, mostly of Muslims.[47] Modi capitalised on this religious polarisation and further consolidated his political position, calling for early elections during which he played up the bogey of threat of Muslim extremism and portrayed himself as a protector of Hindu interests. Whilst embracing a hard reputation as Hindu Hriday Samrat (Emperor of Hindu Hearts), despite the RSS's stated objection to personality cults, he sought subsequently to soften it for the wider world, by fashioning himself also as a Vikas Purush

45 Rahul Verma, 'The Emergence, Stagnation, and Ascendance of the BJP', in *The BJP in Power: Indian Democracy and Religious Nationalism*, ed. Milan Vaishnav (Washington DC: Carnegie Endowment for International Peace, 2019), https://carnegieendowment.org/2019/04/04/emergence-stagnation-and-ascendance-of-bjp-pub-78735.

46 Jaffrelot, *Modi's India*, 22.

47 '"We Have No Orders to Save You": State Participation and Complicity in Communal Violence in Gujarat', Human Rights Watch, April 2002, https://www.hrw.org/reports/2002/india/gujarat.pdf.

(Man of Development), courting business interests by promising speedy clearances, minimal regulations and able governance.[48] This astute reinventing of Modi, from the 'prime accused' of the Gujarat pogroms to a 'development champion', reinstated him among Indian liberals and business classes and the wider international community. Among the electorate, the personality cult built around this dual reputation eventually allowed Modi to bypass other more moderate leaders within the Hindu nationalist fold and cement his position as the BJP-led opposition's prime ministerial candidate ahead of the 2014 elections.

Modi's 2014 campaign, against the backdrop of an economic downturn and multiple corruption scandals that rocked the INC-led United Progressive Alliance (UPA) government's second term, was a careful balancing act between the dual aspects of his reputation, termed by scholars as an example of 'national populism'.[49] While the main emphasis was on furthering (the neoliberal idea of) economic development, the BJP campaign also sought to leverage key Hindu concerns such as the perceived threat posed by Islamist terrorism and by Muslim and Christian demographic expansionism, among others.[50] The 2014 campaign was also notable for the mobilisation of RSS cadres on a massive scale, particularly in regions where the BJP's organisational capacity was relatively weak.[51]

In power in Delhi, Modi's first term was marked by a sharp rise in religiously motivated hate speech and crimes against Dalits, Muslims and Christians.[52] With political power now with the BJP, there were several moves that, in hindsight, heralded the onset later of laws and policies that undercut India's secular promise, whilst strengthening its Hindu leanings. When attempts to legislate an all-India cow protection law failed due to pushback by opposition parties, several BJP-majority states drew up their own anti-cow

48 Jaffrelot, *Modi's India*, 31.
49 Jaffrelot, *Modi's India*, 31.
50 Jaffrelot, *Modi's India*, 78.
51 Jaffrelot, *Modi's India*, 101.
52 Amnesty International India, 'Halt the Hate - Key Findings (Archive)', WaybackMachine, September 26, 2020, https://web.archive.org/web/20200926193035/https://amnesty.org.in/wp-content/uploads/2019/10/Halt-The-Hate-KeyFindings-Amnesty-International-India-1.pdf.

slaughter laws and others beefed up existing ones, often in the form of emergency 'ordinances', without adequate legislative consultation.[53] Similar was the trend with anti-conversion laws.[54]

And within a year of its re-election in May 2019 with an even bigger parliamentary majority, the BJP government set about realising several of the RSS's main ideological agendas that had previously been kept aside. These included the revocation of J&K's special constitutional protections in August 2019 and the enactment of the Citizenship (Amendment) Act (CAA) in December of that year, fast-tracking the path to Indian citizenship only for non-Muslim immigrants. In November of 2019, India's Supreme Court (SC) had ended decades-long litigation over the Babri Masjid site, handing it over to Hindu parties, despite also holding that the demolition of the mosque was an illegal act.

Today, observers suggest that the BJP is poised to win the next general elections, scheduled in May 2024, potentially further cementing the Hindu nationalist hold on India.

## Contemporary Manifestations of Hindu Majoritarianism

The current era of BJP rule has been marked by an unprecedented level of state patronage for Hinduism, the majority faith, to the detriment of religious minorities who are portrayed as antithetical to Hindu interests. This section discusses some of the ways in which this has manifested.

### Predominance of Hindu Religious Symbols in the Public Sphere

While Indian politicians, as well as authorities, have often privileged the Hindu majority in words and deeds, several elements in current BJP governments in the centre and states have brazenly acknowledged that theirs is a government that privileges Hindus. A senior central minister declared the government to be one of 'Ram *bhakts* (devotees)' and that the Hindu scripture Bhagavad

53 Human Rights Watch, 'Violent Cow Protection in India: Vigilante Groups Attack Minorities', February 18, 2019, https://www.hrw.org/report/2019/02/18/violent-cow-protection-india/vigilante-groups-attack-minorities.

54 Sakshi Parashar and Setu Gupta, 'Regulating Religious Choices: Foundations and Legitimacy of Anti-Conversion Laws in India', *Religion & Human Rights* 18, no. 1 (April 2023): 1–30, https://bitly.ws/3gWoM.

Gita is 'above the Constitution'.[55] Religious iconography depicting India as Bharat Mata (Mother India), the personification of a Hindu India, has also been emphasised: a BJP resolution in 2016 declared that the refusal to chant Bharat Mata Ki Jai (Hail Mother India)—a slogan that has caused discomfort to many Muslims, whose faith prohibits the deification of human forms—is tantamount to disrespecting the constitution (which in actuality does not prescribe a state religion), while a senior RSS leader described the refusal as treason.[56] Other BJP leaders have claimed that India is already a Hindu Rashtra (nation) and portrayed India's secularism as charity by the Hindus.[57] A mural installed in the newly inaugurated parliament depicting an ancient Indian civilisation was described by a minister as evidence of the BJP's resolve to move towards Akhand Bharat (Undivided India), a popular Hindu nationalist goal envisioning the incorporation of all of present-day South Asia as part of India.[58]

Modi himself has doubled down on his image as the Emperor of Hindu Hearts—which often rests on discriminating against Muslims and other religious minorities. In the lead up to the 2014 elections, he described India as the natural homeland of persecuted Hindus across the world.[59] So did the BJP election manifesto. Modi chose Varanasi, one of Hinduism's most sacred sites, as his parliamentary constituency. In power, in a marked departure from previous

55 Christophe Jaffrelot, '"This Govt Is of Ram Bhakts, and Gita Is above the Constitution"—Inside Modi's India', *ThePrint*, November 10, 2021, https://theprint.in/pageturner/excerpt/this-govt-is-of-ram-bhakts-and-gita-is-above-the-constitution-inside-modis-india/763620.

56 'Bharat Mata Ki Jai: The Controversy around the Slogan', *Business Standard*, April 2, 2016, https://www.business-standard.com/article/current-affairs/bharat-mata-ki-jai-the-controversy-around-the-slogan-116040200319_1.html.

57 Amy Kazmin and India Ross, 'How Hindu Nationalism Went Mainstream in Modi's India', *Financial Times*, May 9, 2019, https://www.ft.com/content/4b68c89c-711c-11e9-bf5c-6eeb837566c5.

58 Rhea Mogul, 'Why a Map in India's New Parliament Is Making Its Neighbors Nervous', *CNN*, June 14, 2023, https://www.cnn.com/2023/06/13/india/india-akhand-bharat-map-parliament-intl-hnk/index.html.

59 'BJP Offer of "Natural Home" for Hindu Refugees Triggers Debate', *Hindustan Times*, April 9, 2014, https://www.hindustantimes.com/india/bjp-offer-of-natural-home-for-hindu-refugees-triggers-debate/story-aU5sVqOSrWCpcIE29qMKXJ.html.

prime ministers, he has regularly engaged in overt displays of Hindu rituals and customs, making routine public visits to temples across the country. At the ceremony to mark the beginning of the construction of the Ram Temple atop the destroyed Babri mosque in 2020, Modi participated in religious rituals along with the chief of the RSS.[60] More recently, the inauguration of the new parliament building in New Delhi in May 2023 was marked by heavy Hindu symbolism, with Modi making his entrance along with a horde of priests and carrying a religious sceptre that has historically been associated with the coronation of ancient Hindu kings in southern India.[61] This wholesale embrace of Hindu symbols and iconography has allowed Modi to emerge as a semi-religious figure, above politics and beyond criticism.[62]

In an even more brazen example of religious posturing, Yogi Adityanath, a Hindu monk with a long history of anti-Muslim incitement and violence, was appointed the chief minister of Uttar Pradesh in 2017, making him the first person to hold a constitutional position while simultaneously serving as the head priest of a Hindu temple.[63] Adityanath is seen by many as a potential successor to Modi as prime minister.[64]

### 'Hinduisation' of Indian History and Culture

Whenever and wherever they have enjoyed power, Hindu nationalists have engaged in concerted efforts to reframe the popular understanding of Indian history and culture. Key themes Hindu nationalists have sought to perpetuate include, among

60 'At Ayodhya Bhoomi Pujan, Modi Became All-in-One; Proper Rituals Not Followed, Allege Pundits', *The Wire*, August 26, 2023, https://thewire.in/politics/ayodhya-bhoomi-pujan-narendra-modi-priests-pundits.

61 N. Sai Charan, 'The Sengol—A Historic Sceptre with a Deep Tamil Nadu Connection', *The Hindu*, May 24, 2023, https://www.thehindu.com/news/national/tamil-nadu/sengol-a-historic-sceptre-with-a-deep-tamil-nadu-connection/article66888264.ece.

62 Asim Ali, 'Modi Faces No Political Costs for Suffering He Causes. He's Just like Iran's Ali Khamenei', *ThePrint*, May 17, 2020, https://theprint.in/opinion/narendra-modi-no-political-costs-suffering-he-causes-iran-ali-khamenei/423355.

63 Emily Schmall and Hari Kumar, 'India Election Victory Is Expanding a Hindu Monk's National Profile', *The New York Times*, March 11, 2022, https://www.nytimes.com/2022/03/11/world/asia/india-elections-yogi-adityanath.html.

64 Schmall and Kumar, 'India Election Victory Is Expanding'.

others, the idea that Hindus are descendants of the Aryans—and sons of the soil; exaggeration of Hindu contributions to ancient science and technology; portraying events from Hindu mythology as historical reality; portraying the period when Muslim dynasties ruled over India as one of darkness and slavery; glorifying the perceived achievements of ancient Hindu rulers, portrayed as torchbearers of Hindu pride; minimising the contributions of

secularist Congress leaders like Gandhi and Nehru to India's freedom movement, while lionising Hindu nationalist leaders like Savarkar; and minimising the contributions of minorities to Indian history in general.[65]

Tampering with the teaching of history in schools and other educational institutions has been a central element in this project of historical distortion and revisionism. School textbooks at national and provincial levels have been extensively rewritten in alignment with the 'Hinduised' narrative.[66] In addition to the previously mentioned themes, recently rewritten textbooks have also downplayed the history of India's indigenous Adibasi communities, as well as the significance of caste-based struggles.[67] References to past episodes of anti-minority mass violence have been deleted.[68] Some textbooks have even introduced chapters on Prime Minister Modi and the perceived achievements of his government.[69] During the Covid-19 pandemic, in an ostensible bid to minimise the workload of students, a government directive mandated that the teaching of chapters on secularism, nationalism, and citizenship in modern India was no longer compulsory. At the same time, two BJP-governed states mandated the teaching of elements of Hindu scripture as part of the school curriculum.[70]

The writings and utterances of senior BJP leaders have also played an important role in perpetuating the 'Hinduised' narrative. Top BJP ministers, as well as Prime Minister Modi, have, among

65 Jaffrelot, *Modi's India*, 169.

66 Hannah Ellis-Petersen, 'Indian Government Accused of Rewriting History after Edits to Schoolbooks', *The Guardian*, April 6, 2023, https://www.theguardian.com/world/2023/apr/06/indian-government-accused-of-rewriting-history-after-edits-to-schoolbooks.

67 Ellis-Petersen, 'Indian Government Accused of Rewriting History after Edits to Schoolbooks'.

68 Suhasini Raj, 'New Indian Textbooks Purged of Muslim History and Hindu Extremism', *The New York Times*, April 6, 2023, https://www.nytimes.com/2023/04/06/world/asia/india-textbooks-changes.html.

69 Ellis-Petersen, 'Indian Government Accused of Rewriting History after Edits to Schoolbooks'.

70 'After Gujarat, Bhagavad Gita to Now Be Taught in Himachal Pradesh Schools', *India Today*, April 5, 2022, https://www.indiatoday.in/education-today/news/story/after-gujarat-bhagavad-gita-to-now-be-taught-in-himachal-pradesh-schools-1933694-2022-04-05.

other things, denied the theory of evolution and made bizarre claims about the existence of plastic surgery, genetic science, satellites and the internet in ancient India.[71] Top BJP leaders also routinely vilify ancient Muslim rulers in political speeches and falsely attribute victories over them to Hindu rulers of the time.[72] Some senior BJP leaders have also sought to mainstream formerly Hindu nationalist figures implicated in violence against minorities and secularists. For example, Nathuram Godse—the RSS man who assassinated Gandhi in 1948—has been described as a 'patriot' by several senior BJP figures, including sitting parliamentarians and federal ministers.[73]

Also, part of the efforts to Hinduise history has been the renaming of several historical locations by BJP governments to erase their connection to Muslim history. For example, in 2018, the Adityanath government in Uttar Pradesh rechristened the historical city of Allahabad as Prayagraj. Emboldened by SC's verdict in 2019 handing over the disputed site of the demolished Babri Mosque in Ayodhya to Hindus, and despite the presence of legislation that forbids the changing of the religious character of places of worship, Hindu nationalists have begun coordinated efforts—utilising polarisation, violence and the judicial process—to 'reclaim' other similarly disputed sites.[74]

**Framing of Minorities as Inimical to Hindu Interests**

In addition to this focus on 'Hinduising' the public sphere and the popular understanding of history and culture, majoritarian leaders of the BJP have also become more brazen in their outright invocation of anti-minority rhetoric, much of which may be described as hate speech, often incitement to violence. Key

71 Jaffrelot, *Modi's India*, 175.

72 Jaffrelot, *Modi's India*, 175.

73 'Gandhi's Killer Godse "Real Patriot" for Some Hindu Nationalists', *Al Jazeera*, January 27, 2023, https://www.aljazeera.com/news/2023/1/27/gandhis-killer-godse-real-patriot-for-some-hindu-nationalists-in-india.

74 Hannah Ellis-Petersen, 'Thousands of Mosques Targeted as Hindu Nationalists Try to Rewrite India's History', *The Observer*, October 30, 2022, https://www.theguardian.com/world/2022/oct/30/thousands-of-mosques-targeted-as-hindu-nationalists-try-to-rewrite-indias-history.

patterns that recur in contemporary Hindu nationalist narrative include the portrayal of minorities and secularists as violent, existential threats to Hindu (and thus Indian) interests, by terming them disloyal 'anti-nationals' and 'traitors' and as sympathisers of armed separatist and extremist groups. For instance, the Hindu nationalist response to the anti-CAA protest movement centred around branding Muslim protesters and their supporters as 'urban Naxals'[75] and 'traitors' deserving of 'bullets'.[76]

Threat perception about Muslims and Islamist terrorism is particularly amplified, by portraying ordinary Muslims as 'jihadis' and 'terrorists'. The 'jihad' terminology is routinely invoked in connection with a variety of unfounded and arbitrary charges against Muslims. In 2020, in the weeks following the mass killings of Muslims in Delhi during the anti-CAA protests, a popular Hindi news channel aired a one-hour programme alleging that India's Muslims are engaged in 13 different kinds of 'jihad', including 'population jihad', 'love jihad', 'land jihad', 'economic jihad' and 'history jihad'.[77] Around a week later, television channels and BJP leaders across the country accused Muslims of engaging in 'corona jihad', blaming them for intentionally spreading Covid-19.[78] The 'corona jihad' campaign resulted in arbitrary and prolonged detention of members of the Tablighi Jamaat Islamic missionary movement, multiple instances of physical violence against Muslims across the country, in addition to widespread calls for social and economic boycotts.[79] In subsequent years, such

75 A reference to Maoist extremist groups with whom the Indian state has been in protracted armed conflict for decades. See 'Non-International Armed Conflict in India', Rule of Law in Armed Conflict - Geneva Academy, accessed October 23, 2023, https://www.rulac.org/browse/conflicts/non-international-armed-conflict-in-india.

76 Human Rights Watch, '"Shoot the Traitors": Discrimination Against Muslims under India's New Citizenship Policy'.

77 'Spurious Chart on "Jihad" Leads to "Insulting Religion" FIR Against Zee News Editor', *The Wire*, May 9, 2020, https://thewire.in/media/zee-news-sudhir-chaudhary-fir-jihad-chart.

78 Jayshree Bajoria, 'Corona Jihad Is Only the Latest Manifestation: Islamophobia in India Has Been Years in the Making', Human Rights Watch, May 1, 2020, https://www.hrw.org/news/2020/05/01/coronajihad-only-latest-manifestation-islamophobia-india-has-been-years-making.

79 Shweta Desai and Amarnath Amarasingam, '#CoronaJihad: COVID-19,

terminology has become an ingrained part of the popular lexicon in Indian television. 'love jihad', a debunked conspiracy theory that alleges a large-scale Muslim plot to seduce and marry Hindu women and convert them to Islam, has enjoyed particularly widespread appeal. In 2023, a propaganda movie centred around the conspiracy theory was openly promoted by the BJP's top leadership, including Prime Minister Modi.[80] Also crucial to the whipping up of anti-Muslim sentiment among Hindus has been the exploitation of real and imagined past grievances and the perception of injustice faced by Hindus during Muslim rule over India. The perceived injustice over the separation of Muslim-majority Pakistan during the Partition of India remains another persistent sore point.[81]

Against Christians, who form less than 2 per cent of the national population, the most persistent, and unfounded, charge has been that they are engaged in large-scale forced religious conversions, putting India's Hindu majority at risk of demographic overhaul.[82] Popular Christian figures like Mother Teresa have been demonised as being part of a conspiracy to 'Christianise' India and even blamed for armed separatism in India's northeast states.[83] In a letter to the

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Misinformation, and Anti-Muslim Violence in India - Strong Cities Network', accessed October 17, 2021, https://bitly.ws/3gWp9.

80 'Modi's Backing of Inflammatory, Fictional "Kerala Story" Highlights Pressing Need for Opposition Unity', *The Wire*, March 8, 2023, https://thewire.in/communalism/narendra-modi-kerala-story-opposition-unity.

81 A.G. Noorani, 'Partition Horrors Remembrance Day: A Prime Minister Determined to Flout the Nation's Consensus', Frontline, September 25, 2021, https://frontline.thehindu.com/the-nation/partition-horrors-remembrance-day-a-prime-minister-determined-to-flout-the-nations-consensus/article36530024.ece.

82 This charge is despite surveys confirming that religious conversions are rare in India and government data from one province suggesting that nearly half of all religious converts in fact change their religion to Hinduism. See Pew Research Center, 'Religion in India: Tolerance and Segregation', June 29, 2021, https://bitly.ws/3gWpy; 'At 47%, Hinduism Biggest Gainer in Religious Conversion in Kerala', *The New Indian Express*, April 2, 2021, https://www.newindianexpress.com/states/kerala/2021/apr/02/at-47-hinduism-biggest-gainer-in-religious-conversion-in-kerala-2284660.html.

83 'Mother Teresa Part of Conspiracy for "Christianisation" of India: BJP MP Yogi Adityanath', *The Indian Express*, June 20, 2016, https://indianexpress.com/article/india/india-news-india/mother-teresa-part-of-a-conspiracy-for-christianisation-of-india-says-bjp-mp-adityanath-2866131.

Pope in 2016, a top RSS leader described Christian proselytism as a 'crime against humanity'.[84]

Simultaneously, Hindu nationalists also often invoke majoritarian-assimilationist rhetoric about minorities, effectively denying their distinct identities. The chief of the RSS has, on multiple occasions, remarked that Indian Muslims are in fact Hindus.[85]

**Majoritarian, Discriminatory and Exclusionary State Policies and Practices**

The heightened anti-minority rhetoric has been accompanied by the coordinated pursuit of discriminatory and exclusionary state policies and practices that have specifically targeted minorities. Some of these include:

- **Attempts to disenfranchise minorities:** The government move with the potential to cause the largest-scale exclusion of minorities, specifically Muslims, has been the enactment of the CAA in 2019, which is planned to be used in combination with the National Register of Citizens (NRC) process in Assam, and a potential nationwide replication of the NRC in the form of the National Population Register (NPR). The CAA fast-tracks the path to Indian citizenship for persecuted migrants from India's Muslim-majority neighbouring countries, so long as they belong to non-Muslim faiths. The CAA could provide relief exclusively to the Hindus among the 1.9 million people excluded from the NRC in Assam, a long-running administrative exercise to identify 'illegal' 'foreigners' residing in that state.[86] Assam also has a parallel

84 John Dayal, 'Why the Christian Community Should Steer Clear of the RSS "hand of Friendship"', *Scroll.in*, February 11, 2016, http://scroll.in/article/802921/why-the-christian-community-should-steer-clear-of-the-rss-hand-of-friendship.

85 Arun Anand, 'Bhagwat's "Common Indian DNA" Line Is No Olive Branch to Muslims. It's Been RSS Stand Always', *ThePrint*, July 12, 2021, https://theprint.in/india/bhagwats-common-indian-dna-line-is-no-olive-branch-to-muslims-its-been-rss-stand-always/694040.

86 'New Citizenship Law in India "Fundamentally Discriminatory": UN Human Rights Office', *UN News*, December 13, 2019, https://news.un.org/en/story/2019/12/1053511.

Foreigners Tribunal (FT) process through which minorities are declared to be 'foreigners' and lodged in prison-like detention camps.[87] A nation-wide NRC, already announced, could potentially put Muslims across the country at risk of similar disenfranchisement.[88]

In the Muslim-majority region of J&K, the Indian government's unilateral revocation of the erstwhile autonomous constitutional status in 2019 has resulted in the disputed territory now being governed directly by the federal government, without any popular government.[89] Legal changes introduced in the region since have, among other things, expanded electoral rolls to include non-locals and also enabled them to purchase land, sparking fears of demographic change.[90] Kashmiris have been without any form of political representation since 2018 when its elected state legislature was dissolved. Further elections are yet to be announced.

In addition to these, there are also reports of ongoing gerrymandering efforts in Kashmir and Assam, which have the potential to further impact the already weak level of Muslim political representation.[91] Mass deletion of Muslims, Christians

87 Amnesty International India, 'Designed to Exclude: How India's Courts Are Allowing Foreigners Tribunals to Render People Stateless in Assam', (India: 2019), https://bitly.ws/3gWpS.

88 Shoaib Daniyal, 'Amit Shah's All-India NRC Has Already Begun-with the NPR', *Scroll.in*, December 17, 2019, https://scroll.in/article/947116/scroll-investigation-amit-shahs-all-india-nrc-has-already-begun-with-the-npr.

89 Provisions in the Indian constitution had granted special privileges to the erstwhile state, according to its legislature, inter alia, autonomy over internal administration, and the authority to define and affix protections for permanent residents of the state. India's unilateral abrogation of these constitutional provisions effectively brought the region under the jurisdiction of central laws and institutions that apply to other Indian states and territories. This move has been described by Kashmiri scholars as evidence of India's 'settler colonial agenda' in the region. See 'From Domicile to Dominion: India's Settler Colonial Agenda in Kashmir', *Harvard Law Review* 134, no. 7 (May 2021), https://harvardlawreview.org/wp-content/uploads/2021/05/134-Harv.-L.-Rev.-2530-1.pdf.

90 'From Domicile to Dominion: India's Settler Colonial Agenda in Kashmir'.

91 Shoaib Daniyal, 'By Redrawing Assam, Kashmir Constituencies, Genie of Gerrymandering Has Been Let Loose in India', Scroll.in, July 24, 2023, https://scroll.in/article/1053126/by-redrawing-assam-kashmir-constituencies-genie-of-

and Dalits from electoral rolls in crucial constituencies has been reported ahead of provincial-and national-level elections, most recently in Karnataka in February 2023.[92]

- **Targeting minority faith symbols:** There have also been several arbitrary state or state-backed measures that effectively penalise public displays of faith by minorities. For instance, several BJP-governed provinces, most notably Assam and Uttar Pradesh, have launched massive crackdowns on Muslim madrassas, depriving hundreds of thousands of Muslim children of a crucial avenue for basic education. Christian missionary activity too has been targeted. In Karnataka, the then-BJP-government imposed a ban on the wearing of religious attire at state-funded educational institutes, essentially imposing a ban on the wearing of hijab by Muslim girls and women attending government-funded schools and colleges, leading thousands of Muslim girls to drop out of education entirely.[93] Minority prayer services, both Muslim and Christian, are routinely targeted by both state and non-state actors.[94] In Uttar Pradesh, even Muslims offering prayers within the confines of their homes have faced arrests.[95]

  Minority religious institutions are also routinely singled out for destruction during episodes of mass violence. For

gerrymandering-has-been-let-loose-in-india.

92 'Electoral Rolls: EC's Verification Finds Nearly 20,000 Wrongfully Deleted Names', *The Hindu*, February 25, 2023, https://www.thehindu.com/news/national/karnataka/electoral-rolls-ecs-verification-finds-nearly-20000-wrongfully-deleted-names/article66537119.ece; Soumya Shankar, 'Millions of Voters Are Missing in India', Foreign Policy, April 9, 2019, https://foreignpolicy.com/2019/04/09/millions-of-voters-are-missing-in-india.

93 'Over 1,000 Muslim Girls Dropped out of PU Colleges in Karnataka during Hijab Controversy: PUCL Report', *The Indian Express*, January 9, 2023, https://indianexpress.com/article/cities/bangalore/pucl-releases-report-on-impact-of-hijab-ban-on-muslim-girl-students-in-karnataka-8371485.

94 Gettleman and Raj, 'Arrests, Beatings and Secret Prayers: Inside the Persecution of India's Christians'.

95 'For Group Namaz at Home, Police Case Against 26 in UP Village', *NDTV*, August 29, 2022, https://www.ndtv.com/india-news/police-case-over-group-namaz-at-home-26-booked-in-dulehpur-village-in-ups-moradabad-on-neighbours-complaint-3296975.

instance, hundreds of churches were reported to have been burned down during the 2023 ethnic violence in Manipur.[96] Similar, large-scale selective destruction of mosques was witnessed in Delhi in February 2020, in Tripura in October 2021 and in Haryana in August 2023.[97]

- **Restrictions on religious conversions and inter-faith marriages:** Regulating religious conversions out of Hinduism has historically been a key concern of Hindu nationalists. Twelve Indian states now have statutes prohibiting 'unlawful' conversions, including eight that have been enacted or updated in BJP-governed provinces since 2017, including many in the form of emergency 'ordinances', without adequate legislative consultation.[98] While provisions vary by province, these laws broadly make 'forcible' and 'fraudulent' conversions a cognisable[99] and non-bailable offence with reversed burden of proof, punishable by up to 10 years' imprisonment. While these laws have historically been used to harass, intimidate, and incarcerate Christian faith leaders, all the newly enhanced or enacted laws, apart from Jharkhand (2017), also contain provisions that are aimed specifically at discouraging Hindu women from marrying non-Hindus. Newly enacted/enhanced laws in some states, like UP (2020) and Haryana (2022), are

96 'Archbishop of Imphal Claims 249 Churches Burnt in Manipur: "Religious Attack Carried Out"', *The Indian Express*, June 17, 2023, https://indianexpress.com/article/india/archbishop-imphal-claims-249-churches-burnt-in-manipur-8669677.

97 Siddharth Varadarajan, 'Delhi Police Affidavit Shows Muslims Bore Brunt of Riots, Silent on Who Targeted Them and Why', *The Wire*, July 16, 2020, https://thewire.in/communalism/delhi-police-affidavit-shows-muslims-bore-brunt-of-riots-silent-on-who-targeted-them-and-why; Angana Chakrabarti, 'Tripura Mosque Attacks: Ground Report on What Really Happened during Those 8 Days in October', *ThePrint*, November 18, 2021, https://theprint.in/india/tripura-mosque-attacks-ground-report-on-what-really-happened-during-those-8-days-in-october/767110/; '13 Mosques Vandalized, Religious Texts Burnt during Recent Violence in Haryana, Says Jamiat e Ulama e Hind', *The Kashmiriyat*, August 14, 2023, https://thekashmiriyat.co.uk/13-mosques-vandalized-religious-texts-burnt-during-recent-violence-in-haryana-says-jamiat-e-ulama-e-hind.

98 Parashar and Gupta, 'Regulating Religious Choices'.

99 An offence in which the police is empowered to make warrant-less arrests and initiate investigations without court permission.

framed explicitly as being in opposition to the 'love jihad' conspiracy theory.[100] These laws, which in effect criminalise inter-faith relationships, have enabled the harassment of Muslim men and their Hindu partners, many of whom are reportedly forcibly married off to Hindu men, by the police and Hindu extremists working in tandem.[101]

This state-led effort to penalise conversions out of Hinduism has been accompanied by a nationwide, RSS-led campaign to 'reconvert' Muslims and Christians, many if not most of whom are also Dalits or Adibasis, to Hinduism. This *ghar wapsi* (homecoming) campaign has been marked by allegations of violence, coercion and various forms of inducement.[102] There have been no known instances of state action being initiated to check such coerced conversions to Hinduism, including those organised through mass *ghar wapsi* ceremonies, which continue to be reported frequently.[103] In fact, some senior state officials have celebrated such ceremonies. For instance, Uttar Pradesh Chief Minister Adityanath has acknowledged that, in the past, he had personally overseen the *ghar wapsi* of hundreds of thousands of Muslims and Christians.[104]

- **Policies imposing dietary restrictions on minorities, also impacting their livelihoods:** While beef is considered appropriate for consumption by many minority groups,

100 Vrinda Narain, 'What's Love Got to Do with It? Anti-Love Jihad Laws and the Othering of Muslims in India', *UCLA Journal of Gender and Law* 30, no. 1 (2023), https://doi.org/10.5070/L330161549.

101 Betwa Sharma and Ahmer Khan, 'Hindu Vigilantes Work with Police to Enforce "Love Jihad" Law in North India', *The Intercept*, July 3, 2021, https://theintercept.com/2021/07/03/love-jihad-law-india.

102 Yashasvini Rajeshwar and Roy C. Amore, 'Coming Home (Ghar Wapsi) and Going Away: Politics and the Mass Conversion Controversy in India', *Religions* 10, no. 5 (n.d.): 313.

103 'Ghar Wapsi in Bulandshahr: Over 100 Return to Hinduism in UP', *OpIndia*, December 26, 2022, https://www.opindia.com/2022/12/ghar-wapsi-in-bulandshahr-over-100-revert-to-hinduism-in-up-khurja.

104 As cited in Justice Aditya Nath Mittal, 'Eighth Report of VII State Law Commission on Freedom of Religion (along with Draft Bill of) The Uttar Pradesh Freedom of Religion Bill, 2019' (Uttar Pradesh Law Commission, November 21, 2019), 22.

including Muslims and 'untouchable' caste Hindus, many Hindus consider the cow to be an article of faith. Empowered by Article 48 of the constitution, and originally championed by Hindu nationalist elements within the secularist Congress Party, 22 Indian states and union territories now have active laws that penalise, in varying degrees, the slaughter, transportation and consumption of cattle. In effect, these laws impose dietary restrictions on non-Hindus, in addition to restrictions on their economic choices. Since 2014, several BJP-governed states have enhanced and expanded these laws, reversing the burden of proof and prescribing stricter punishments. In Uttar Pradesh and Assam, cattle slaughter is now punishable by as many as 10 years' imprisonment. Many of these new laws also empower private groups to oversee their implementation, enabling violent cow 'vigilante' groups to function in a quasi-official manner with impunity. In Uttar Pradesh, the Adityanath government has also pursued a 'clean-up' of 'illegal' slaughterhouses, shutting down hundreds of legitimate Muslim-owned businesses with no right to hearing.[105] Adityanath's government has also routinely invoked the draconian National Security Act (NSA), meant to be invoked only in extraordinary circumstances, to pursue alleged cattle thieves and slaughterers.[106] Temporary bans on the operation of meat shops are now routinely imposed across the country during Hindu and Jain festivals.[107]

The above-enumerated measures, in addition to other patterns of state-led anti-minority violence, have selectively and disproportionately targeted the physical integrity and other civil

105 'UP Bans Liquor, Meat in 10 Square Km Area of Mathura-Vrindavan', *Livemint*, September 10, 2021, https://www.livemint.com/news/india/up-bans-liquor-meat-in-this-much-area-of-mathuravrindavan-11631265601889.html.

106 Kaunain Sheriff M, '94 out of 120 Orders Quashed: Allahabad High Court Calls out Abuse of NSA in Uttar Pradesh', *The Indian Express*, April 7, 2021, https://indianexpress.com/article/express-exclusive/national-security-act-uttar-pradesh-police-detentions-cow-slaughter-ban-7260425.

107 'Meat Ban: India Isn't Vegetarian but Who'll Tell the Right-Wing?', *BBC News*, April 8, 2022, https://www.bbc.com/news/world-asia-india-61020025.

and political rights of minorities. While a detailed exploration of these is beyond the scope of this report, these have included what appears to be a systematic use of the coercive power of the state to punish religious minorities, including via active extra-judicial killing campaigns in UP and Assam that have disproportionately targeted Muslims, with the open endorsement of the state chief ministers; other forms of arbitrary deprivation of life, and widespread use of arbitrary detention and torture; and increasing use of summary evictions and home demolitions as collective punishment.[108]

Discriminatory state actions that have the potential to exacerbate the gap between Hindus and minority groups in the socio-economic sphere include, inter alia, the imposition of drastic reductions in provincial-level and national-level fund allocations for minority-focused welfare schemes, particularly in the areas of employment and education.[109] Additionally, the BJP government has continued to steadfastly oppose the extension of affirmative action benefits to Muslims and Christians who belong to Scheduled Castes, otherwise entitled to reservations in public education and employment and a legal provision that penalises discrimination and hate crimes against them.[110]

**Persistent Anti-Minority Incitement and Violence**

Hindu nationalists' relentless anti-minority rhetoric and policies have translated into persistent violence by private actors affiliated to the ruling BJP across the country. These include occasional, large-scale conflagrations, as well as smaller scale, slow-burn patterns that now recur on an almost daily basis.

India's history of anti-minority mass violence (Table 1) long predates the current BJP government but has typically involved the

108 For a more detailed exploration of these, see our 2022 report South Asia Collective, 'Rhetoric v Reality: India, International Human Rights, and Minorities'.

109 For more for discriminatory state actions impacting the social, economic and cultural rights of religious minorities, see our 2022 report South Asia Collective, 'Rhetoric v Reality: India, International Human Rights, and Minorities'.

110 'Central Government Opposes Plea in Supreme Court Seeking Scheduled Caste Benefits for Dalit Converts to Christianity, Islam', Bar & Bench, November 9, 2022, https://bitly.ws/3gWrh.

participation and direction of violent Hindu nationalist groups led by the RSS and its various constitutive elements. These episodes are often mischaracterised as 'riots' in the public discourse but are in fact massacres, orchestrated with the aim of Hindu mobilisation.[111] Researchers have also confirmed that such episodes lead to a definitive increase in the BJP's vote share.[112] While casualty levels in these episodes have varied, common patterns that have recurred across decades have included the high level of prior planning, the severity, duration and one-sided nature of the violence, the complicity—by omission or commission—of various state authorities and the impunity enjoyed by perpetrators. The most recent episode of mass violence was reported from Manipur, in 2023, where at the time of writing, over 200 people, mostly members of the predominantly Christian Kuki tribes, were killed and thousands displaced in ethnic violence during which the BJP-led state government and security forces are reported to have favoured the predominantly-Hindu Meitei tribes.[113]

Smaller-scale 'riots' have, historically and in recent years, tended to cluster and peak around days marking Hindu festivals and processions, with recurring patterns being the chanting and playing of inflammatory (and often genocidal) slogans and speeches and the vandalism of Muslim places of residence and worship by Hindu extremists in Muslim-concentration localities. Typically, state authorities, particularly in BJP-governed provinces, have exclusively and collectively punished Muslims after such violence. These 'riots' also usually tend to concentrate around regions where the BJP stands to gain electoral benefits from religious polarisation. The most recent such example was in Nuh in July 2023 when Hindu nationalist cadres went on a violent rampage against Muslims, after a provocative rally called by Hindu extremists came under attack.

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111 Paul R. Brass, *The Production of Hindu-Muslim Violence in Contemporary India* (Jackson School Publications in International Studies series) (Seatle: University of Washington Press, 2005).

112 Sriya Iyer and Anand Shrivastava, 'Religious Riots and Electoral Politics in India', *Journal of Development Economics* 113, no. C (2018): 104–22.

113 'India: UN Experts Alarmed by Continuing Abuses in Manipur', OHCHR, October 26, 2023, https://www.ohchr.org/en/press-releases/2023/09/india-un-experts-alarmed-continuing-abuses-manipur.

**Table 1: Select list of episodes of targeted mass violence against minorities since 1980s**

| Instance | Details |
|---|---|
| North-East District (Delhi), 2020* | 40 Muslims killed (out of 52 total). No action against BJP ministers, politicians and police officials accused of inciting, organising and participating in violence. |
| Muzaffarnagar (Uttar Pradesh), 2013† | At least 42 Muslims killed (out of a total of 62) in two districts. One BJP Member of the Legislative Assembly (MLA) convicted. BJP government has withdrawn cases against over 400 individuals, including at least 12 senior BJP leaders. |
| Kandhamal (Odisha), 2008‡ | At least 39 Christians killed. One of the main accused elected a year later as BJP MLA, and subsequently convicted along with 18 others. |
| Gujarat, 2002§ | Over 790 Muslims (out of 1,044 total) murdered across Gujarat, including in several localised massacres. Some convictions, but many (including top BJP leaders) released after BJP assumed power nationally. |
| Bombay (Maharashtra), 1992–93‖ | At least 575 Muslims (out of around a total of 900) killed in a series of riots led by former BJP ally Shiv Sena. Only three convictions, including a Sena Member of Parliament (MP), for inciting violence. |

*Amnesty International India, 'Investigative Briefing', August 28, 2020, https://www.amnestyusa.org/wp-content/uploads/2020/08/Investigative-Briefing.pdf.
†'UP Withdrew 77 Muzaffarnagar Riots Cases without Giving Reason, SC Told', *The Indian Express*, August 25, 2021, https://indianexpress.com/article/india/up-withdrew-77-muzaffarnagar-riots-cases-without-giving-reason-sc-told-7469295; 'UP CM Says 2013 Riots Convict BJP Leader "Lost House Seat Protecting Muzaffarnagar's Dignity"', *The Wire*, April 7, 2023, https://thewire.in/politics/adityanath-muzaffarnagar-riots-vikram-saini.
‡'2008 Kandhamal Riots: BJP MLA Sentenced to 7 Years in Jail', *NDTV*, June 29, 2010, https://www.ndtv.com/india-news/2008-kandhamal-riots-bjp-mla-sentenced-to-7-years-in-jail-422231.
§Human Rights Watch, '"We Have No Orders to Save You" State Participation and Complicity in Communal Violence in Gujarat'; 'Naroda Gam Massacre: India Court Acquits All Accused in 2002 Gujarat Riots Case', *BBC News*, April 21, 2023, https://www.bbc.com/news/world-asia-india-65334381.
‖Jyoti Punwani, '25 Years on, Children of the Bombay Riots Have Forgiven the Culprits – but They Haven't Forgotten', Scroll.in, December 6, 2017, https://scroll.in/article/860413/25-years-on-children-of-the-bombay-riots-have-forgiven-the-culprits-but-they-havent-forgotten.

| | |
|---|---|
| Bhagalpur (Bihar), 1989¶ | At least 900 Muslims killed (out of a total of around 1,000) in months-long violence marked by several localised massacres. Alleged mastermind acquitted. One police officer who led a mob that massacred 116 Muslims convicted. |
| Delhi, 1984** | Over 3,350 Sikhs killed across India, including over 2,800 in Delhi. Police accused of active participation. First high-profile convictions in 2018 (including senior leader of opposition Congress Party). |
| Nellie (Assam), 1983 †† | Over 2,000 mostly-Muslim Bengali-speakers killed on a single day. All cases dropped. |

¶Ipsita Chakravarty, 'The Forgotten Riot: How Bhagalpur 1989 Left a Memory Trace in Bihar Politics', Scroll.in, August 12, 2015, http://scroll.in/article/747650/the-forgotten-riot-how-bhagalpur-1989-left-a-memory-trace-in-bihar-politics.
** Amnesty International, 'India: Break the Cycle of Impunity and Torture in Punjab', January 2003, https://www.amnesty.org/en/wp-content/uploads/2021/06/asa200022003en.pdf; Amnesty International India, 'Churasi Ki Nainsaafi: The Continuing Injustice for the 1984 Sikh Massacre', 2017, https://www.amnesty.ca/sites/amnesty/files/Photo%20Digest_1984%20Sikh%20massacre_Final.pdf.
†† Angshuman Choudhury, 'Nellie Massacre: 40 Years Later, a Cautionary Tale for Today's India', February 23, 2023, *The Wire*, https://thewire.in/communalism/nellie-massacre-40-years-later-a-cautionary-tale-for-todays-india.

Later, state authorities summarily demolished over 1000 Muslim homes and businesses in retaliation, leaving the region looking like a 'war zone'.[122] The overwhelming majority of those arrested were also Muslims, including children.[123]

Other new patterns of anti-minority violence that have become particularly pronounced since 2014 have included a spike in religious hate crimes and mob violence, including lynching of individuals. The primary targets have been Muslims, Dalits and Christians, with the main perpetrators, again, being members of militant Hindu 'vigilante' groups, carrying out violence in the apparent pursuit of Hindu nationalist causes such as the protection

122 Alishan Jafri, 'Muslim Homes, Shops Bulldozed; over 150 Arrested in Nuh in India's Haryana', *Al Jazeera*, August 7, 2023, https://www.aljazeera.com/news/2023/8/7/vengeance-muslim-homes-shops-bulldozed-150-arrested-in-indias-haryana.

123 'Muslims Account for 90% of Arrested Individuals: Haryana Police', *Muslim Mirror*, August 10, 2023, https://muslimmirror.com/eng/muslims-account-for-90-of-arrested-individuals-haryana-police.

of cows.[124] Several attempts to systematically track and document this phenomenon have been scuttled, reportedly at the behest of the Indian government, which also refuses to divulge official data.[125] One civil society-led dataset found that of all religious hate crimes between 2009 and 2018, 90 per cent had occurred after the BJP assumed power at the national level.[126]

Another new trend that has become increasingly more brazen in recent years has been the unchecked proliferation of open and public anti-minority hate speech and incitement. The preponderance of 'top-level' hate speech has reached such an extent that it led to the UN's Special Adviser on the Prevention of Genocide to express concerns, while multiple other international agencies have flagged India as being at risk of potential mass killings and genocide.[127] While India's SC has attempted to rein in this phenomenon, the relative lack of cooperation from the police in BJP-ruled states has led to religious conclaves and other mass gatherings being organised by Hindu extremists on an almost weekly basis across the country.[128] Speeches made by popular Hindu leaders at these events, including those with close ties to the BJP, have included open calls for Hindus to pick up arms and conduct 'cleanliness drives' against Muslims, and to 'destroy and eliminate' Islam.[129] Several leaders have also

124 Amnesty International India, 'Halt the Hate - Key Findings (Archive)'.

125 Anuj Srivas, 'Hindustan Times Editor's Exit Preceded by Meeting Between Modi, Newspaper Owner', *The Wire*, September 25, 2017, https://thewire.in/media/hindustan-times-bobby-ghosh-narendra-modi-shobhana-bhartia.

126 Rachel Chitra, 'How to Cover Hate Crimes and Violence When Government Sources Fail', Journalist Fellowship Paper, Reuters Institute, University of Oxford, June 2021, https://bitly.ws/3gWrK.

127 United Nations Special Adviser on the Prevention of Genocide, 'Note to Media on India', May 18, 2020, https://www.un.org/en/genocideprevention/documents/18052020_SA%20note%20to%20media%20on%20India_final.pdf; 'Rising Mass Atrocity Risks in India', United States Holocaust Memorial Museum, accessed August 30, 2022, https://www.ushmm.org/genocide-prevention/blog/rising-mass-atrocity-risks-in-india.

128 'Hate Speech Monitor', South Asia Justice Campaign, September 20, 2023, https://bitly.ws/3gWsp.

129 Mobashra Tazamal, 'Is a Genocide of Muslims Underway in India?', The Bridge Initiative, Georgetown University, October 2022, https://bridge.georgetown.edu/wp-content/uploads/2022/10/Is-a-genocide-of-Muslims-underway-in-India.pdf.

threatened the mass rape and impregnation of Muslim women.[130] At the time of writing, attempts by these actors to ethnically cleanse Uttarakhand, which has been portrayed as a Hindu holy land, of Muslims were continuing.[131] In Chhattisgarh, in late 2022, thousands of Christian tribals were similarly forcibly displaced from their homes after their churches came under attack following incitement by local BJP leaders.[132]

**Fraying Community Cohesion**

A Pew survey conducted in late 2019 revealed that Indians across religious and social groups express high levels of hostility towards everyday manifestation of religious integration, including practices like inter-faith and inter-caste marriages, and the celebration of each other's religious festivals.[133] They also express preference for a segregated society in terms of habitation—over a third of all Hindus and 16 per cent of all Muslims are unwilling to accept members of the other religion as their neighbours and around a fifth from both groups are unwilling to have Dalit neighbours.[134]

Among Hindus, there is also a significant level of denial of the discrimination faced by religious and caste minorities. While one in four Muslims (including 40 per cent in northern India) and one in five among Scheduled Castes (including 30 per cent in southern India) and Scheduled Tribes (including 37 per cent in the north-east) reported personally facing discrimination, only around a fifth among 'upper' caste Hindus are willing to accept that discrimination is a widespread phenomenon in the country.[135]

Other surveys confirm that today, popular support for majoritarian Hindu nationalism as espoused by the RSS and practiced by the BJP is perhaps unparalleled. Various surveys have

130 Tazamal, 'Is a Genocide of Muslims Underway in India?'.

131 Tusha Mittal and Alishan Jafri, 'Driving Muslims out of "Devbhoomi"', *The Caravan*, August 2023, https://caravanmagazine.in/politics/bjp-rss-create-hindu-holy-land-dev-bhoomi-uttarakhand-muslim-ethnic-cleansing.

132 Gerry Shih, 'Hindu Mobs, Enraged by Conversions, Attack Christians in India', *Washington Post*, February 6, 2023, https://www.washingtonpost.com/world/2023/01/31/india-chhattisgarh-christians-violence-attacks.

133 Pew Research Center, 'Religion in India: Tolerance and Segregation'.

134 Pew Research Center, 'Religion in India: Tolerance and Segregation', 10.

135 Tazamal, 'Is a Genocide of Muslims Underway in India?'.

confirmed enduring and unbridled support for Prime Minister Modi in particular, strong confidence in his government and for key government policies. A nationwide survey in 2021 revealed that 54 per cent of all respondents believed in the debunked 'love jihad' conspiracy theory.[136]

Everyday reportage provides evidence that community cohesion is fast eroding and that the situation might be worse than what surveys indicate. It has now become common for ordinary Hindus, with no ostensible links to the RSS or the BJP, to raise objections about public displays of faith by Muslims and other minorities. In July 2023, a Hindu police officer went on a killing spree in a passenger train, shooting down three visibly-Muslim passengers (and his Hindu superior) before going on a diatribe against Muslims, and praising Modi and Adityanath.[137] In August 2023, a seven-year-old Muslim student in Uttar Pradesh was assaulted by his classmates, one by one, at the behest of their teacher, who was captured on video referencing the child's religious identity while directing the assault.[138] In September 2023, during a parliamentary session, a BJP leader hurled religious abuses at a Muslim member of parliament, including calling him a 'jihadi' terrorist, as his colleagues watched on and laughed.[139] Hate crimes and other forms of everyday harassment of minorities in public spaces have become so normalised that such incidents now receive scant coverage in the national mainstream media.

While there are no reliable large-scale surveys, anecdotal

136 'Mood of the Nation Poll: 54% See a "love Jihad" Conspiracy to Convert Hindu Women to Islam', *India Today*, January 22, 2021, https://www.indiatoday.in/mood-of-the-nation/story/majority-of-indians-see-love-jihad-conspiracy-to-convert-hindu-women-to-islam-mood-of-the-nation-poll-1761707-2021-01-22.

137 'Muslim Passengers among 4 Killed as Police Officer Opens Fire inside Train in Mumbai', *The Independent*, August 1, 2023, https://www.independent.co.uk/asia/india/chetan-kumar-rpf-video-railway-constable-shooting-b2385465.html.

138 'Outrage in India as Teacher Tells Students to Slap Classmate Who Is Muslim', *CNN*, August 28, 2023, https://www.cnn.com/2023/08/28/india/india-muslim-student-slapped-teacher-video-intl-hnk/index.html.

139 'BJP MP Ramesh Bidhuri Uses Communal Slurs in LS, Calls BSP's Muslim MP Danish Ali "Terrorist"', *The New Indian Express*, September 22, 2023, https://www.newindianexpress.com/nation/2023/sep/22/bjp-mp-ramesh-bidhuri-uses-communal-slurs-in-ls-calls-bsps-muslim-mp-danish-ali-terrorist-2617306.html.

evidence suggests that among a large section of minorities, there is now a persistent sense of fear and despair. A news report in the aftermath of the July 2023 train murders revealed increasing apprehension among Muslims about wearing religious identity-markers in public spaces, with women in particular feeling a palpable sense of danger.[140] A prominent Muslim reporter, who closely studied the activities of grassroots Hindu extremists, wrote:

> 'Modi has reduced us—all of us—to our immediate identities. As Muslims, we experience an existential threat that overrides all other aspirations. We once felt entitled to an honest life of dignity in India. That dream is over; there is no getting around this fact. I feel a deep sense of loss knowing that my country can disown me at any time, that my motherland has become bewafa, unfaithful. It is too painful to talk about this because we want to hope for the idea of India to survive. Perhaps we cannot completely comprehend what the death of this hope means'.[141]

## Sustenance of Hindu Majoritarianism

Once considered an ideology that was largely isolated from the national political mainstream, Hindu nationalism is now the driving force behind a government that is seen as the most powerful India has had in decades. In power, Hindu nationalists have sought to extend and maintain their stranglehold over the national consciousness by several inter-linked methods. Some of these include:

### Authoritarian Governance Model

The BJP government's tenure has also been marked by the embrace of an authoritarian governance style, leading democracy watchdogs to classify India as an 'illiberal' democracy and 'one of the worst autocratisers in the last 10 years'.[142]

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140 'How Are India's Muslims Feeling?', *The Wire*, August 23, 2023, https://thewire.in/society/wide-range-of-fears-new-indias-muslims-have.

141 Mohammad Ali, 'Is This the End for Muslims in India?', *The Baffler*, July 5, 2021, https://bitly.ws/3h2xF.

142 Martin Wolf, 'Modi's India Is Moving in an Illiberal Direction', *Financial Times*, July 25, 2023, https://www.ft.com/content/bf591089-6e9d-4cf9-ac80-8c63e3b12f42.

The BJP's electoral majority has allowed it to enjoy a domineering position in the national parliament, where key legislation is now routinely passed with little or no meaningful debate.[143] At the provincial level, where electoral competition is closer, even on occasions where opposition parties have managed to secure victories, the BJP has often toppled elected governments, by engaging in 'horse-trading' with opposition legislators, which has reportedly involved bribes and intimidation.[144] Opposition politicians, particularly those from the Congress Party, have been portrayed not only as corrupt, elites and dynasts but even as terrorists and 'anti-nationals'.[145] Opposition leaders are also routinely harassed and criminalised by investigative agencies.[146] On multiple occasions, close electoral contests in key constituencies have been marked by allegations of electoral tampering, fraud and other forms of voter suppression, diminishing the credibility of India's once-vaunted Election Commission.[147]

Independent media and civil society have also been severely curtailed. Dozens of critical journalists and human rights defenders (HRDs), particularly in Kashmir but also elsewhere, have been harassed, arrested and prosecuted using draconian laws, including

143 Suhas Palshikar, 'Toward Hegemony: The BJP Beyond Electoral Dominance', in *Majoritarian State: How Hindu Nationalism Is Changing India*, eds. Angana P. Chatterji, Thomas Blom Hansen and Christophe Jaffrelot (New York: Oxford University Press, 2019); Neelanjan Sircar, 'Modi's BJP Shores Up Its National Dominance with State Elections Sweep', World Politics Review, April 8, 2022, https://bitly.ws/3gWt4.

144 'For the BJP, Battle for a State Does Not Stop at Elections', *The Times of India*, July 4, 2022, https://bitly.ws/3gWt6.

145 '"Rahul Gandhi Permanent Part of Anti-Nationalist Toolkit": JP Nadda on Congress Leader's UK Remarks', *The Indian Express*, March 17, 2023, https://indianexpress.com/article/india/jp-nadda-attack-rahul-gandhi-london-remarks-8502436.

146 'Since 2014, 4-Fold Jump in ED Cases against Politicians; 95% Are from Opposition', *The Indian Express*, September 21, 2022, https://indianexpress.com/article/express-exclusive/since-2014-4-fold-jump-in-ed-cases-against-politicians-95-per-cent-are-from-opposition-8163060.

147 PTI, 'Violence in Assam's Karimganj after EVM Found in BJP Candidate's Car', *Deccan Herald*, August 25, 2023, https://www.deccanherald.com/india/violence-in-assams-karimganj-after-evm-found-in-bjp-candidates-car-969452.html; Ashish Malhotra, 'Allegations of Mass Voter Exclusion Cast Shadow on India Election', April 30, 2023, https://www.aljazeera.com/news/2019/4/30/allegations-of-mass-voter-exclusion-cast-shadow-on-india-election.

anti-terror provisions.[148] Internet shutdowns and communications blackouts are imposed routinely, including for prolonged periods in conflict-ridden areas like Kashmir and Manipur.[149] Newly enacted changes to the law that regulates foreign funding for non-profits has virtually paralysed the non-governmental organisation (NGO) sector.[150] Elite universities with a reputation for progressive politics and student movements, including those led by minorities, have been demonised as dens of terrorist and 'anti-national' activities and have also seen violence by both state police and by BJP-linked non-state actors, in addition to facing discriminatory funding cuts and the installation of Hindutva ideologues at their helm.[151] National institutions such as the National Investigation Agency (for terrorism cases), Enforcement Directorate (for financial crimes cases) and the Central Bureau of Investigation (for other serious crimes) have been politicised, often seen as doing BJP's bidding in the way they selectively target opposition party leaders, besides dissidents.[152]

As a result, India now ranks a lowly 161 (out of 180) in the World Press Freedom Index, and the state of civic space in the

148 Hannah Ellis-Petersen and Aakash Hassan, 'How a Terrorism Law in India Is Being Used to Silence Modi's Critics', *The Guardian*, December 10, 2021, https://www.theguardian.com/world/2021/dec/10/how-terrorism-law-india-used-to-silence-modis-critics.

149 Vineet Bhalla, 'Why India Leads the World in Internet Shutdowns: Open Violations of SC Guidelines, Silent Judiciary', *Scroll.in*, July 22, 2023, https://scroll.in/article/1052802/why-india-leads-the-world-in-internet-shutdowns-open-violations-of-sc-guidelines-silent-judiciary.

150 'FCRA Licence Crackdown Has Plunged India's Non-Profit Sector into a Crisis', *Scroll.in*, August 21, 2023, https://scroll.in/article/1054261/job-losses-critical-services-hit-fcra-licence-crackdown-plunges-nonprofit-sector-into-crisis.

151 Mukul Kesavan, 'The Attacks on Two Delhi Universities Reveal Modi's Targets: Muslims and Their Allies', *The Guardian*, January 13, 2020, https://www.theguardian.com/commentisfree/2020/jan/13/attacks-delhi-universities-modi-muslims-allies.

152 Nileena MS, 'How the NIA Lost the Opportunity to Become India's Only Professional Investigative Agency', *The Caravan*, June 30, 2022, https://caravanmagazine.in/crime/rise-and-fall-of-nia-hindu-terror-cases-bhima-koregaon; Mayabhushan Nagvenkar, 'Enforcement Directorate: The Rise And Rise Of "ED Sarkar"', *Outlook*, July 27, 2022, https://www.outlookindia.com/national/enforcement-directorate-the-rise-and-rise-of-ed-sarkar--news-212317; Nachiket Deuskar, 'Caged Parrot v2: How Modi Government Has Weaponised the CBI to Target the Opposition', *Scroll.in*, March 1, 2023,https://bitly.ws/3gWtA.

country is now classified as 'repressed' by CIVICUS.[153]

## Impunity and Rewards for Perpetrators of Anti-Minority Hate and Violence

State officials accused of complicity in anti-minority violations are rarely prosecuted. In fact, it is now common for state officials to be rewarded for their role in anti-minority violence. For instance, the UP government has handed out cash rewards and felicitations for police officials who have led the ongoing extrajudicial killing campaign in that state.[154]

There are also several top BJP leaders who have been implicated in anti-minority abuses in the past holding high elected office today (Table 2).

Since BJP governments have come to power at the centre and in provinces, criminal proceedings against many Hindu extremists accused of participating in targeted mass violence have been withdrawn,[162] while those convicted of grave offences, including murder and rape, have been set free on bail,[163] on early release[164] or after their convictions were overturned.[165] Several BJP-ruled states such as Karnataka and Haryana have moved to shield violent 'cow vigilantes' from prosecution.[166] Apart from these, there are also

153 'India Slips in World Press Freedom Index, Ranks 161 out of 180 Countries', *The Hindu*, May 3, 2023, https://www.thehindu.com/news/national/india-slips-in-world-press-freedom-index-ranks-161-out-of-180-countries/article66806608.ece; 'Civicus Monitor - India', Civicus, accessed August 25, 2023, https://bitly.ws/3gWtH.

154 Neha Dixit, 'A Chronicle of the Crime Fiction That Is Adityanath's Encounter Raj', *The Wire*, February 24, 2018, https://thewire.in/rights/chronicle-crime-fiction-adityanaths-encounter-raj.

162 'UP Withdrew 77 Muzaffarnagar Riots Cases without Giving Reason, SC Told'.

163 'Naroda Patiya Riots Convict Babu Bajrangi Gets Bail from Supreme Court', *The Indian Express*, March 7, 2019, https://indianexpress.com/article/india/babu-bajrangi-convicted-in-killing-of-97-muslims-in-naroda-patiyar-riots-granted-bail-5615276.

164 'India's Modi Government Approved Release of Gujarat Rapists', *Al Jazeera*, April 7, 2023, https://www.aljazeera.com/news/2022/10/18/indias-modi-government-approved-release-of-bilkis-banos-rapists.

165 'Gujarat Riots: India Court Overturns Maya Kodnani Conviction', *BBC News*, April 20, 2018, https://www.bbc.com/news/world-asia-india-43834715.

166 Shreya Maskara, 'Cow Protection Legislation and Vigilante Violence in

**Table 2: Select list of senior BJP leaders accused of complicity in anti-minority violence**

| Name & Position | Allegation |
|---|---|
| Narendra Modi (Prime Minister of India)* | Chief Minister of Gujarat in 2002. Alleged to have ordered police to give violent Hindu mobs a free run for three days. Also alleged to have abused a Muslim politician who had dialled him for help; he was later slain. Received clean chit from investigators in 2012 and from the Supreme Court in 2022. |
| Amit Shah (Home Minister of India)† | Home Minister of Gujarat under Modi. Arrested in 2010 for allegedly orchestrating extrajudicial killings. Acquitted in 2014. |
| Yogi Adityanath (Chief Minister of Uttar Pradesh)‡ | Founder of the Hindu Yuva Vahini (youth force) militia. Alleged to have incited widespread anti-Muslim violence in 2007. In 2017, the Adityanath-led UP government announced it would not prosecute Adityanath, the state chief minister. |
| Ch. Biren Singh, (Chief Minister of Manipur)§ | Accused by Kuki bodies as well as human rights and civil society bodies of instigating and enabling a situation that resulted in the large-scale violence against Kukis in Manipur and for the lack of accountability as well as of relief for victims in 2023. |
| Anurag Thakur (Sports Minister, Government of India)‖ | Alleged to have incited violence against Muslims in Delhi in 2020. No case registered. |

*Vibhuti Agarwal, 'Narendra Modi Cleared in Gujarat Riot Case', Wall Street Journal, April 10, 2012, http://online.wsj.com/article/SB10001424052702303815404577335602394930304.html.
†'Amit Shah Acquitted of Triple Murder Charges', Reuters, December 30, 2014, https://bitly.ws/3gWtS.
‡Ajit Sahi, 'EXCLUSIVE: The UP Government's Colossal Cover-Up Attempt to Protect Adityanath', The Wire, July 27, 2017, https://thewire.in/communalism/adityanath-anti-muslim-cover-up.
§Greeshma Kuthar, 'Saviour Complex: Why the Biren Singh Government Gives a Free Hand to the Arambbai Tengol', The Caravan, April 15, 2024, https://caravanmagazine.in/conflict/biren-singh-gives-a-free-hand-to-arambai-tenggol-militia-imphal-manipur.
‖'Minister Anurag Thakur Chants Desh Ke Gaddaron Ko, Poll Rally Crowd Completes Goli Maaro…', The Indian Express, January 28, 2020, https://indianexpress.com/article/india/anurag-thakur-slogan-rithala-rally-6238566.

| | |
|---|---|
| Pragya Singh Thakur (Member of Parliament)¶ | Prime accused in a series of bombings that killed 10 Muslims and injured dozens more in Malegoan, Maharashtra. Currently under trial, but many serious charges dropped. |
| Pratap Sarangi (Member of Parliament)** | Leader of the Bajrang Dal (BD) at the time its members carried out the murder of an Australian Christian missionary and his two children. Not charged in the murder case, but faces several serious criminal charges, including rioting, arson and assault. |

¶'Explained: The Case against BJP Candidate Sadhvi Pragya Thakur', *The Indian Express*, April 18, 2019, https://indianexpress.com/article/explained/sadhvi-pragya-thakur-digvijaya-singh-bjp-bhopal-lok-sabha-elections-malegaon-case-ajmer-dargah-blast-5681180.
** 'Pratap Sarangi: India Social Media Hero Minister's Dubious Past', *BBC News*, May 31, 2019, https://www.bbc.com/news/world-asia-india-48470039.

instances of local Hindu extremists being formally accommodated and promoted, within the BJP fold, confirming political sanction for violence against minorities.[167]
This culture of impunity and rewards sustains and actively incentivises majoritarian violence.

**Free Rein to Violent Radical Groups**

Scholars have noted that Hindu nationalists have historically sought to court and mobilise frustrated Hindu youth, who have been key to the RSS's efforts to create and preserve 'constant, low-key communal tension together with frequent, small, low-intensity incidents out of petty everyday issues that institutionalise communalism at the grassroots, to keep the pot boiling'.[168] Perhaps most prominent among the multitudes of grassroots-level Hindu groups active today is the BD, which was spawned by the RSS in

India', *ACLED*, March 3, 2021, https://acleddata.com/2021/05/03/cow-protection-legislation-and-vigilante-violence-in-india.

167 Meghnad Bose, 'How Networks of Hindutva Vigilantes Are Aiding BJP's Election Efforts in UP', *The Quint*, February 22, 2022, https://www.thequint.com/uttar-pradesh-elections/how-networks-of-hindutva-vigilantes-are-aiding-bjp-election-efforts-in-up.

168 Sudha Pai and Sajjan Kumar, *Everyday Communalism: Riots in Contemporary Uttar Pradesh* (New Delhi: Oxford University Press, 2018), 3.

1984 to reach out to the 'lower' caste Hindu 'proletariat', which previously did not mix easily with the 'upper' caste ethos of the RSS.[169] The BD today operates, essentially, as the RSS's armed wing.[170] Its shock troops have been at the forefront of virtually every major episode of organised anti-minority mass violence India has witnessed, in addition to leading various grassroots-level 'everyday communalism' campaigns that keep majoritarian attitudes and religious hostilities alive.[171] Recent news reports suggest that the BD and other similar Hindu extremist groups are mobilising recruits at a massive scale, radicalising young men through rallies and gatherings that are replete with anti-minority rhetoric, which often include open calls for violence, all in the 'defence' of Hindus.[172] Weapons distribution and training camps too are now reported with alarming frequency.[173]

**Complicity of Popular Media**

Exemplifying the impact of the corporate-political nexus is the functioning of India's media landscape. Today, the ownership of media houses—both print and television—is largely concentrated in the hands of BJP-friendly individuals and business interests, allowing Hindu majoritarian actors to enjoy near-total domination of the national airwaves.[174] One of the last remaining media houses seen as critical of the government was recently acquired by an industrialist known as being a close confidante of Prime Minister Modi.[175] These pro-BJP media houses, which are by far the most

169 Jaffrelot, *Modi's India*, 82.

170 Jaffrelot, *Modi's India*, 213.

171 Jaffrelot, *Modi's India*, 85.

172 Rhea Mogul and Swati Gupta, 'India's Hindu Extremists Are Calling for Genocide against Muslims: Why Is Little Being Done to Stop Them?'.

173 '"Physical Exercise": VHP Justifies Arms Training Camps Run by Bajrang Dal, Durga Vahini', *Financial Express*, May 30, 2018, https://www.financialexpress.com/india-news/physical-exercise-vhp-justifies-arms-training-camps-run-by-bajrang-dal-durga-vahini/1187126/; 'Karnataka: Outrage as Bajrang Dal Allegedly Conducts Weapons Training at Educational Institute', *The Wire*, May 18, 2022, https://bitly.ws/3gWuf.

174 Reporters Without Borders, 'Media Ownership Monitor: Who Owns the Media in India?'.

175 Benjamin Parkin and Chloe Cornish, 'Asia's Richest Man Gautam Adani Reveals Global Media Ambitions', *Financial Times*, November 25, 2022,

watched and read, rarely, if ever, question government actions, while devoting disproportionate coverage to vilifying the BJP's opponents, including opposition politicians and minorities. Patterns observed in this messaging are entirely in line with talking points adopted by Hindu nationalists as described in earlier sections.[176]

Online social media platforms and instant messaging services, which host hundreds of millions of active Indian users, have also become important channels through which majoritarian, anti-minority content is transmitted constantly.[177] Top BJP leaders have openly boasted of the ability of the party's sophisticated social media machinery to spread any message 'sweet or sour, real or fake' far and wide.[178] Muslim women, in particular, have faced an unchecked 'tsunami of online sexual violence'.[179]

In recent years, popular cinema and music have also emerged as crucial avenues through which majoritarian propaganda is transmitted and anti-minority bigotry is consolidated.[180] In 2022, The Kashmir Files, a film purporting to depict the mass exodus of Kashmir's Hindus —produced by a studio owned by a BJP-supported politician—was heavily promoted by government ministers, including the Prime Minister, and led to multiple instances of

https://www.ft.com/content/d6c5ffa0-0b9b-436f-8c8b-ef4170bedfe3.

176 For more on the workings of the hate speech machinery in India, see our 2021 report South Asia Collective, 'India's Other Pandemic: Anti-Minority Disinformation, Hate, and Incitement to Violence and Discrimination', in *Hate Speech Against Minorities*, (Kathmandu: SAC, 2021), https://bitly.ws/3gWup.

177 'India's Other Pandemic: Anti-Minority Disinformation, Hate, and Incitement to Violence and Discrimination'.

178 'Amit Shah's Poll Plans: Spread Fire, Make Even Fake Messages Go Viral', *National Herald*, April 26, 2021, https://www.nationalheraldindia.com/india/bjp-president-amit-shah-poll-plans-tells-cyber-warriors-to-spread-fire-make-even-fake-messages-go-viral.

179 Alishan Jafri and Zafar Aafaq, 'Unchecked Tsunami of Online Sexual Violence by Hindu Right Against India's Muslim Women', *Article 14*, May 21, 2021, https://article-14.com/post/unchecked-tsunami-of-online-sexual-violence-by-hindu-right-against-india-s-muslim-women.

180 Usama Masood, 'From "Mission Majnu" to "Pathaan," How Bollywood Packages Islamophobia', *Collider*, February 3, 2023, https://collider.com/bollywood-islamophobia-movies/; 'The Rise and Rise of Anti-Muslim Hate Music in India', *BBC News*, August 7, 2022, https://www.bbc.com/news/world-asia-india-62432309.

incitement and violence against Muslims.[181] The film, which was described by international critics as 'vulgar propaganda' against Muslims, was later given the government's National Award for Best Film on National Integration.[182]

**Complicity of Corporate Elites**

Hindu nationalists have historically enjoyed strong ties with India's business and trading class, including big industrial houses, but also small- and medium-sized businesses, which are dominated by Hindus, and marked by entrenched caste-based networks.[183] The continued patronage of business elites has played a key role in the sustenance and predominance of majoritarian politics. These actors have directly contributed to the political rehabilitation of BJP leaders implicated in serious violations against minorities, and in branding regions marked by such violations—such as Gujarat after 2002 under then-Chief Minister Modi, and more recently, Uttar Pradesh under Chief Minister Adityanath—as business-friendly destinations for investors.[184] The tenure of the current government has been marked by allegations of cronyism and corruption involving these same actors. This nexus between corporate actors and Hindu nationalists is widely seen as deepening further with the recent introduction of the opaque 'electoral bonds' scheme, which has allowed the BJP to corner the bulk of corporate funding in politics.[185]

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181 'Kashmir Files, Hailed by Modi, Triggers Anti-Muslim Hate Speech', *Al Jazeera*, March 17, 2022, https://www.aljazeera.com/news/2022/3/17/kashmir-files-film-modi-anti-muslim-hate-speech.

182 '"Mockery of Film Awards": National Award for "The Kashmir Files" Sparks Row', *India Today*, August 25, 2023, https://www.indiatoday.in/india/story/mockery-film-awards-here-why-the-kashmir-files-getting-hatred-after-big-win-2426511-2023-08-25.

183 Kaivan Munshi, 'Caste and the Indian Economy', *Journal of Economic Literature* 57, no. 4 (December 2019): 781–834, https://doi.org/10.1257/jel.20171307.

184 Stephanie Findlay and Hudson Lockett, '"Modi's Rockefeller": Gautam Adani and the Concentration of Power in India', *Financial Times*, November 13, 2020, https://www.ft.com/content/474706d6-1243-4f1e-b365-891d4c5d528b; 'UP Global Investors' Summit 2023: Ambani, Birla, Others Announce Huge Investment in UP', *Hindustan Times*, February 10, 2023, https://bitly.ws/3gYtA.

185 'BJP Bags Bulk of Electoral Bond Donations Again, Followed by

**Complicity of the Judiciary**

Under the BJP government, India's higher judiciary, which enjoys significant powers, appears to have come under stress, with potential government influence over courts raising questions about institutional independence as well as the independence and impartiality of individual judges. In effect, observers have noted this 'omission' on the part of the judiciary having allowed majoritarianism to flourish.

While India's higher judiciary has been recognised for passing progressive orders, particularly relating to gender and sexual rights, legal scholars are noting how this pressive bent is not transferred when it comes to protecting the non-sectarian constitution. They point to several judgements that have 'reinforced an anti-minority ideological orientation'.[186] Some illustrative examples—such as the SC's close overseeing of the NRC process in Assam and the verdict that handed over the disputed site of the Babri Masjid to Hindu parties—have been openly majoritarian (Table 3). The general template, however, appears to be to deny requests for interim relief, while significantly delaying hearings on matters with majoritarian, anti-minority implications. At the time of writing, matters on which the SC was yet to hold substantive hearings on included, inter alia, the CAA, the recently enacted/enhanced anti-conversion and cow-protection statutes across BJP-ruled states. Other cases of allegations of corruption by BJP members, such as that on procurement of French fighter jets for the Indian Air Force, too, have suffered similar fate.

The omissions on part of the judiciary stem, it is noted, from undue political influence that the executive exercises.[187] It is alleged that

TMC, Cong in 2021-22', *Hindustan Times*, January 19, 2023, https://www.hindustantimes.com/india-news/bjp-bags-bulk-of-electoral-bond-donations-again-followed-by-tmc-cong-in-202122-101674112890060.html.

186 Nandini Sundar, 'The Supreme Court in Modi's India', *Journal of Right-Wing Studies* 1, no. 1 (2023), https://doi.org/10.5070/RW3.1499.

187 The appointment and transfer of judges to the Supreme Court (SC) is done via a 'collegium' system, whereby senior judges themselves have primacy in the process, shielding against potential executive interference. While the SC has resisted efforts to overhaul the collegium, weaknesses within this system—such as its opaqueness, the lack of set procedures, and the vesting of near-unfettered powers with the SC Chief Justice including in assigning, prioritising, and

judges seen as being close to the BJP have had their appointments to the SC and to provincial High Courts fast-tracked.[188] Judges who have issued orders favourable to the government have also received cushy post-retirement government positions.[189] This has also incentivised, observers note, a rise in 'theocratic' judges who increasingly quote from Hindu scriptures in their judgements.[190]

At the same time, judges who have made pronouncements seen as antithetical to the government's majoritarian designs have been summarily transferred and denied promotion.[191] A High Court judge who had issued emergency directions to police forces to ensure protection to victims of the violence in 2020 was transferred to another state and, later, denied elevation to the SC.[192] Another judge who had previously ordered the remand of current Home Minister Amit Shah in a case related to extra-judicial killings was also similarly denied promotion to the SC.[193] Retired judges critical of the government have been branded 'anti-India' and openly threatened with adverse consequences.[194]

India's human rights bodies, which enjoy equally significant

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listing cases—have made it prone to miscarriage and possible interference. See Christophe Jaffrelot, *Modi's India*, 278–89.

188 Sundar, 'The Supreme Court in Modi's India', 118.

189 'In Unprecedented Move, Modi Government Sends Former CJI Ranjan Gogoi to Rajya Sabha', *The Wire*, March 16, 2020, https://thewire.in/law/cji-ranjan-gogoi-rajya-sabha-nomination; 'Retired SC Judge S. Abdul Nazeer Made Andhra Pradesh Governor, Had Delivered Ayodhya Temple Judgment', *The Wire*, February 12, 2023, https://thewire.in/government/retired-sc-judge-s-abdul-nazeer-appointed-as-governor-of-andhra-pradesh.

190 Padmakshi Sharma, 'Theocratic Judges Who Give Primacy To Religion Over Constitution Have Sharply Increased: Dr Mohan Gopal', *LiveLaw*, February 18, 2023, https://www.livelaw.in/top-stories/theocratic-judges-who-find-source-of-law-in-religion-than-constitution-have-sharply-increased-dr-mohan-gopal-221925.

191 Sundar, 'The Supreme Court in Modi's India', 118.

192 Fali Nariman, Madan Lokur and Sriram Panchu, 'A Question for the Collegium: Why Was Justice S Muralidhar Not Brought to the Supreme Court?', *The Indian Express*, August 16, 2023, https://bitly.ws/3gYtU.

193 Apurva Vishwanath and Sohini Ghosh, 'Akil Kureshi: A Justice, Denied', *The Indian Express*, August 29, 2021, https://indianexpress.com/article/india/a-justice-denied-7475880.

194 'Kiren Rijiju Draws Flak for Remark on Judges: "Law Minister Talking like an Outlaw"', *The Indian Express*, March 20, 2023, https://indianexpress.com/article/political-pulse/kiren-rijiju-draws-flak-over-remark-on-judges-law-minister-talking-like-an-outlaw-8506280.

powers, also appear to have been subverted. The National Human Rights Commission (NHRC), which has been criticised by international democracy watchdogs for, inter alia, lack of transparency in selection of members, is now headed by a former SC judge who had publicly praised Prime Minister Modi as a 'versatile genius'.[195] In recent years, the NHRC has been accused of giving a stamp of approval to several egregious human rights violations, through delays, flawed investigations, and biased findings.[196] Other national statutory bodies with mandates over the protection of minority rights, women's rights, and child rights are also headed by public supporters of the BJP and/or Prime Minister Modi. Some, in fact, have actively targeted minorities and government critics, while remaining silent on ongoing and escalating anti-minority violations. The National Commission for Protection of Child Rights (NCPCR), has perhaps been the most brazen, routinely targeting Muslims and Christians based on unfounded allegations of forced conversion 'rackets', among other things.[197]

**Weaponisation of Resistance Among Minorities**

Historically, the adoption of authoritarian, assimilationist methods by the Indian government—and the perceived predomination of Hindu majoritarianism—among other factors, has contributed to the emergence of resistance movements among minorities, particularly in peripheral geographies where minority faith groups have been in the majority.

For instance, in Kashmir, anti-democratic, authoritarian policies

195 'Justice Arun Mishra Is New NHRC Chief: First Non-CJI to Hold Post; Ex-SC Judge Had Called Modi "Versatile Genius"', *Firstpost*, June 2, 2021, sec. India, https://www.firstpost.com/india/justice-arun-mishra-is-new-nhrc-chief-first-non-cji-to-hold-post-ex-sc-judge-had-called-modi-versatile-genius-9679191.html.

196 All India Network of NGOs and Individuals working with National and State Human Rights Institutions (AiNNI) and Asian NGO Network on National Human Rights Institutions (ANNI), 'Joint Submission to the Global Alliance of National Human Rights Institutions (GANHRI) Sub Committee on Accreditation (SCA) along with Endorsees', October 1, 2022, https://ainni.in/wp-content/uploads/2022/10/AiNNI-ANNI-Joint-Submission-to-SCA-2022.pdf.

197 Aarefa Johri and Aishwarya Iyer, 'How Hindutva Hijacked India's Child Rights Body', *Scroll.in*, August 26, 2022, https://scroll.in/article/1016421/how-hindutva-hijacked-indias-child-rights-body.

followed by successive Indian governments have historically stoked deep-rooted separatist sentiments among the Muslim populace. In the 1980s, the Kashmiri resistance movement took an ultra-religious turn, with the rise of several hardline Islamist insurgent groups, including many funded by Pakistan, eroding the local tradition of pluralism and religious tolerance.[198] The insurgency in Kashmir led by these groups was (and on a smaller scale, continues to be) marked by atrocities against the region's minority Hindus.[199] Similarly, the height of the armed resistance calling for a separate Sikh homeland in Punjab in the 1980s and 1990s was also marked by atrocities against minority Hindus.[200] And in India's north-eastern region, inhabited by a rich tapestry of tribes and ethnicities, Indian security forces have faced multiple armed insurgencies, including some led by groups who have sought to establish a Christian theocratic state in the region.[201]

While each of these minority-led armed resistance movements has receded significantly in intensity, they continue to have ramifications on how religious minorities across the country are portrayed and treated by Hindu nationalists and on how state brutality against them is justified.[202] For example, the mass exodus of Hindus (Pandits) from Kashmir continues to be weaponised to whip up hatred and violence against Kashmiri Muslims, and against Muslims in general, as was evident during the BJP's open promotion of the film The Kashmir Files. Kashmir's history of armed insurgency is also used to justify the Indian government's continuing repressive measures, which have effectively erased civic space in

198 Rattan Lal Hangloo, 'Kashmiriyat: The Voice of the Past Misconstrued', in *The Parchment of Kashmir: History, Society, and Polity*, ed. Nyla Ali Khan (New York: Palgrave Macmillan US, 2012), 37–68, https://doi.org/10.1057/9781137029584_3.

199 'As Kashmir's Hindus Face Targeted Killings, Hundreds Flee Valley', *Al Jazeera*, June 2, 2022, https://www.aljazeera.com/news/2022/6/2/as-kashmir-hindus-face-targeted-killings-hundreds-flee-valley.

200 'Dead Silence: The Legacy of Human Rights Abuses in Punjab', Human Rights Watch, May 1994, https://bitly.ws/3gYu9.

201 Fernandes Sujatha, 'Ethnicity, Civil Society, and the Church: The Politics of Evangelical Christianity in Northeast India', in *Evangelical Christianity and Democracy in Asia*, ed. David Halloran Lumsdaine (New York: Oxford University Press, 2009), https://doi.org/10.1093/acprof:oso/9780195308242.003.0004.

202 Geneva Academy, 'Non-International Armed Conflict in India'.

the region.[203] Similarly, Punjab's history of armed insurgency, the threat of which is now all but non-existent, continues to be used to justify repressive measures in that state, including the arbitrary invocation of terrorism laws, with contemporary Sikh critics of the BJP routinely being branded as terrorists.[204] And many north-eastern tribes have been portrayed by senior BJP leaders as being part of a conspiracy to 'Christianise' India.[205]

The BJP has also sought to inject religion into conflicts that were originally bereft of religious tint. For instance, Assam's history of xenophobia and violence against Bengali-speaking linguistic minorities has been leveraged by the BJP to exclusively target the state's Bengali-speaking Muslim residents.[206] Similarly, long-standing tensions between ethnic Meiteis and Kukis (and other tribes) in Manipur have now been given a religious flavour, with the BJP-led government openly favouring the predominantly Hindu Meitei community.[207]

### Entrenchment of RSS Actors in the State Apparatus and in Intellectual Spaces

Helming and enabling the majoritarian project is the installation of RSS ideologues and fellow travellers in key institutions of the state, academia and media, among others.

Today, India's Prime Minister and Home Minister, over two-

203 For more on closed civic space in Kashmir, see our 2020 report: 'Closing Civic Space in India: Targeting Minorities Amid Democratic Backsliding', in *Minorities and Shrinking Civic Space*, (Kathmandu: SAC, 2020), https://thesouthasiacollective.org/wp-content/uploads/2022/01/SASM2020.pdf.

204 Suhasini Raj, Mujib Mashal and Hari Kumar, 'Sikh Separatism Is a Nonissue in India, Except as a Political Boogeyman', *The New York Times*, September 28, 2023, https://www.nytimes.com/2023/09/28/world/asia/india-punjab-separatism.html.

205 'Mother Teresa Part of a Conspiracy for "Christianisation" of India: Yogi Adityanath', *The Economic Times*, June 20, 2016, https://economictimes.indiatimes.com/news/politics-and-nation/mother-teresa-part-of-a-conspiracy-for-christianisation-of-india-yogi-adityanath/articleshow/52832192.cms.

206 Nabaarun Barooah, 'In Assam, Hindutva Has Helped BJP Build an Impossible Consensus', *The Wire*, April 3, 2023, https://thewire.in/politics/in-assam-hindutva-has-helped-bjp-build-an-impossible-consensus.

207 Angana P. Chatterji, 'Siege on Manipur: Hindu Nationalists' War for Ethnic Supremacy', *The Wire*, August 17, 2023, https://thewire.in/communalism/siege-on-manipur-hindu-nationalists-war-for-ethnic-supremacy.

**Table 3: Select list of recent Supreme Court judgements favourable to the BJP and the executive**

| Matter | Details |
|---|---|
| NRC process in Assam | The SC, led then by Chief Justice Ranjan Gogoi, originally from Assam, closely oversaw the entirety of the administrative process, which culminated in 2019, that put 1.9 million persons, almost all non-Assamese speaking, at risk of statelessness. |
| Dispute over the site of the Babri Masjid in Ayodhya, Uttar Pradesh | In 2019, the SC bench, again led by Ranjan Gogoi, on which the current Chief Justice too sat, ruled that the disputed site be handed over to Hindu parties, despite also finding that the demolition of the erstwhile mosque by Hindu extremists was an illegal act. |
| Bail provisions under the anti-terror Unlawful Activities (Prevention) Act (UAPA) | In 2020, the SC ruled that trial courts hearing UAPA cases could not go into the veracity of documents produced by the State while hearing bail appeals, effectively rendering bail impossible for the accused. The UAPA continues to be abused to target and incarcerate minorities, journalists and HRDs. |
| Status of Rohingya Muslim refugees | In 2021, the SC allowed the deportation of Rohingya Muslim refugees back to Myanmar, violating the international principle of non-refoulement. |
| Complicity of Narendra Modi in anti-Muslim violence in Gujarat in 2002 | In 2022, the SC exonerated Modi for his alleged role in the violence. The SC's adverse comments on two HRDs who had pursued the case paved the way for their arrest. |
| Ban on the wearing of *hijab* in government-funded educational institutions in Karnataka | In 2022, the SC delivered a split verdict, effectively refusing to overturn a lower court judgement that had validated the ban. Besides contravention of India's treaty obligation on freedom of religion or belief, the ban also impacted the Muslim girls' and women's right to education. |

Source: Nandini Sundar, 'The Supreme Court in Modi's India', *Journal of Right-Wing Studies* 1, no. 1 (2023).

thirds of its federal ministers, and around a fourth of its elected parliamentarians all have their roots in the RSS.[208] The RSS is also known to wield considerable influence in the appointment of senior-and mid-level bureaucrats, particularly in key federal ministries, and its training centres have been quietly grooming aspiring bureaucrats and police officials for decades, with hundreds of successful entries every year.[209] Hindu nationalists are also reported to have embedded themselves in India's intelligence and other security services[210] as well as judicial bodies.

The RSS has also made a concerted effort to install its ideologues in key intellectual spaces, ensuring the flow of majoritarian ideals to future generations. Shortly after the BJP government assumed power in 2014, the RSS appointed a committee to 'Indianise' the education system, and an RSS man was appointed the chief of the Indian Council of Historical Research (ICHR).[211] Since then, RSS ideologues have also been installed at the top of key state and central universities across the country, including those with a reputation for progressive, secularist student politics.[212]

This entrenchment of RSS ideologues in India's institutional structures on a hitherto unprecedented scale has given Hindu nationalists the ability to negotiate the majoritarian drive where it matters.

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208 Neelam Pandey and Shanker Arnimesh, 'RSS in Modi Govt in Numbers—3 of 4 Ministers Are Rooted in the Sangh', *ThePrint*, January 27, 2020, https://theprint.in/politics/rss-in-modi-govt-in-numbers-3-of-4-ministers-are-rooted-in-the-sangh/353942.

209 Dhirendra K. Jha, 'Bureaucrats Rush to RSS Office to Prove Their Loyalty to Modi', *Scroll.in*, June 26, 2014, http://scroll.in/article/668169/bureaucrats-rush-to-rss-office-to-prove-their-loyalty-to-modi; Sanya Dhingra, 'RSS-Backed IAS Institute Has Been Quietly Grooming "Nationalist" Civil Servants since 1986', *ThePrint*, September 16, 2020, https://theprint.in/india/education/rss-backed-ias-institute-has-been-quietly-grooming-nationalist-civil-servants-since-1986/503660.

210 Adrian Levy and Cathy Scott-Clark, 'Back to the Future', in *Spy Stories: Inside the Secret World of the R.A.W. and the I.S.I.* (New Delhi: Juggernaut, 2020).

211 Jaffrelot, *Modi's India*, 169.

212 Hartosh Singh Bal, 'The Takeover: How the RSS Is Infiltrating India's Intellectual Spaces', *The Caravan*, April 1, 2019, https://caravanmagazine.in/reportage/how-rss-infiltrating-india-intellectual-spaces.

## Countering Majoritarianism

Reasonably successful counter-radicalisation initiatives elsewhere—such as in post-Holocaust Germany—suggest that the state is best placed to take the lead in any major counter-majoritarian push. In India, Hindu nationalists are now firmly in power, led by a semi-religious figure who enjoys unparalleled public support as well as the institutional backing of an organisation that has been ruthless in its pursuit of majoritarian 'awakening' at the grassroots. Any potential counter-majoritarian resistance in India is, therefore, fraught with challenges.

While there are few signs of a broad-based and deep-rooted counter-majoritarian challenge in India, the Bharat Jodo Yatra (Unite India March), organised by the opposition Congress party in late-2022, highlighted communalism and social disharmony as being among the key challenges facing the country and witnessed the participation of a wide cross-section of political parties, civil society organisation and activists and the general public.[213] The Yatra was followed by the formation of an electoral coalition of political parties opposed to the BJP, the INDIA alliance, which is poised to contest the 2024 national elections in coordination with each other.[214] However, such alliances in the past have been restricted to the electoral sphere and, in the face of Hindu nationalists' grassroots heft, failed to mass-mobilise counter-majoritarian sentiments among the Hindu public. Moreover, non-BJP parties that have enjoyed electoral success in the provinces have not displayed any signs of significant policy-level coordination once in power, particularly geared towards addressing the roots of majoritarianism, or even to actively promote diversity and secularism.

In light of this, so called secular parties in power at the state level must prioritise the curtailment and prevention of burgeoning

213 Hannah Ellis-Petersen, 'Rahul Gandhi's Yatra: How a 2,200-Mile March Revitalised India's Ailing Opposition', *The Guardian*, January 27, 2023, https://www.theguardian.com/world/2023/jan/27/rahul-gandhis-yatra-how-a-2200-mile-march-revitalised-indias-ailing-opposition.

214 Y.P. Rajesh, 'Indian Opposition Parties Form 'INDIA' Alliance', *Reuters*, July 18, 2023, https://www.reuters.com/world/india/indian-opposition-parties-form-alliance-called-india-2024-elections-2023-07-18.

anti-minority violence and incendiary rhetoric within their jurisdictions, while also focusing on the building of long-term resiliencies against majoritarianism. Some signs that they may be waking up to the challenge include a slew of measures announced by the newly elected INC-led government in Karnataka, which included, inter alia, the repealing of some majoritarian laws, as well as the re-emphasising of constitutional values (of democracy, secularism, equal rights) in education.[215] Similar initiatives are also being pursued by other non-INC-led state governments elsewhere.[216]

Beyond state and political party-led interventions, several civil society-led initiatives too have enjoyed some limited successes in challenging at least the immediate-term impacts of majoritarian politics. Starting in late 2019, the anti-CAA/NRC mass movement led by Muslim women and youth, and supported by a wide spectrum of progressive forces, resulted in organic mobilisation nationally, of a significant section of the public, across religious, class and community backgrounds. In 2018, proposed dilutions to the anti-discrimination law that protects caste and tribal minorities had sparked nation-wide protests. And in late 2020, moves to increase the role of corporate actors in agriculture precipitated mass protests led by farmers in Punjab and other northern states. More recently, as a counter to the campaign of hate and violence against Muslims in Nuh and surrounding districts of Haryana, that resulted in deaths, destruction and displacement, farmers and village councils in the region, drawing from different faith groups, have come together to challenge BJP and Hindu nationalist groups' divisive politics and threats of further violence.[217]

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215 'Reading Constitution's Preamble to Be Made Mandatory in Schools, Colleges and Universities', *The Hindu*, June 1, 2023, https://www.thehindu.com/news/national/karnataka/reading-constitutions-preamble-to-be-made-mandatory-in-schools-colleges-and-universities/article66921126.ece.

216 'Reading of Preamble to Constitution to Be Made Part of School Assembly in Kerala: CM Pinarayi Vijayan', *The Economic Times*, January 6, 2020, https://bitly.ws/3gYuu.

217 Alishan Jafri, 'After Nuh Violence, Farmers and Khap Panchayats in Mewat Stand Up Against Hate', *The Wire*, August 29, 2023, https://thewire.in/communalism/after-nuh-violence-farmers-and-khap-panchayats-in-mewat-stand-up-against-hate.

The leaders and participants of each of these counter-majoritarian movements have faced sustained state repression but have also forced the BJP to make crucial concessions. These movements have also been aided by several rights activists and advocacy groups, including legal advocacy groups that continue to engage with courts and other quasi-judicial bodies, attempting to ensure justice for the victims of majoritarian politics and violence. However, the BJP and its allies are increasingly and systematically raising the costs of participating in such resistance.

Scholars of far-right radical movements around the world have highlighted the need to take a 'herd immunity' approach to countering extremism and majoritarianism.[218] Such an approach must particularly be targeted towards vulnerable youth and focus on 'early and ongoing education, combining awareness and knowledge of the dangers of extremist rhetoric with focused efforts to reduce vulnerabilities'.[219] The elements of such a strategy would include, among other things, an honest reckoning with contentious national histories, including the real and perceived grievances of all religious groups; the acknowledgement of the truth of the contemporary situation, particularly the challenges faced by vulnerable minorities, as well as the structural factors that perpetuate their marginalisation and exclusion; sustained engagement with and by civil society groups, and the mass mobilisation of social workers and community organisers, among others; sensitisation and training of law-enforcement officials and educators; the adoption of innovative communication methods to (re-)mainstream pluralistic, counter-majoritarian messages; and the reinforcement of democratic ideals and practices.

According to Pew's 2019 survey, most Indians (more than 95 per cent across all groups) express high levels of pride in their nationality as well as their religious identity.[220] They see religious tolerance—at least when the concept is posed before them in abstract terms—

218 Cynthia Miller-Idriss, 'Inoculating against Hate', in *Hate in the Homeland: The New Global Far Right* (Princeton, New Jersey: Princeton University Press, 2020), 167.

219 Miller-Idriss, 'Inoculating against Hate', 167.

220 Pew Research Center, 'Religion in India: Tolerance and Segregation', 125.

as being a crucial constituent of both their national and religious identities and acknowledge communalism to be a serious problem plaguing the country.[221] However, most also admit to having little knowledge of and exposure to members of other religious groups.[222] Any effective counter-majoritarian and de-radicalisation strategy in India must involve a concerted, comprehensive effort aimed at bridging this gap and building cross-community understanding and empathy, while leveraging the importance that Indians claim to attach to religious tolerance and other constitutional values.

The challenge that remains is who will bell the cat! Progressive civil society in-country, including non-majoritarian political parties, and especially the over 32 million strong Indian diaspora community spread across the globe,[223] must provide the spark, assisted in this effort by the international community, not only to return India to its inclusive past, but also to defend democracy in India, and by extension globally.

## Recommendations

### For the Government of India

- Implement the constitutional guarantee of an inclusive, secular and diverse India.
- Abide by international commitments to diversity, inclusion and respect for human rights of all sections of society without any discrimination.
- Review the constitution and legal framework to ensure strong protection against religious extremism as well as other forms of discrimination.
- Initiate a programme to counter hate speech, including using the law to prosecute those accused of hate speech and violence. This will require acting against extremist organisations complicit in hate speech and hate crimes.

221 Pew Research Center, 'Religion in India: Tolerance and Segregation', 66.
222 Pew Research Center, 'Religion in India: Tolerance and Segregation', 74–85.
223 'Population of Overseas Indians', Ministry of External Affairs - Government of India, accessed April 16, 2024, https://www.mea.gov.in/population-of-overseas-indians.htm.

- Use its powers to review school curricula and initiate a programme of teaching diversity, inclusion and respect for all citizens equally in text books, teachings and other education programmes, including public education.
- Incentivise inclusion and respect for diversity and non-discrimination in media, including print, TV and social media.
- Launch a programme of de-radicalisation for youth to wean them away from exclusivist ideologies and criminal activities targeted at minorities.
- Encourage media, civil society and community-based organisations to carry on their business and activities, within the confines of law without any obstacles. Similarly allow journalists the freedom to carry out their professional duties, and common citizens the freedom of opinion, association and assembly.

**For Non-BJP-Led Provincial Governments in India**

- Roll back majoritarian laws and policies, where they exist.
- Ensure speedy and visible justice and accountability for anti-minority violations, including violence and incitement.
- Curb illegal activities of violent majoritarian non-state actors and individuals.
- Emphasise and reintegrate constitutional values including secularism, pluralism and religious tolerance in the school and college curricula.
- Ensure training and sensitisation of law enforcement officials and educators on constitutional principles, inclusion and diversity, human rights and minority rights.
- Mobilise and meaningfully engage with civil society actors in pursuing a broad-based counter-majoritarian strategy, emphasising the urgency of deradicalisation and diversity-promotion efforts.

**For UN Actors and the Wider International Community**

- Strengthen monitoring and reporting mechanisms to track and document rising discrimination, violence and hate speech against minorities in India.

- Closely monitor and report the activities of violent majoritarian groups and individuals associated with them.
- Put pressure on Indian authorities to clamp down on anti-minority rhetoric and discrimination and violence.
- Cease platforming nationalist leaders accused of complicity in anti-minority violence.
- Monitor and call out international business linkages of Indian corporate actors complicit in human rights abuses against minorities, including through the proliferation of hate speech and incitement via media platforms and popular cinema and explore international avenues of accountability for the same.
- Encourage international businesses to uphold human rights standards and avoid complicity in human rights abuses against minorities in India.
- Extend support to counter-majoritarian campaigns in India.
- Support civil society efforts and those of state actors towards inclusion, diversity and respect for equal rights for all.

# Religious Majoritarianism and Its Impact on Myanmar's Minority Ethnic Groups

**Samanwita Paul** and **Sabber Kyaw Min**

## Post-coup Myanmar

Shortly after the landslide victory of the National League for Democracy (NLD) in the 2020 general elections in Myanmar,[1] the army commander-in-chief, Min Aung Hlaing, assumed power through a military coup. Subsequent to the junta's takeover on 1 February 2021, the country erupted in the Campaign for Civil Disobedience Movement (CDM). The military adopted the most brutal repression tactics and tried to curb the protests with live fire, water cannons and rubber bullets. The movement can now be characterised as an amalgamation of multiple civil wars with violent clashes between local and regional armed groups and the military. At present, it has assumed the form of a low-intensity, protracted civil war between the Tatmadaw (the armed forces of Myanmar) and people's war supported by the opposition, consisting of the National Unity Government (NUG) and the various ethnic armed organisations (EAOs). Neither side, currently, seems to hold enough power to overthrow the other. While the NUG has the numbers, the Tatmadaw has brute force to intimidate civilians, burn villages and attack, shell and bomb resistance strongholds.[2]

Myanmar is extremely diverse when it comes to ethnic groups,

1 'Myanmar: Aung San Suu Kyi's Party Wins Majority in Elections', BBC News, November 13, 2020, https://www.bbc.com/news/world-asia-54899170.

2 Gautam Mukhopadhyay, 'No End in Sight: The Continuing Conflict in Myanmar Two Years after Military Coup', February 11, 2023, https://thewire.in/world/no-end-in-sight-the-continuing-conflict-in-myanmar-two-years-after-military-coup.

with the state granting recognition to more than one hundred of them. Burmans (also known as Bamar) are the largest ethnic and linguistic group in Myanmar, accounting for approximately two-thirds of the population. According to the General Administration Department (GAD) Township Reports 2019,[3] they constitute 69 per cent of the total population. The other major ethnic groups are the Karen, Shan, Mon, Chin, Kachin, Rakhine and Karenni.[4] Bamars are dominantly Buddhist, and while there are smaller proportions of Bamar Muslims, they are often mis-recorded by state authorities as 'Bengalis', a fact that has influenced their relationship with other ethnic groups for centuries. While some ethnic groups are adherents of Theravada Buddhism, others are Muslims, Christians, Hindus and animists.[5] Non-Buddhist ethnic groups were considered uncivilised because they were not adherents of Buddhism. This has resulted in systemic discrimination, a lack of economic opportunities, and low development levels in the regions bordering China, India, Thailan and Banladesh, with their distinct lack of representation in the government and abuse at the hands of the military.[6] The conflation of Buddhist and Burmese identities influenced Burmese nationalism, giving birth to slogans like 'To be Burmese is to be Buddhist'.[7]

Myanmar is undergoing massive political turmoil wherein solidarities along ethnic identities are in a state of flux. Simultaneous with the current political process where newer alliances are being forged and old ones being severed, the older orders of

3 Data collected by the General Administration Department (GAD), Ministry of Home Affairs, are of questionable sources and quality (Jangai Jap and Constant Courtin, 2022).

4 Jangai Jap and Constant Courtin, 'Deciphering Myanmar's Ethnic Landscape: A Brief Historical and Ethnic Description of Myanmar's Administrative Units', International IDEA, 2022, https://www.idea.int/sites/default/files/publications/deciphering-myanmars-ethnic-landscape.pdf.

5 Minority Rights Group International, 'World Directory of Minorities and Indigenous Peoples: Myanmar Communities', accessed July 16, 2023, https://minorityrights.org/country/myanmarburma.

6 Lindsay Maizland, 'Myanmar's Troubled History: Coups, Military Rule, and Ethnic Conflict', Council on Foreign Relations, January 31, 2022, https://www.cfr.org/backgrounder/myanmar-history-coup-military-rule-ethnic-conflict-rohingya.

7 Mikael Gravers, Nationalism as Political Paranoia in Burma: *An Essay on the Historical Practice of Power* (Abingdon-on-Thames, UK: Routledge, 2004).

majoritarianism and their effect on minority groups are being redefined. While research in the past two years has documented in detail the nature of the conflicts and the alliances forged with various EAOs, very few have documented the impact of these fluid arrangements on the people belonging to ethnic minority groups.[8]

This chapter attempts to look into the situation of ethnic minorities in post-coup Myanmar, regional negotiations with various political stakeholders and the impact of the same on their everyday lives.

This chapter traces the history of Bamar majoritarianism in Myanmar—the key factors contributing to the process, its role in the country's violent history and the underlying political implications. It will outline the manner in which Bamar-Buddhist majoritarianism is manifesting itself in the current post-coup situation, focusing on the socio-political impacts. This chapter will also assess the effect of such a volatile political situation on ethnic minorities in Myanmar. The idea is to assume a regional focus and highlight the intricacies and complexities that may be unique to each situation that has unfolded since the coup and the manner in which group allegiances are being redefined. It will also assess the drivers and document the consequences of such a situation for the country's South Asian and Southeast Asian neighbours.

Given the nature of the ongoing crisis and the challenges involved in visiting and collecting data from the field, the authors have relied heavily on secondary sources.

## History of Bamar Majoritarianism in Myanmar

The three Anglo-Burmese wars and the British annexation of Burma in 1886 brought about a formal division between 'Ministerial Burma' and 'Frontier Areas'.[9] This created a clear division between

8 Isacc Chotiner, 'Myanmar After the Coup', The New Yorker, July 27, 2022, https://www.newyorker.com/news/q-and-a/myanmar-after-the-coup; Maizland, 'Myanmar's Troubled History: Coups, Military Rule, and Ethnic Conflict'; International Crisis Group, 'Myanmar's Coup Shakes up its Ethnic Conflicts', Asia Report N°319, January 12, 2022, https://icg-prod.s3.amazonaws.com/319-myanmar-coup-ethnic-conflicts.pdf.

9 Nancy Hudson-Rodd and Myo Hunt, 'The Military Occupation of Burma', *Geopolitics* 10, no. 3 (2005): 500–521.

a central region dominated by the Burmese majority and the outlying region where diverse ethnic groups resided. When Japan invaded Burma in 1942, Burmese nationalists welcomed the invasion, while the non-Burmese ethnic groups, including the Rohingyas, predominantly Muslims, remained loyal to the British. The subsequent conflict led to massive loss of lives and destruction of property[10] For instance, with the Rohingyas, the British recruited displaced Rohingya soldiers and promised them an independent province and the creation of a Muslim National Area for their war efforts. However, once the Japanese were defeated, the British reneged on their promises. This, in turn, led some of them to form their own army and ask for the incorporation of northern Arakan into then-East Pakistan in 1947. The initiative failed and made the Burmese nationalists suspicious of their intentions in the region.[11] This process of local identity formation and eventual assertion is an outcome of colonial rule. The colonial rule heralded the dawn of a new political system by bringing about an end to the monarchy. The deep-seated animosity between the ethnic communities had its roots in the idea of ethnic boundaries and territorial ownership introduced by the British sometime around 1920. They introduced a dual administration system wherein the monarchy was destroyed in central Burma and, at the same time, traditional systems of governance were accepted in frontier areas.[12]

The failure of the British empire to meet the demands of the political culture of the country, along with the employment of Indians in the colonial civil service, led to resentment among Burmese nationalists against their rule.[13] Civil wars of varying

10 AFK Jilani, 'The Muslim Massacre of 1942', Arakan Rohingya National Organisation (ARNO), 2006, accessed December 22, 2021, https://www.rohingya.org/the-muslim-massacre-of-1942.

11 Human Rights Watch, *Burma/Bangladesh Burmese Refugees in Bangladesh: Still No Durable Solution* (Human Rights Watch, 2000), https://www.hrw.org/reports/pdfs/b/burma/burm005.pdf.

12 Kazi Fahmida Farzana, *Memories of Burmese Rohingya Refugees: Contested Identity and Belonging* (New York: Palgrave Macmillan, 2017).

13 Marco Bünte, 'Institutionalising Military Rule in Burma/Myanmar: External and Internal Factors', GIGA Institute of Asian Studies, 2011, https://www.researchgate.net/publication/266566147_Institutionalising_Military_Rule_in_BurmaMyanmar_External_and_Internal_Factors.

intensities have been ongoing in Myanmar since 1948. The fighting between the central government, dominated by the Bamar majority and the EAOs has never ceased since the country's independence.[14] Shortly after independence and the formation of the Union of Burma in 1948,[15] the nascent state faced the challenges of dealing with the aftermaths of war, economic collapse and the consequences of the colonial divide-and-rule policy, among others. Additionally, a complex mixture of ethnic groups and religious beliefs made it difficult for them to administer this newly formed nation-state.

As a consequence, Burmese independence brought along in its wake a conflict where ideological or communalist banners were used to instigate the masses into taking up arms. Given the situation, Prime Minister U Nu, on April 16, 1948 invoked the *taing-yin-tha* (loosely translated to mean 'national races') to denote a unified statehood. [16] The history of Burmese citizenship inevitably leads to the notion of *taing-yin-tha* in Myanmar since the term has become a pre-eminent political idea, meaning 'offspring of the land', or the ethnic races who were inhabitants of the land prior to the arrival of the British.[17] To be more precise, it involves all those communities that had permanently settled in the country before 1823.[18] For the newly independent Burmese state grappling with ethnic heterogeneity, controversial as it was, *taing-yin-tha* provided a sense of deep political solidarity.[19] Like most post-colonial states, Burmese nationalism was born out of the refusal to accept the alleged inferiority of a colonised people.

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14 Yun Sun, 'The Civil War in Myanmar: No End in Sight', Brookings Institution, February 13, 2023, https://www.brookings.edu/articles/the-civil-war-in-myanmar-no-end-in-sight.

15 Since 1989, the country's official name is the Union of Myanmar.

16 Anthony Ware and Costas Laoutides, *Myanmar's 'Rohingya' Conflict* (New York: Oxford University Press, 2018).

17 Transnational Institute, 'Ethnicity without Meaning, Data without Context: The 2014 Census, Identity and Citizenship in Burma/Myanmar', TNI Burma Policy Briefing no. 13, 2014; Nick Cheesman, 'How in Myanmar "National Races" Came to Surpass Citizenship and Exclude Rohingya', *Journal of Contemporary Asia* 47, no. 3 (2017): 461–483.

18 Robert H. Taylor, 'Refighting Old Battles, Compounding Misconceptions: The Politics of Ethnicity in Myanmar Today', *ISEAS Perspective* 2015, no. 2.

19 Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London and New York: Verso, 2006), 10–12.

It was based on assertions that the Burmese road to modernisation did not essentially mean the loss of its cultural identity.[20] However, identical to most other nationalist accounts, it produced exclusion, marginalisation and the justification of excessive state violence as a concomitant phenomenon. As Chatterjee (1986) contends, 'Eastern Nationalism' was essentially an attempt to re-equip the nation culturally. Since it was beyond its powers to limit the influence of the alien cultures, the aim was a regeneration of a national culture that aligned with the ideas of progress adapted by the state while remaining distinct in its nature.[21]

On tracing the genealogy of *taing-yin-tha*, Cheeseman[22] comments that the idea made its place in the political language of the then newly formed Myanmar state as a signifier of difference and plurality. Towards the end of the Second World War, the concept featured in negotiations for the draft constitution on subjects relating to the cultural and linguistic rights of minority groups.[23] However, it failed to receive any special mention in the 1947 Constitution or in the 1947 Panglong Agreement,[24] which is believed to be the foundation for the *taing-yin-tha* unity. Following the assassination of General Aung San in 1947 and the increased political control by the military, the Tatmadaw chose a sectarian and exclusivist definition of being Burmese. When the military seized power in 1962, the idea that being Burmese ideally meant being Buddhist gained increasing patronage. And any group or community that did not fall within these intersections came to be increasingly considered internal threats by the Burmese state.[25]

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20 Partha Chatterjee, *Nationalist Thought and the Colonial World: A Derivative Discourse?* (London: Zed Books, 1986), 30.

21 Chatterjee, *Nationalist Thought and the Colonial World: A Derivative Discourse?*, 2.

22 Nick Cheesman, *Opposing the Rule of Law: How Myanmar's Courts Make Law and Order* (London: Cambridge University Press, 2015).

23 Cheesman, 'How in Myanmar "National Races" Came to Surpass Citizenship and Exclude Rohingya'.

24 The Panglong Agreement was a conference held in 1947 where it was agreed by representatives from Shan State, Kachin Hills and Chin Hills to co-operate with the then interim Burmese government for achieving freedom faster.

25 Douglas M. Peers, 'Making Enemies: War and State Building in Burma', The Journal of Military History 69, no. 3 (2005): 888–890.

This exclusion came against the backdrop of an economic collapse and the failure of the military regime to deal with it. In the face of this, ethnic minorities came to be easy scapegoats. Ibrahim[26] contends that one of the major causes of the persecution of the Rohingyas was the regime's failed experiment with Burmese Socialism.[27] The Rohingyas proved to be an easy target. They were clearly distinguishable due to their ethnicity, spoke a non-Burmese language and constituted a Muslim minority in a country that was predominantly Buddhist.[28] The regime increasingly devoted its energy to developing an official nationalism and the surest way to achieve this would be to designate certain marginalised groups as threats based on their distinct ethnic and linguistic characteristics.[29]

February 1964 saw General Ne Win's enthusiastic reference to *taing-yin-tha* and a call for reconciliation among the national races for the economic and social prosperity of Myanmar. *Taing-yin-tha* meshed perfectly with Ne Win's larger agenda for political dominance by means of the exclusion and deportation of alleged aliens.[30] *Taing-yin-tha* was befitting to the larger goal of building a modern socialist economy and the official lexicon repeatedly used terms such as 'national races-working people-of the union' and affirmed its significance to the Burmese people.[31] During the 1970s and 1980s, Buddhism progressively started being co-opted by the military as the state religion. The absence of a homogenous ethnic identity and the growing dominance of Buddhism in the social, legal and economic spheres made it the dominant identity—an

26 Azeem Ibrahim, *The Rohingyas: Inside Myanmar's Genocide* (Oxford: Oxford University Press, 2016).

27 Burmese Way to Socialism was state ideology from 1962 to 1988 characterised by isolationist policies that affected its economy, education and other social spheres of people's lives negatively.

28 Azeem Ibrahim, 'The Genocide of Rohingyas in Burma', in *Political Violence in Southeast Asia since 1945: Case Studies from Six Countries*, eds. Eve Monique Zucker and Ben Kiernan (Routledge, 2021), 148–160.

29 Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London and New York: Verso, 2006), 109–110.

30 Renaud Egreteau, 'Burmese Indians in Contemporary Burma: Heritage, Influence, and Perceptions Since 1988', *Asian Ethnicity* 12, no. 1 (2011): 33–54.

31 Cheesman, 'How in Myanmar "National Races" Came to Surpass Citizenship and Exclude Rohingya', 466.

essential unifier—which was desirable in the process of nation-building.[32]

In 1974, the Burmese constitution was formally changed and the country became a one-party state, embedding the idea of army rule theoretically by means of the Burma Socialist Programme Party (BSPP). Article 21(a) of the Constitution went further in stating that the state shall be responsible for the development and promotion of unity, mutual assistance, amity and mutual respect among the *taing-yin-tha*.[33] In line with this, the 1990s saw *taing-yin-tha* gain new political mileage. In addition to the idea of a single united political community that resisted enemies both inside and outside, the idea also proclaimed that national races living in backward areas and still primitive in their means were in 'need of guidance'.[34] This inclusion within the *taing-yin-tha* justified the use of force and military campaigns against groups operating in border areas.[35] Ferguson observes that around the same time, the junta started saying there were about '135 national races' residing in Myanmar.[36] However, there was no valid taxonomy behind the statement or the process by which the junta arrived at the number. The 1982 citizenship law was essentially the point of initiation when it became socially accepted that membership in the *taing-yin-tha* fundamentally meant a qualifying criterion for citizenship. Those people who could not prove that they were members of the groups listed by the state as *taing-yin-tha* and people of mixed ethnic, religious or national heritage were asked to present their

32 Michael W. Charney, A History of Modern Burma (London: Cambridge University Press, 2009); Chatterjee, *Nationalist Thought and the Colonial World: A Derivative Discourse?*, 2.

33 Chatterjee, *Nationalist Thought and the Colonial World: A Derivative Discourse?*, 30.

34 Matthew J. Walton, 'The "Wages of Burman-ness:" Ethnicity and Burman Privilege in Contemporary Myanmar', *Journal of Contemporary Asia* 43, no. 1 (2013): 1–27.

35 Martin Smith, *Burma: Insurgency and the Politics of Ethnicity* (London: Zed Books, 1991).

36 Jane M. Ferguson, 'Who's Counting?: Ethnicity, Belonging, and the National Census in Burma/Myanmar', *Bijdragen tot de Taal-, Land-en Volkenkunde* (Journal of the Humanities and Social Sciences of Southeast Asia and Oceania) 171, no. 1 (2015): 1–28.

credentials on an individual case-by-case basis.[37] In the case of Burma, this 'otherness' was not merely limited to opposition to conferring citizenship but rather occupied a significant position in discussions regarding the delineation of citizenship.[38]

The 2008 Constitution of the Republic of the Union of Myanmar allowed for the limited return of democracy. The Preamble to the 2008 Burmese constitution refers to the Burmese people not as citizens but rather as 'national people' residing in mutual harmony and solidarity, thus invoking the mythical unity of Burmese groups and blatantly ignoring any form of ethnic diversity.[39] The outsider was, therefore, indispensable to the image of the citizen. Being a citizen fundamentally meant incorporating all those objective criteria the outsider failed to meet.[40] This meant that *taing-yin-tha* came to surpass citizenship as a means of membership in the political community of Myanmar. Membership in *taing-yin-tha* was important in the sense that it was linked to governance over territories. Ethnic groups such as the Mon, Karen, Karenni, Shan, Kachin, Chin and Rakhine were eligible to have self-administered zones, provided they commanded a majority in two adjacent townships.[41] The claims, therefore, ideally revolved around claims over indigeneity, claims over governance and collective rights rather than individual civil and political rights.

Within Rakhine (the new name for Arakan State), where the Rohingya are concentrated, the transition to democracy was partial or non-existent compared to the rest of Myanmar. There is a clearer and closer link between Buddhists and the political parties

37 Cheesman, 'How in Myanmar "National Races" Came to Surpass Citizenship and Exclude Rohingya'.

38 Arash Abizadeh, 'Does Collective Identity Presuppose an Other? On the Alleged Incoherence of Global Solidarity', *American Political Science Review* 99, no. 1 (2005): 45–60.

39 Ian Holliday, 'Addressing Myanmar's Citizenship Crisis', *Journal of Contemporary Asia* 44, no. 3 (2014): 404–421.

40 Anupama Roy, *Mapping Citizenship in India* (New Delhi: Oxford University Press, 2010), 15.

41 Ardeth Maung Thawnghmung, 'The Politics of Indigeneity in Myanmar: Competing Narratives in Rakhine State', *Asian Ethnicity* 17, no. 4 (2016): 527–547.

operating there.[42] Between 2008 and 2012, Rakhine witnessed the creation of 'Muslim-free Areas', the destruction of many mosques, and the construction of Buddhist pagodas using the forced labour of the Rohingyas. In addition, most Rohingyas were enticed into converting to Buddhism through inducements such as lifting travel restrictions and receiving work and schooling.

In 2010, the NLD decided to boycott the general elections as an act of protest. As a result, the military-backed Union Solidarity and Development Party (USDP) won with an overwhelming majority. Soon afterwards, the junta was formally dissolved in 2011 and in the by-elections of 2012, the NLD won by garnering an almost 66 per cent majority. This notional move towards democracy, however, did nothing to alter the military's hold over resources and most of the mineral wealth. Most of these mineral-rich territories are inhabited by ethnic minorities, and the military has been in conflict with them for more than seven decades.

The results of the 2015 general elections placed the regime in a precarious position. The NLD won with an overwhelming majority. The growing popularity of Buddhist nationalism within the NLD was also one of the major hindrances to the inclusion of minority ethnic groups. Most of the extremist monks consider ethnic groups residing along the borders a threat to the spread of Buddhism. Attacks on them was not opposed by the military, the extremist monks or even some factions of the NLD.[43] In early 2016, Ibrahim foretold that Myanmar met all the preconditions to prompt a genocide.[44] Along similar lines, Andrews and Sullivan revealed in their report that Myanmar was marching towards genocide, encouraged by the complicity of the state, aided by the direct involvement of the army and a systemic campaign of hate.[45]

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42 The Rakhine National Development Party (RNDP) and the Arakan National Party (ANP) are the two parties operational in the region.

43 Andrew R.C. Marshall, 'Myanmar Gives Official Blessing to Anti-Muslim Monks', *Reuters*, June 27, 2013, https://www.reuters.com/article/idUSBRE95Q04F.

44 Azeem Ibrahim, *The Rohingyas: Inside Myanmar's Genocide* (Oxford: Oxford University Press, 2016), 129–130.

45 T. H. Andrews and D. Sullivan, 'Marching to Genocide in Burma', United to End Genocide, March 2, 2014, https://www.slideshare.net/endgenocide/marching-to-genocide-in-burma.

Prior to this, Phil Robertson, Deputy Director of Human Rights Watch (Asia division) in an interview, condemned the Myanmar government, asserting that the government plans offered a clear indication of permanent segregation and eventual statelessness of the Rohingyas in Rakhine.[46]

Along slightly similar lines but on a much larger scale, the Myanmar military, police and ethnic Rakhine armed groups attacked Rohingya-inhabited villages to hunt for perpetrators of the August 25, 2017 attack in which the Armed Rohingya Salvation Army (ARSA) had attacked 30 police posts and an army base.[47] The pattern of retaliation by the Myanmar military could be considered a textbook example of 'ethnic cleansing'.[48] Sr. Gen. Min Aung Hlaing, the then army commander, referred to the military operations as 'unfinished businesses'.[49] Corroborating accounts given by the refugees, satellite images of the time showed widespread fires in the northern parts of Rakhine State, encompassing the townships of Rathedaung, Buthidaung and Maungdaw. Official figures indicate that almost 700,000 people fled to Bangladesh during that time.[50] However, the Myanmar government justified the military action as counter-terrorism operations. It asserted that the people killed were mostly suspected militants. Militants and Rohingyas were alleged to have set fire to their own houses in the northern

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46 Phil Robertson, 'Burma's Rohingya Plan Is a "Blueprint for Segregation'", Human Rights Watch, October 5, 2014, https://www.hrw.org/news/2014/10/05/burmas-rohingya-plan-blueprint-segregation.

47 The Armed Rohingya Salvation Army (ARSA) is considered as an insurgent group active in the Northern Rakhine State of Myanmar.

48 Ethnic cleansing can be defined as 'a purposeful policy designed by one ethnic or religious group to remove by violent and terror-inspiring means the civilian population of another ethnic or religious group from certain geographic areas'. (quoted in Clare Byrne, 'What Is "Ethnic Cleansing" And Where Has It Occurred?', *Barrons*, September 29, 2023, https://www.barrons.com/news/what-is-ethnic-cleansing-and-where-has-it-occurred-3f6b335d.

49 J. Hookway, 'Myanmar Says Clearing of Rohingya is Unfinished Business from WWII', *The Wall Street Journal*, September 2, 2017, https://www.wsj.com/articles/myanmar-army-chief-defends-clearing-rohingya-villages-1504410530.

50 Jeff Crisp, '"Primitive People": The Untold Story of UNHCR's Historical Engagement with the Rohingya Refugees', *Humanitarian Practice Network*, October 24, 2018, https://odihpn.org/publication/primitive-people-the-untold-story-of-unhcrs-historical-engagement-with-rohingya-refugees.

parts of Rakhine.[51] At present, the extent and nature of the abuses, damage, destruction and massacres by military and state security forces have been widely characterised as 'genocidal'.[52]

Following the general elections of November 2020, wherein Aung San Suu Kyi's NLD won a landslide victory, the military seized control of the administration. The military backed opposition, demanded a re-run of the election on grounds of 'errors of neglect' and 'violation of laws and procedures'.[53] However, it failed to offer any evidence justifying the same. Military commander-in-chief Min Aung Hlaing assumed power with the coup. He is believed to have been wielding significant political influence and power over the Tatmadaw even during the 'democratic years'. In over a year, as of April 1, 2024, 4884 people are believed to have been killed by the junta, with another 20, 351 sentenced, and 26, 524 arrested or charged.[54]

## Post-coup Situation in Myanmar

Prior to the coup, those clashing with the government forces included the Karen National Liberation Army in Kayin State, the Kachin Independence Army in Kachin State, and the Shan State Army in Shan State. Tens of thousands of people were documented to have been killed in such conflicts. Over the decades, human rights monitors have documented the Tatmadaw's abuses against civilians in areas mainly populated by ethnic minority groups; these included extrajudicial killings, forced labour, rape, torture and the use of child soldiers.[55]

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51 'Burma: Rohingya Describe Military Atrocities', Human Rights Watch, September 8, 2017, https://www.hrw.org/news/2017/09/09/burma-rohingya-describe-military-atrocities.

52 Penny Green, Thomas MacManus and Alicia de la Cour Venning, *Genocide Achieved, Genocide Continues: Myanmar's Annihilation of the Rohingya* (London: International State Crime Initiative, 2018), https://qmro.qmul.ac.uk/xmlui/bitstream/handle/123456789/42004/Green%20Genocide%20Achieved,%20Genocide%20Continues:%20Myanmar%E2%80%99s%20Annihilation%20of%20the%20Rohingya%202018%20Published.pdf?sequence=1.

53 BBC News, 'Myanmar: Aung San Suu Kyi's Party Wins Majority in Elections'.

54 'Political Prisoners Post-Coup', Assistance Association for Political Prisoners (Burma), April 1, 2022, https://aappb.org.

55 Maizland, 'Myanmar's Troubled History: Coups, Military Rule, and Ethnic Conflict'.

Almost two years later, the junta leadership attempted to arrange a meeting between the Thai foreign minister and NLD leader Aung San Suu Kyi to ease the incarceration of NLD leaders. Such attempts have sparked hopes for an election in 2024. Experts, however, opine that the move is simply a form of damage control adopted by the regime following its recent military losses to EAOs and civilian People's Defence Forces (PDFs). The coup has also given rise to a diverse range of young leaders who have spearheaded resistance movements. Ethnic armies have assumed more power and territorial control. There has been a renewed attempt at accommodating the social and cultural diversity of the country and making adequate social and political reforms to ensure the implementation of the same.[56]

56 Priscilla A. Clapp and Ye Myo Hein, 'Is Myanmar's Junta Turning a Corner?', United States Institute of Peace, August 10, 2023, https://www.usip.org/publications/2023/08/myanmars-junta-turning-corner.

Within the first few weeks of the February 2021 coup, EAOs started playing a crucial role between the regime and the political opposition. With the violence following the coup, the political alignments of the EAOs have shifted drastically; they have suspended all forms of political negotiations with the regime. Responses were varied: while some have distanced themselves from the political resistance entirely, others have sheltered dissidents, provided military training and engaged with the NUG politically. Currently, Myanmar's ethnic conflicts have assumed a form that is both complex and dynamic. EAOs were forced to make difficult strategic decisions under strong pressure from their grassroots supporters to escalate the fight with the military.[57] More than a million people have fled abroad as refugees, while hundreds of thousands remain internally displaced. A recent study conducted by the United Nations Human Rights Council documents that, as far as human rights—economic, social, civil, political and cultural—are concerned, Myanmar has regressed profoundly since the coup. Civilians have been targets of attacks, victims of targeted and indiscriminate artillery barrages and air strikes, extrajudicial executions, torture and arson.[58]

The coup has also facilitated the emergence of a new generation of political leaders, both from the Bamar majority community and minority ethnic groups. These young leaders seem determined to shed the social and political prejudices of the past, which were facilitated and, in a way, promoted by the junta. They have been crucial in guiding the interim structures of the government in their quest for a federal democratic system.[59] While collaboration continues to take place at a snail's pace and remains extremely complex, several negotiations have taken place between various

57 International Crisis Group, 'Myanmar's Coup Shakes up its Ethnic Conflicts'.

58 UNHCR, 'Two Years After the Coup, Myanmar Faces Unimaginable Regression, says UN Human Rights Chief', January 27, 2023, https://www.ohchr.org/en/press-releases/2023/01/two-years-after-coup-myanmar-faces-unimaginable-regression-says-un-human.

59 Hkawn Htoi and Gabriela Sagun, 'In Myanmar's New Security Institutions, Power Should Be Community-Owned', United States Institute of Peace, May 22, 2023, https://www.usip.org/publications/2023/05/myanmars-new-security-institutions-power-should-be-community-owned.

key organisations, including the interim NUG, the EAOs and the National Unity Consultative Council, since the coup. At the grassroots, however, negotiations have been far more prompt and there is growing cooperation and battle-front integration amongst the younger leaders in the EAOs and the PDFs.[60]

A recent study shows that there is a very high level of trust amongst ethnic minorities in the NUG.[61] People from such communities were confident of the fact that, should it come to power, the NUG would prioritise the needs, demands and interests of ethnic groups. The attempt to ensure representation of ethnic groups in the interim NUG has served to solidify this trust. The study shows that in order to retain support and trust amongst the people, the NUG needs to enter into more concrete collaboration with the EAOs.

Following the coup, there has also been a split in the Bamar majority. While one party aligned with the military junta, the other, much larger group, joined hands to form the interim government and enter into alliances with ethnic minority organisations. Institutionally, the dominant majority, i.e., the Buddhist Bamar groups, will have the power to block any form of lasting institutional changes. However, a closer inspection of the policies post-coup showed that opposition institutions following the coup have been more politically and ethnically diverse than their 2010 counterparts. This prompted a shift in the political discourse from democratic federalism with centralised control to federal democracy with a centrifugal dynamic. These changes reveal that previous arrangements, which facilitated a centralised authoritarian state controlled by the Bamar majority, are undergoing change to make space for several ethnic minority groups in Myanmar.[62]

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60 Clapp and Hein, 'Is Myanmar's Junta Turning a Corner?'.

61 Kim Jiwon, 'Navigating Political Upheaval: Rebel Governance and Trust Dynamics in Post-coup Myanmar', September 19, 2023, https://www.theigc.org/blogs/navigating-political-upheaval-rebel-governance-and-trust-dynamics-post-coup-myanmar.

62 Aung Kaung Myat, Roman David and Ian Holliday, 'Two Concepts of Federalism in Myanmar: How the 2021 Military Coup Reshaped Political Discourse and Opposition Institutions', *Publius: The Journal of Federalism* 53, no. 2 (2023): 278–300.

## Regional Complexities and Political Alliances

Despite strong collaborations and joint interests among various factions of the resistance forces, the civil war in Myanmar has reached a stalemate that is likely to continue for the coming decades. The gap between the military junta and resistance forces continues to be significant, not just in terms of size but also weaponry and firepower. The dearth of financial resources among the resistance groups, in contrast to the military, is particularly striking when it comes to collecting taxes and purchasing weapons from China and Russia.[63] The PDFs and the EAOs have, however, relied on underground channels to acquire arms. Territorial control over less populated, rural and forested regions on the part of the PDF, in contrast to the larger and more densely populated urban centres under the control of the Burmese military, only serves to further this divide. The civil war is witnessing rapid progress of resistance groups in their control over peripheral areas of Myanmar. Despite counter-insurgency efforts, it seems unlikely that the Burmese military will be able to eradicate these groups any time in the near future. Similarly, despite several successful operations by the PDFs and the EAOs, it seems unlikely that they will be able to defeat the Burmese military in anytime soon.[64]

The arrest and detention of the senior members of the NLD following the coup saw the formation of a 17-member parallel government called the Committee Representing the Pyidaungsu Hluttaw (CRPH). The CPRH has been functioning as a parallel governing body, providing people with general guidelines and spearheading protests. While the CPRH provides legitimacy to the movement as a body constituting elected officials, they fall under the loose and overlapping networks of the General Strikes Committee and the General Strike Committee for Nationalities (led by younger generations representing all ethnic nationalities,

63 Sui-Lee Wee, 'Shunned by the West, Russia and Myanmar Form a Partnership of Unequals', *The New York Times*, October 26, 2022, https://www.nytimes.com/2022/10/26/world/asia/russia-myanmar-junta.html.

64 Sun, 'The Civil War in Myanmar: No End in Sight'.

including the Bamar majority and the Rohingya),[65] the anti-junta mass movements (AJMM), Bamar and non-Bamar civil society organisation networks, neighbourhood-based groups and most importantly, EAOs. This has allowed for smoother communication channels, the eroding of barriers and prejudices against ethnic minorities and a broad political coalition sympathetic to the aspirations of minority groups. Bamar civilians, who in the past used to consider the EAOs threats to the solidarity and integrity of Myanmar, have now sought their help. The CPRH, as a consequence, has now adopted a federal democratic model as a policy position and issued a statement removing EAOs from the list of terrorist organisations. It has engaged in a series of discussions with strike committees, EAOs, political parties and civil society organisations to draft a federal charter to serve as an alternative to the 2008 constitution.

Myanmar's ethnic conflicts have entered a new era since 2021 that is simultaneously more complex and fluid. Since the coup, the Karen National Union (KNU) and the Kachin Independence Organisation (KIO) and their armed wings have been seen to adopt a more aggressive stance against the Tatmadaw after increased aggression from the military. As the largest ethnic groups in the country, they have offered sanctuary to protestors—allies of the NUG—and have staged deadly attacks on Tatmadaw bases.[66] They have trained fighters for the PDFs and have expanded their operations to other areas of the country. Both the KNU and the KIO have a strong culture of aligning their stances with the views of the civil society, religious leaders and their grassroots supporters.

Several other organisations, like the Karenni National Progressive Party (KNPP), based in Kayah State since 1957, and the Chin National Front (CNF), based in northern part of Chin State since 1988, have shown a dramatic shift in their strategy and returned to more open conflicts. Immediately following the coup,

65 GSCs were formed by organisations from different political groups with the aim of establishing a genuine federal democratic union and uprooting political dictatorship in Myanmar.

66 'Failure to Seize the Strategic Hill from Ethnic Armed KIA, Myanmar Military Battalion Commander Killed', VOI, April 14, 2021, https://voi.id/en/news/44224.

Kayah and Chin states experienced an upsurge of anti-regime protests. The brutal repressive measures by the Tatmadaw saw the morphing of these protests into improvised armed uprisings. In the absence of local armed groups, the newly formed militias were directly facing the Tatmadaw. The collaboration of the CNF and the KNPP with these militia groups have placed them at the centre of the conflict against the Tatmadaw, wherein they are no longer fighting from the sidelines. In Kayah State, the revival of

the Karenni Army has brought the forces alongside the militias, with no distinct lines drawn between the organisations. In Chin State, despite playing a marginal role, the Chinland Defence Force (CDF) has helped local militias procure arms and resources to fight against the Tatmadaw.

For Rohingyas, the 2020 general elections meant complete disenfranchisement. Six Rohingya candidates were barred from contesting in the elections. The electoral commission of Myanmar cancelled voting across Rakhine State, stating violence between the Arakan Army (AA) and the military as the primary reason.[67] Despite repeated clashes with the Tatmadaw till late 2020, AA has refrained from taking an openly anti-junta stance following the coup. An AA leader has gone on record stating that they would refrain from staging open protests against the military in Rakhine as that would disturb its peace and progress. Since the coup, the military junta has established the State Administration Council (SAC) to look over matters concerning governance in Rakhine. This has led to increased militarisation, conflict and power struggles between the various EAOs and the SAC. The United League of Arakan (ULA) and the AA have taken over the administration of the Rohingya-inhabited areas in Rakhine State. At present, there is increasing struggle between the SAC and the ULA-AA over judicial, administrative and revenue matters. Unlike the SAC, which seeks to maintain control over Rakhine State, the ULA-AA demands autonomy.[68] In remote areas of Rakhine, this means that Rohingyas are struggling to navigate two parallel bureaucratic systems, having to pay double taxation and face the risk of arrest and detention from parallel security forces. Despite disquiet amongst the masses, the AA has been able to manage the criticisms labelled against them from the approximately 600,000 ethnic Rohingyas still living in Rakhine. The AA has instead consolidated its hold

67 International Crisis Group, 'From Elections to Ceasefire in Myanmar's Rakhine State', Crisis Group Asia Briefing N°164, December 23, 2020, https://www.jstor.org/stable/pdf/resrep31527.pdf?refreqid=fastly-default%3A04a977fffa9cdfc54bc43c668b8ab8d6&ab_segments=&origin=&initiator=&acceptTC=1.

68 'Arakan Army, Not Military Junta Run the Show in Myanmar's Rakhine State', *Radio Free Asia*, January 19, 2022, https://www.rfa.org/english/news/myanmar/arakan-army-01192022193040.html.

over large parts of Rakhine State and Paletwa in the southern parts of Chin State. They are now rolling out administrative structures after dismantling the lower rungs of the military government in the two years prior to the coup. However, as the AA's forays into governance became more visible, the Tatmadaw was seen issuing public warnings to the residents to refrain from engaging with its administrative and judicial structures. In November 2021, fighting erupted between the AA and the Tatmadaw in the northern Maungdaw township, close to the border with Bangladesh, but, following peace negotiations, they were able to calm tensions in the region.[69]

The northern part of Shan State has been relatively stable since the coup. The United Wa State Army has been able to keep away from political tensions and violence. It has been able to maintain its stance mainly owing to their geographical distance from the political crises that were unfolding across Myanmar.[70]

Ethnic minorities are completely aware that they differ ideologically and the road ahead needs several negotiations for them to achieve equal status. Many, like the Shan and the Karen, voiced their concerns that the NLD continued to adhere to the top-down Burmanisation practices without really challenging the fundamental policy differences among the major stakeholders involved. This would give rise to rifts and political factions, even if the NUG manages to capture political power. For instance, the NUG seemed to be more concerned about the exclusionary and aggressive policies of the Shan without really taking into consideration the oppression meted out by the Bamar majority towards them. Similarly, while an increasing number of people have expressed their sympathies towards the Rohingyas, very few people were in favour of incorporating a representative from the community in the government.[71] Contrastingly, most ethnic

69 'Japanese Envoy Sasakawa Says He Told AA to Hold Its Fire in Wake of Brief Clash Last Week', *Burma News International*, November 18, 2021, https://www.bnionline.net/en/news/japanese-envoy-sasakawa-says-he-told-aa-hold-its-fire-wake-brief-clash-last-week.

70 International Crisis Group, 'Myanmar's Coup Shakes up its Ethnic Conflicts'.

71 'The NUG's Rohingya Policy: "Campaign Statement" or Genuine Reform?',

Chin residents of the Paletwa township in western Myanmar's relied on the protection offered by the military in the face of the violence unleashed by the AA in the region. Without taking into consideration these regional power dynamics, the success of the NUG government seems improbable in the current political climate.[72] As mentioned previously, lasting support in favour of the NUG can only be ensured if it is able to garner the trust and support of these numerous EAOs operational across the region. The NUG needs to assure that it is genuinely willing to share political power, not just in the future but also in the interim. At the same time, it needs to achieve a balance between valuing ethnic political parties and civil society groups while extending their support to the EAOs.

## The Future

After independence, the intention was to establish a federation of semi-autonomous democratic states in accordance to the principles of the Panglong Agreement. The perceived failure of the Bamar Buddhist majority and the military has led to this long-lasting conflict and civil warlike situation since 1962. Despite containing the conflict and political instability within its borders, Myanmar's instability has had ripple effects in the southeast Asian region. Chronic instability in Myanmar over the decades has helped turn the 'Golden Triangle', where the borders of Thailand, Myanmar and Laos, meet into one of the world's leading producers of narcotics since the Khun Sa era, named after a notorious opium warlord. Shan State in Myanmar is one of the leading producers of heroin and opium, along with synthetic drugs like methamphetamine. With complex governance issues inside Myanmar and EAOs controlling frontier regions, drug production in Myanmar is often happening along remote frontier areas where the borders are open and porous. Myanmar's EAOs have caused large spikes in violence, some of which has even spilled over the borders into adjoining countries. The

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*Frontier Myanmar*, July 15, 2021, https://www.frontiermyanmar.net/en/the-nugs-rohingya-policy-campaign-statement-or-genuine-reform.

72 Ardeth Maung Thawnghmung and Khun Noah, 'Myanmar's Military Coup and the Elevation of the Minority Agenda?', *Critical Asian Studies* 53, no. 2 (2021): 297–309.

post-2021 coup environment has radically escalated the instability and threatens to plunge the country into the status of a failed state. Whereas previously the military had used violence in the Bamar-majority townships sparingly, the protests following the coup saw indiscriminate violence even there. This has resulted in a civil war in 266 out of 330 townships in Myanmar. Much like civil wars in other regions of the world, the fragmentation and political instability in Myanmar threatens to spill over into its neighbouring areas.

The implications of conflict and instability in a region as geopolitically crucial as the juncture between south and southeast Asia cannot be overstated. The repercussions extend far beyond the immediate borders, resonating throughout the broader Indo-Pacific region. The direct impact of cross-border violence, coupled with secondary effects like refugee crises and increased drug trafficking, creates a ripple effect that poses long-term challenges. A weakened state struggling with conflict not only threatens regional stability but also has implications for global geopolitical dynamics, particularly in the Indo-Pacific region. The swift international response, with declarations against the coup from the European Union (EU) and Western capitals, demonstrates recognition of the gravity of the situation. Such unified stances serve to convey disapproval of actions that undermine democratic principles and the rule of law. However, while declarations and statements are crucial in signalling solidarity and condemnation, the challenge lies in translating this international consensus into tangible actions that can effectively address the root causes of the conflict, mitigate the refugee crisis, combat illicit activities like drug trafficking and restore stability to the region. Soon after the G7 Foreign Ministers Statement of February 3, 2021, condemning the coup and calling for the release of detainees, the EU, UK, Canada and 11 other embassies in Myanmar released a joint call to the military to refrain from violence against protesters. They expressed support for civilian freedoms in Myanmar, saying 'the world is watching'.[73] US President Biden highlighted the coup in

73 'Myanmar: Fear of Crackdown as Military Deploys Tanks, Shots Fired', *Al Jazeera*, February 14, 2021, https://www.aljazeera.com/news/2021/2/14/myanmar-military-deploys-armored-vehicles-to-disperse-protesters.

his foreign policy speech on February 4, 2021. He also issued orders to freeze the assets of the military leaders. In the same week, China urged the international community to 'create a sound external environment for Myanmar to properly resolve the differences'.[74]

Strategically, Myanmar has shifted its geo-political stance from a policy of isolationism to one of growing collaboration to attract investment from its regional neighbours and create economic opportunities. While New Delhi's stance seems to have undergone no change, the continued instability and fighting have stifled the Myanmar's economic development and its former promise as the economic juncture between China, South Asia and Southeast Asia.[75] It has undermined India's economic and security interests in southeast Asia. Additionally, infighting between Myanmar's military and the PDFs has brought conflict to the north-eastern borders of India. This has thwarted the military's effort to consolidate power and weakened its capacity to support the counter-insurgency efforts. The conflict has forced tens of thousands of people to flee their homes in Myanmar and seek refuge in the north-eastern states of India.[76] The Indian government is wary of receiving refugees from Myanmar due to fears of jeopardising its relations with the military government of Myanmar. In fact, the refugee crisis following the coup has given rise to a rift between the central government in New Delhi and the state governments of Manipur and Mizoram, where, unlike the central government, the state governments were more receptive towards refugees arriving from Myanmar.[77]

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74 'China Calls on International Community to Create Sound External Environment for Myanmar to Solve Differences', *China Daily*, February 4, 2021, https://bitly.ws/3h2yU.

75 Saket Ambarkhane and Sanjay Valentine Gathia, 'Over a Year Later, Myanmar's Military Coup Threatens India's National Security', United States Institute of Peace, May 10, 2022, https://www.usip.org/publications/2022/05/over-year-later-myanmars-military-coup-threatens-indias-national-security.

76 Ambarkhane and Gathia, 'Over a Year Later, Myanmar's Military Coup Threatens India's National Security'.

77 Rupa Chinai, 'Myanmar's Refugees in Mizoram: As India Looks The Other Way, Thousands on Edge', *Outlook India*, February 1, 2022, https://www.outlookindia.com/international/myanmar-s-refugees-in-mizoram-as-india-looks-the-other-way-thousands-on-the-edge-news-52001.

Similarly, incidents like the unauthorised crossing of a military fighter jet into Thai airspace, especially when it involved a bombing run that prompted the evacuation of villages and schools, understandably raised serious security concerns among the Thai populace living near the Myanmar border. The Thai government's attempt to downplay such incidents might stem from their diplomatic relations or close ties with the junta government in Myanmar.[78]

China also seems to be bothered by the border spillover. The civil war has resulted in stray artillery frequently landing on Chinese soil.[79] This has warranted a warning from Beijing to ensure the protection of Chinese assets in Myanmar, such as the multi-billion dollar strategic infrastructure including Belt-road initiatives, mining, dams and hydropwer which was often targeted by the resistance groups.[80] China is not spared from the regional refugee crisis either, as frequent conflicts along the border have often forced displaced people to seek refuge in the Yunnan province of China. As a response to this, Chinese authorities are erecting a 600-km-long barbed wire fence along its border with Myanmar.[81]

The situation in Myanmar following the coup presents a complex web of challenges, including the exacerbation of drug production and trafficking amid the political turmoil. The rise in synthetic drug manufacturing and trafficking by non-state actors has significantly impacted neighbouring countries, as highlighted by the substantial increase in methamphetamine seizures across

78 Jared Makana Kirkey, 'Myanmar Mig-29 Incursion: A Threat That Requires More Than an Apology', *Prachatai English*, July 12, 2022, https://prachataienglish.com/node/9905.

79 'China Complains After Shell, Gunfire From Myanmar Hit Border Town', *The Irrawaddy*, August 12, 2021, https://www.irrawaddy.com/news/burma/china-complains-after-shell-gunfire-from-myanmar-hit-border-town.html.

80 Inclusive Development International, 'Chinese Investment in Myanmar After the Coup', *China Global Newsletter*, Edition 8, May 2023, https://www.inclusivedevelopment.net/china-global-program/china-global-newsletter-edition-8.

81 Qiao Long, 'China Builds Fences, Walls in Clampdown on Secret Myanmar Border Crossings', *Radio Free Asia*, July 9, 2021, https://www.rfa.org/english/news/china/border-07092021122326.html.

the region.[82] According to the United Nations Office on Drugs and Crimes (UNODC), seizures of methamphetamine from January through October of 2021 were 'up 20 percent in Thailand compared to 2020, up 40 percent in Malaysia', and a shocking 620 per cent in Laos.[83] Regional states, including India and Thailand, have been more hesitant to impose sanctions or advocate for democracy, opting instead to maintain ties with the military regime. This cautious approach, shared by countries like Australia, Japan and even China, is often based on pragmatic considerations rather than an ideological affinity for the junta. This belief extends to Beijing, whose policy rests on the same pragmatic calculations rather than any inherent affinity for the junta. However, it is important to note the potential pitfalls of this stance. Western sanctions, even if eased in the future, might not be sufficient to change the junta's pariah status or moderate its aggressive actions. Additionally, the assumption that the military government can fully regain control over Myanmar might be overly optimistic, given the widespread opposition and resistance within the country.

## Conclusion and Recommendations

If the people of Myanmar truly aspire for a democratic government, the various components of the opposition government must at some point come together to work towards creating a democratic federal state. The present situation provides opportunities to bridge the trust deficiency between the various ethnic factions before attempting larger political goals. The bottom-up resistance against the military has the potential to challenge age-old social norms and customs. They have the capacity to give rise to a new and inclusive Myanmar. The protracted conflict and its rupture require the country to level up and strengthen its local cohesion, promoting informal dialogues around identities and shared values and visions around the future of Myanmar. These can help foster

82 John Reed, 'How Myanmar's Coup Fuelled a Rise in the Illegal Drugs Trade', August 24, 2021, https://www.irishtimes.com/news/world/asia-pacific/how-myanmar-s-coup-fuelled-a-rise-in-the-illegal-drugs-trade-1.4653998.

83 Ye Myo Hein and Lucas Myers, 'Myanmar's Military is a Regional Destabilizer', The Wilson Center, August 29, 2022, https://www.wilsoncenter.org/article/myanmars-military-regional-destabilizer.

mutual understanding within a fragmented society, mitigate the harmful effects of the conflict, and contribute to parallel processes of nation- and state-building. As such, the focus at present should be more towards providing support to the CDM and the EAOs.

There is no prospect of imminent return to the pre-coup political status quo, and, therefore, formal institution-building would be a long-term endeavour for the people of Myanmar. At this juncture, discussing the national political framework or the constitutional design would be premature and neglects the bottom-up realities of the resistance movement. If opposition groups are unable to form a united front, there is a distinct possibility that Myanmar could fragment into several separate sovereign states. The KIO and the KNU have the resources and the potential to control their respective states of Kachin and Karen should their battle-winning streaks continue. Similar situations could also come to pass in the Rakhine and Shan states. Conversely, it could also lead to the consolidation of military rule and power. The Tatmadaw can successfully utilise its strategies of divide and conquer to reverse its losses on the battlefield and win over the EAOs to their side.[84]

Policymakers throughout the region and beyond should, therefore, understand that the stumbling block to stability in Myanmar is the military itself. It would, therefore, be more pragmatic to side with the NUG rather than the junta, which has been the cause of regional instability over the decades. Association of Southeast Asian Nations (ASEAN) should get more closely involved and address the risk that the junta poses to the political stability of the Southeast Asian region. Countries such as Australia, Japan and India should recognise that adopting a softer stance towards the junta is not the pragmatic policy it appears to be but rather a serious risk to regional stability and their interests.

84 Michael F Martin, 'The Importance of Ethnic Minorities to Myanmar's Future', Stimson's Civil-Military Relations in Myanmar series, Stimson Center, June 3, 2021, https://www.stimson.org/wp-content/uploads/2021/06/The-Importance-of-Ethnic-Minorities-to-Myanmar-1.pdf.

**Accordingly**,

- Countries, particularly the US and the UK, should impose mandatory sanctions on Myanmar's oil and gas industry.
- Global actors should use the international forum to publicly condemn the violation of international law on account of the 2021 coup and also formally recognise the genocide against the Rohingyas.
- UN member states must stop lending legitimacy to the military junta.
- Foreign government officials must collaborate and increase both public and private engagement with the NUG, women democracy activists and other key actors in resisting the junta.
- Cross-border humanitarian assistance, which allows for unimpeded humanitarian aid delivery to local actors, needs to be facilitated.
- Independent and non-biased investigations into the situation of women and girls in Myanmar need to be immediately conducted.
- UN member states need to continue pressuring the regime for the release of political activists who were unlawfully detained during the protests.

# Manifestations of Majoritarianism in Nepal

**Sanjit Shrestha**, **Sudeshna Thapa** and **Apurwa Baral**

## Background

### Introduction to Majoritarianism in Nepal

Historically, assimilative state-building practices adopted by the Nepali state imposed the culture, language and religion of the Khas Arya rulers as the basis of Nepali identity, resulting in significant changes, both voluntary and involuntary, in the socio-cultural practices of minority groups, mainly indigenous communities.[1] Since the end of the civil conflict and political change of 2006, however, Nepal's ethnic, social, cultural and religious diversity has been recognised by the state whilst safeguarding the right to equality and guaranteeing various affirmative action measures for minority and marginalised groups.[2] Further, the post-2006 period, including the promulgation of the Constitution of Nepal, 2015, has seen inclusion emerge as a crucial element of the state-building process, with the civil, political, cultural, social and economic rights of minorities integrated into mainstream politics. These developments reflect a shift towards the 'politics of presence'[3] and a symbolic, if not yet fully realised, recognition of the importance of pluralism and inclusion in Nepal.

1 See for instance: Rex L. Jones, 'Sanskritization in Eastern Nepal', *Ethnology* 15, no. 1 (January 1976): 63–75.

2 Bipin Adhikari, Deepak Thapa, Bandita Sijapati and Sudeshna Thapa with Rakshya Chalise and Pooja Chaudhary, *From Exclusion to Inclusion: Crafting a New Legal Regime in Nepal* (Kathmandu: Social Science Baha and Himal Books, 2022), https://soscbaha.org/publication/from-exclusion-to-inclusion-crafting-a-new-legal-regime-in-nepal.

3 Anne Phillips, *The Politics of Presence* (New York: Oxford University Press, 1995).

Although the oppressive legislative measures enforced by the state have been scrapped for the most part, the legacy of systemic discrimination against minority groups continues to dictate social mores. Majoritarian tendencies and values often pose hindrances in the exercise of various human rights, particularly economic, social and cultural rights, for Nepal's minorities. Even though overt manifestations of majoritarianism are not altogether common presently, its undercurrent flows not far below the surface in today's Nepal.

**Drivers of Majoritarianism: The Historical Context**

The consolidation of power by the Shah and Rana rulers in the nation-building process sowed the seeds of majoritarianism that continues to persist in Nepali society. With the 1854 promulgation of the Muluki Ain (Country Code), which codified the scattered customs and practices prevalent in the country, the entire Hindu as well as non-Hindu population of the country was classified under a single hierarchical order, with the Khas Arya at the pinnacle, ethnic minorities relegated to mid-ranking positions, and Dalits placed at the bottom rung and denigrated as 'untouchables'.[4] This codification led to the institutionalisation of the Hindu *varna* system and legitimated caste-based discrimination, with mechanisms introduced for sanskritisation and brahamanisation of Nepal's diverse population. Caste endogamy was sanctified, and strict commensal rules were introduced, with transgressions leading to excommunication. Hindu symbols such as *Upadhyaya Brahmans* and cows were consecrated, mandating deference from the entirety of the population. With the culture of the ruling elites associated with positions of power, those deemed inferior in the Hindu caste hierarchy were seen emulating the socio-cultural practices of the ruling elites.[5]

4 Andras Hofer, *The Caste Hierarchy and the State in Nepal: A Study of the Muluki Ain of 1854* (Kathmandu: Himal Books, 2004), 9.

5 Joanna Pfaff-Czarnecka, 'Vestiges and Visions: Cultural Change in the Process of Nation-Building in Nepal', in *Nationalism and Ethnicity in a Hindu Kingdom*, eds. David N. Gellner, Joanna Pfaff-Czarnecka and John Whelpton (Amsterdam: Harwood Academic Publishers, 1997); John Whelpton, *A History of Nepal* (Cambridge: Cambridge University Press, 2005).

The Panchayat era saw a more assimilatory form of nation-building. A homogenisation of the culture of the power holders—'high-caste' *parbatiya* (hill-native) Hindus—was pushed by the state in the guise of national unity. The cultural exclusivity, or 'Nepaliness', of the people of Nepal, was made the basis for the legitimisation of the state by King Mahendra, and this 'Nepaliness' was defined by Khas Arya traditions, customs and practices.[6] This included designating Nepali in the Devanagari script as the national language and requiring all bureaucrats to wear *dhaka topis*,[7] deemed central to the essence of 'Nepaliness'.[8] Thus, everyone was encouraged and even enjoined to adopt the language and customs of the Khas Arya.

To vindicate such exclusionary measures, the Panchayat regime manufactured the narrative of ethnic harmony in the country and termed any resistance against the homogenisation as anti-national and an incitement to ethnic violence.[9] Propagating the notion that pluralism could lead to national disintegration, minority claims and rights were suppressed under the pretext of protecting the sovereignty and territorial integrity of Nepal. This resulted in the systemic interdiction of indigenous and ethnic customs and cultures and the attempted erasure of their distinctiveness. Demands by minority groups during periods of democratic rule, however, reveals that ethnic and other minorities feared the 'sticks and stones' of the state rather than subscribing to the rhetoric of unity, singularity and 'Nepaliness'.[10]

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6 Richard Burghart, 'The Formation of the Concept of Nation-State in Nepal', *The Journal of Asian Studies* 44, no. 1 (November 1984), 101–125.

7 A *dhaka topi*, traditionally worn by hill natives, is a headdress fashioned from a specific type of cloth known as *dhaka*.

8 Bikash Gupta, 'One hat to rule them all: the *dhaka topi* and the subjugation of minority cultures in Nepal', *The Record*, January 10, 2021, https://bitly.ws/3fWrk; Harsha Man Maharjan 'The Nepali Cap as the Symbol of National Identity', in *Political Change and Public Culture in Post-1990 Nepal*, eds. Michael Hutt and Pratyoush Onta (India: Cambridge University Press, 2017), 134.

9 Krishna B. Bhattachan, 'Ethnopolitics and Ethnodevelopment: An Emerging Paradigm in Nepal', in *State Leadership and Politics in Nepal*, ed. Dhruba Kumar (Kathmandu: Centre for Nepal and Asian Studies, 1995).

10 Krishna Hachhethu, 'Madheshi Nationalism and Restructuring the Nepali State', paper presented at International Seminar on Constitutionalism and Diversity in Nepal organised by Centre for Nepal and Asian Studies, Kathmandu, 2007.

### Identfying Majority Groups in Different Contexts

In Nepal, while no single ethnic or caste group commands an outright majority, power is distinctly concentrated in the Khas Arya, the 'upper-caste', hill Hindus, who have historically enjoyed a position of privilege in Nepal and represent the country's social and economic elite.[11] This entrenched socio-religious hierarchy has played a significant role in shaping the allocation of power and resources, resulting in discrimination not only against those deemed 'lower caste' but also against various religious communities across the nation. In addition, the role of ethnic elites[12] cannot be ignored in discussions on majoritarianism in Nepal. Ethnic elites are believed to have instrumentalised sanskritisation and nationalisation in order to align themselves with the ruling elites and secure opportunities for upward mobility.[13] As such, multiple hierarchies have been created within ethnic communities whilst adopting the oppressive practices of the ruling elites.

## Rights of Marginalised and Minority Groups in the Domestic Legal Framework

The Constitution of Nepal, 2015 marks a pivotal legislative effort aimed at instituting comprehensive reforms, with a strong emphasis on promoting inclusion and safeguarding minority rights. It begins with a preamble that commits to eliminating 'all forms of discrimination and oppression resulting from the feudal, autocratic, centralised, and unitary systems' while 'embracing Nepal's multi-caste, multi-lingual, multicultural, and geographically diverse composition'.

Furthermore, the constitution retains rights that were previously enshrined in the Interim Constitution of Nepal, 2007

11 The Constitution of Nepal, 2015 defined the Khas Arya as the four groups consisting of Brahmins, Chhetris, Thakuris and Sanyasis (Dashnami) (Article 84).

12 Referring to ethnic groups within Nepal who possess significant social capital and influence alongside holding wealth. For example, Limbu chieftains were conferred the title of Subba after Shah conquest and they acted as designated political representatives of the state. Subbas had limited powers to hear disputes, along with their role as tax collectors from the locals—Limbus or otherwise.

13 Pfaff-Czarnecka, 'Vestiges and Visions: Cultural Change in the Process of Nation-Building in Nepal'.

encompassing fundamental and universally applicable liberties such as freedom (Article 17), equality (Article 18), dignity (Article 16), education (Article 31), health (Article 35), housing (Article 37) and social justice (Article 41), among others. It does not merely continue this legacy; instead, it significantly broadens the scope of specific rights, such as the right to equality and the right to social justice. While the right to equality prohibits discrimination based on a wide range of factors, including 'origin, religion, race, caste, tribe, sex, physical condition, disability, health status, marital status, pregnancy, economic condition, language, or region', a proviso clause clarifies that affirmative action in favour of Dalits, indigenous people, Madhesis, Tharus, Muslims and other minority groups does not constitute discrimination.[14] The Article has been further interpreted in the *Vinay Kumar Panjiyar v. Medical Education Commission, Office of the Prime Minister and Council of Ministers* case, where the petitioners sought a directive to ensure reservations under Article 18(3) in graduate-level medical studies.[15] The court clarified that Article 18(3) indeed represents affirmative action and acknowledged that reservation is a vehicle to reduce inequality and must not be applied among equals.[16] Drawing upon the principles of natural justice, the court underscored the significance of targeted protection, highlighting that affirmative action should not encompass individuals holding politically, professionally, socially or economically privileged positions, even if they fall within the defined groups outlined in the Article. The court ruling also made it clear that reservations under Article 18 are distinct from Article 42(1), which addresses social justice and the right to participate in state bodies based on proportional

14 The Constitution of Nepal, 2015, Article 18.

15 Article 18(3) stipulates that the state shall not discriminate among citizens 'on grounds of origin, religion, race, caste, tribe, sex, economic condition, language, region, ideological conviction or on similar other grounds'; Adhikari et al, *From Exclusion to Inclusion: Crafting a New Legal Regime in Nepal*, 76–80; Vinay Kumar Panjiyar v. Medical Education Commission, Office of the Prime Minister and Council of Ministers, https://supremecourt.gov.np/web/assets/downloads/faisalla-04-17-.pdf.

16 Adhikari et.al, *From Exclusion to Inclusion: Crafting a New Legal Regime in Nepal*; Vinay Kumar Panjiyar v. Medical Education Commission, https://supremecourt.gov.np/web/assets/downloads/faisalla-04-17-.pdf.

inclusion. The court also emphasised that the latter right does not necessitate a separate law for implementation, unlike Article 18(3). Nevertheless, the decision courted widespread backlash from Dalit and other minority rights activists, who argued that the court's interpretation of reservation along class lines detracts from the struggles of marginalised communities, effectively depriving them of opportunities.[17]

Furthermore, the constitution guarantees the right to language and culture under Article 32, while emphasising its collective exercise. This provision not only ensures that every individual and community has the freedom to participate in the cultural life of their respective communities but also spotlights the communities' right to preserve and foster their language, script, culture, cultural heritage and civilisation.[18] Moreover, Dalit rights are distinctly recognised by the constitution under Article 40, ensuring their participation in state bodies on the basis of proportional inclusion and providing specific legal provisions for employment, especially in the public service.[19] The Article also guarantees scholarships for Dalits at all educational levels and outlines special measures for those pursuing technical and professional subjects.[20] Likewise, it ensures Dalits' access to healthcare, social security, land allocation for landless Dalits and housing support for those without homes.[21] Most significantly, Article 40(4) firmly establishes the right of Dalits 'to use, preserve, and advance their traditional occupations, knowledge, skills, and technology'. Another crucial right for Dalits under the constitution is the right against untouchability and discrimination. This ensures, inter alia, protection against any form of discrimination and untouchability, the ability to access goods and services without discrimination based on caste or tribe,

17 Anushka Nepal, 'Reservation for whom?', *Nepal Live TODAY*, August 8, 2021, https://bitly.ws/3eXSr; 'Going backwards', *The Kathmandu Post*, August 6, 2021, https://bitly.ws/3eXTn; Shova Sharma, 'Reservation based on class not ethnicity, benefits shouldn't be reaped repeatedly by same person or family: SC', *Setopati*, August 2, 2021, https://bitly.ws/3eXTK.

18 The Constitution of Nepal, 2015, Article 32(3).

19 The Constitution of Nepal, 2015, Article 40(1).

20 The Constitution of Nepal, 2015, Article 40(2).

21 The Constitution of Nepal, 2015 Article 40(3).

and prohibits acts that encourage superiority or inferiority based on caste, tribe, etc. or promote caste-based discrimination.[22]

Policies of the State delineated in Article 51 aim to eradicate discrimination, inequality, exploitation and injustice rooted in religion, custom, usage, practice and tradition prevailing in society.[23] This commitment encompasses the preservation and advancement of languages, scripts, culture, literature, arts, motion pictures and heritages belonging to diverse castes, ethnicities and communities. Simultaneously, it is accompanied by an intent to implement a multilingual language policy. Meanwhile, Article 51(j), which addresses social justice and inclusion, lays out specific initiatives. These include the rehabilitation of *kamaiyas* (bonded labourers), *kamalaris*, *haliyas* and *haruwa-charuwas*[24] as well as addressing the needs of the landless and squatters.[25] Furthermore, the specific policy aims to provide special provisions for safeguarding the rights of indigenous people and Madhesis, among others.[26]

Similarly, the Constitution of 2015 has established 13 autonomous constitutional commissions, including seven thematic ones tasked with addressing minority-specific and inclusion mandates.[27]

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22 The Constitution of Nepal, 2015, Article 24.

23 The Constitution of Nepal, 2015, Articles 51(c)(5), 51(c)(5).

24 *Haliya* refers to the bonded labourers engaged in the agricultural sector in Nepal. Traditionally, they work on another person's land with little or no pay or against debt repayment which is especially practised in the hilly region of western and far-western Nepal. Mostly prevalent in the lowland Tarai before being outlawed in the year 2000, *kamaiyas* were generally Tharus from the western Tarai who lived and worked on a landowner's land as quasi-slaves in exchange for loans to sustain them with minimum livelihoods while *kamlaris* were mostly young women and girls, again mostly Tharus, working for wealthy families as maids and house-keepers on a contractual basis from which it was virtually impossible to escape. *Haruwa* and charuwa are forced labourers based on debt bondage, prevalent in the agricultural sector in the eastern Terai region of Nepal. *Haruwa* refers to 'tillers' and charuwa to 'cattle herders'.

25 The Constitution of Nepal, 2015, Article 51(j)(5).

26 The Constitution of Nepal, 2015, Article 51(j)(8).

27 Apurwa Baral, Sanjit Shrestha and Sudeshna Thapa, 'State of Implementation of International Human Rights Standards in Nepal and the Implications for Minorities', in *Weakening Human Rights Commitments and Its Impact on Minorities*, (Kathmandu: SAC, 2023), https://thesouthasiacollective.org/wp-content/uploads/2023/03/SASM2022.pdf.

Despite having similar mandates to the other constitutional commissions, the Adibasi Janajati Commission, the Madhesi Commission, the Tharu Commission and the Muslim Commission have not been afforded the status of 'national' commissions owing to the fact that the four constitutional bodies were established in response to demands made by marginalised communities near the end of the constitution-drafting process after negotiations to establish an authoritative inclusion commission fell through.[28] Together, these constitutional bodies are intended as checks and balances on the executive branch, holding it accountable for performing its responsibilities. The constitution has introduced several safeguards, including fixed-term appointments, detailed eligibility criteria and clear provisions regarding remuneration and conditions of service, to maintain the independence of these institutions.[29] It must be noted, however, that unlike other commissions, whose duties, powers and functions are delineated in the constitution, the Adibasi Janajati Commission, the Madhesi Commission, the Tharu Commission and the Muslim Commission have only brief mentions, primarily regarding the tenure of members. Furthermore, unlike the other commissions with quasi-judicial authority, the corresponding legislation for these four commissions merely permits them to 'collect complaints' against individuals or entities violating the concerned rights and at most 'make recommendations' to the relevant agency.[30]

To uphold these constitutional assurances, several legislations have been amended, with the most significant being the Caste-Based Discrimination and Untouchability (Offence and Punishment) Act, 2011. This legislation was promulgated to safeguard people's rights to live with dignity, ensuring an environment free from untouchability and discrimination based on factors such as origin,

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28 Adhikari et al, *From Exclusion to Inclusion: Crafting a New Legal Regime in Nepal*.

29 Niti Foundation and Social Science Baha, *Why Nepal's 'Other' Commissions Matter for Justice and Inclusion:Strengthening Constitutionalism in Nepal* (Kathmandu: Niti Foundation & Social Science Baha, 2022), 1.

30 National Indigenous Nationalities Commission Act, 2017, Section 7(m); Madhesi Commission Act, 2017, Section 7(l); Tharu Commission Act, 2017, Section 7(m); Muslim Commission Act, 2017, Section 7(l).

caste, ethnicity, descent, community, occupation, business or physical condition.[31] In a similar vein, several new legislations were enacted including the Crime Victim Protection Act of 2018. Section 5 of the Act ensures freedom from discrimination based on the victim's religion, colour, gender, caste, ethnicity and more. Additionally, the Public Health Service Act of 2018 prohibits health institutions from discriminating against individuals based on factors such as their 'origin, religion, colour, caste, ethnicity, gender, occupation, sexual and gender identity, physical or health condition, disability, marital status, pregnancy, ideology or any similar basis' as specified in Section 12(3).

Further, the Lands Act of 1964 offers more targeted protections for minority groups within Nepal. Notably, it places a priority on freed bonded labourers, Dalits, indigenous people and Janajatis when it comes to selling or disposing of land that has been acquired or confiscated by a municipality, as clearly outlined in Section 21(1).[32] Similarly, the Right to Food, guaranteed as a fundamental right in the constitution of 2015,[33] and the Food Sovereignty Act of 2018 mandate all three tiers of government to implement targeted agricultural development programmes for Dalits, endangered communities, indigenous communities and landless farmers as outlined in Section 18(1) of the Act. Additionally, the Right to Employment Act of 2018 grants priority to Dalits and other marginalised communities when providing minimum employment opportunities to the unemployed as per Section 8. These laws collectively aim to address the unique needs of marginalised communities and uphold their rights. Furthermore, with regard to the appointment of civil servants, Section 7(7) of the Civil Service Act, 1993 stipulates that 45 per cent of the positions to be filled through open competition is to be filled through a separate competition between the following: women (33 per cent), Adibasi Janajati (27 per cent), Madhesis (22

31 The Caste-Based Discrimination and Untouchability (Offence and Punishment) Act, 2011, Preamble.

32 The Lands Act 1964; Adhikari et al, *From Exclusion to Inclusion: Crafting a New Legal Regime in Nepal.*

33 The Constitution of Nepal, 2015, Article 36(3).

per cent), Dalits (9 per cent), persons with disabilities (5 per cent) and individuals from backward areas[34] (4 per cent).

## Manifestations of Majoritarianism: Forms and Effects

### Religious Symbolism and the State

The proclamation of secularism in 2007 marked Nepal's entry into a new political epoch. During this formative period of state-building following the proclamation, the government embraced inclusive policies, exemplified by the introduction of public holidays dedicated to festivals associated with diverse ethnic and religious communities.[35] Additionally, the dissolution of the monarchy during the inaugural session of the Constituent Assembly in 2008 served to signal the state's departure from the dominant Hindu narrative that had previously prevailed.

However, with the emergence of Hindu nationalist groups, the state's commitment to secularism is dwindling. This transformation is characterised by a growing emphasis on preserving the historical connection between Hinduism and the state with state officials actively participating in public Hindu celebrations and the President replacing the monarch at Hindu festivals.[36] State leaders continue to partake in Hindu traditions, including Indra Jatra,[37] Kshama Puja[38] and Chhath Puja,[39] and pay

34 Section 7(7) of the Civil Service Act, 1993 categories Accham, Kalikot, Jajarkot, Jumla, Dolpa, Bajhang, Bajura, Mugu and Humla districts as belonging to 'backward areas'.

35 Ministry of Home Affairs, 'Holiday List [in Nepali]', *Nepal Gazette* 5, no. 65 (2022), http://bitly.ws/EnUp.

36 Chiara Letizia, 'Secularism and Statebuilding in Nepal', in Two Steps Forward One Step Back: T*he Nepal Peace Process*, eds. D. Thapa and A. Ramsbotham (London: Conciliation Resources, 2017).

37 'Indra Jatra observed amid fanfare', *The Kathmandu Post*, September 19, 2021, https://tkpo.st/3AAG3Ws; Kamal Subedi, 'Indra Jatra observed with fanfare at Basantapur Durbar Square in capital', *myRepublica*, September 13, 2019, http://bitly.ws/EnXw.

38 'Prez Bhandari sends material for "kshyama puja" at Bhimsen Temple', *The Himalayan Times*, September 27, 2017, http://bitly.ws/EnYb; ANI; 'Nepal President participates in "Kshama Puja", inaugurates new "Jalahari" at Pashupatinath Temple', February 25, 2021, http://bitly.ws/EnZZ.

39 'President Bhandari performs Chhath Puja', *myRepublica*, November 10, 2021, https://myrepublica.nagariknetwork.com/news/president-bhandari-

visits to the Pashupatinath temple, a revered Hindu pilgrimage site.[40] Likewise, during the festival of Dashain,[41] the President

performs-chhath-puja; 'President Bhandari offers Puja to Chhathi Mai', *Khabarhub.com*, October 30, 2022, https://english.khabarhub.com/2022/30/278384.

40 Anil Giri, 'Oli's temple visit carries an underlying political message, leaders and observers say', *The Kathmandu Post*, January 26, 2021, http://bitly.ws/Eo4h.

41 Dashain is considered the most significant Hindu festival celebrated in Nepal.

offers *tika*[42] to the general public.[43] The state's predilection towards Hindu traditions is also evident in its financial backing of Hindu festivities, the presence of Hindu temples and memorabilia in government premises, schools, military camps and courts and the government's continued control over trusts associated with Hindu deities and temples,[44] despite the constitution declaring the state secular. The lack of clear directives, coupled with the use of Hindu cultural symbols in national emblems[45] and the official recognition of the cow as the national animal,[46] serves to endorse the Hindu identity.

Despite assertions by anti-secular activists that the state's tacit backing of Hindu traditions does not inherently exclude other religious groups from professing and practising their beliefs, this claim is at odds with several provisions in the country's domestic legal framework. Article 4 of the Constitution of Nepal, 2015 declares the country a secular state. However, the concurrent emphasis on preserving and promoting *sanatana dharma*—widely interpreted to mean Hinduism—evidences legislative intent to promote Hinduism. Further, while Article 26 of the constitution enshrines the right to profess, Article 26(3) introduces a blanket prohibition on proselytisation,[47] which finds continuation in the National Penal Code of 2017. These provisions effectively ban 'converting someone from one religion to another' and abetment of the same, with violations resulting in imprisonment for up to five years alongside a hefty fine.[48]

The Penal Code also criminalises cow slaughter, whereby the act of 'causing the death of a cow' carries an imprisonment sentence of

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42 A *tika* is a mark drawn on the forehead by adherents of the Hindu faith, especially during auspicious occasions.

43 'President Paudel to Offer Dashain Tika', *The Kathmandu Post*, October 23, 2023, https://b.itly.ws/3fvrJ.

44 Arjun K.C, 'A Case Study of Secularism in Nepal', *Voice of Teacher* 7, no. 1 (December 2022): 10–12.

45 Adhikari et al, *From Exclusion to Inclusion: Crafting a New Legal Regime in Nepal*.

46 'Cow becomes national animal of Nepal', *The Indian Express*, September 22, 2015, http://bitly.ws/Eo5z; The Constitution of Nepal, 2015, Article 9(3).

47 The Constitution of Nepal, 2015, Article 26(3).

48 The exchange rates are for September 1, 2023.

up to three years and the act of committing 'assault on a cow' can result in a penalty of six months' imprisonment and a fine of up to NPR 50,000 (USD 374).[49] Furthermore, some local governments have begun passing regulations that financially incentivise people to report cases of cow slaughter.[50] Laws of this nature not only contradict the commitments stipulated in Article 18 of the International Covenant on Civil Political Rights (ICCPR) which obligates states to ensure the unimpeded exercise of the right to religious freedom, but the presence of blasphemy laws intended to discourage religious conversions fosters an environment in which even ordinary expressions of faith can be misconstrued as promoting conversion.[51] As such, a ban on proselytisation and cow slaughter can allow for arbitrary detention and persecution of members of minority faiths. Notably, between 2011 and 2019, the Supreme Court heard 34 cases involving cow slaughter, and the acquittal rate in these cases was extremely low.[52]

In addition to the legal constraints posed by certain provisions in the country's domestic legal framework, religious minorities in Nepal also face administrative hurdles in exercising their freedom of religion or belief. For instance, non-Hindu and non-Buddhist faith groups encounter significant challenges when attempting to register religious institutions or establish places of worship.[53] Instead, they are compelled to register as non-governmental organisations (NGOs) and undergo annual renewals, which necessitate the submission of financial audits and activity reports. Hindu and Buddhist groups can register as religious educational institutions and access government funding. It is worth noting that

49 The National Penal (Code) Act, 2017, Sections 289(2), 289(3).

50 'Municipality going strict against cow slaughter', *Online Radio Nepal*, May 27, 2023, https://onlineradionepal.gov.np/en/2023/05/27/355321.html.

51 United States Department of State, *Nepal 2022 International Religious Freedom Report* (United States: 2022), https://www.state.gov/wp-content/uploads/2023/04/441219-NEPAL-2022-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf.

52 Shiva Hari Gyawali, 'Criminalization of cow-slaughter is a tool of caste terror', June 14, 2019, https://www.recordnepal.com/criminalization-of-cow-slaughter-is-a-tool-of-caste-terror.

53 United States Department of State, *Nepal 2022 International Religious Freedom Report.*

private Christian schools, registered as NGOs, remain ineligible for government funding, exemplifying the state's discriminatory treatment towards minority religions. Although the government initiated the registration of madrassas as government schools in 2004, the requirement for madrassas to adopt government-approved curricula in exchange for government funding has left an estimated 3000 madrassas unregistered and devoid of access to government funding.[54]

Within the political context, these laws continue to be wielded as tools for populism, targeting a variety of religious activities, including the distribution of religious materials and involvement in charitable endeavours by members of minority faiths. A case in point is an incident in June 2022, when a prominent member of parliament voiced criticism over the use of Jesus as a symbol of God in a pre-school textbook.[55] Amid public backlash, the book publisher apologised and ceased distribution of the textbook, thereby underscoring the inhospitable environment for the promotion of Christian symbols and faith in general.

### The Influence of India's Hindu Nationalism

Concerns have been expressed over the rising influence of the nationalistic Hindutva ideology of India's ruling Bharatiya Janata Party on Nepali politics.[56] The United States State Department's International Religious Freedom report from 2023 asserted that right-wing religious groups associated with India's BJP have been providing financial support to influential politicians across all parties in Nepal with the aim of garnering support for the establishment of a Hindu state in Nepal.[57] While parties like the

54 Sema Hasan and Luke Wilson, *Religious Freedom Conditions in Nepal* (United States: 2022), 4, https://www.uscirf.gov/sites/default/files/2023-08/2023%20Nepal%20Country%20Update.pdf.

55 United States Department of State, *Nepal 2022 International Religious Freedom Report*.

56 Santa Gaha Magar 'India's Hindutva politics influencing Nepal', *Nepali Times*, July 27, 2023, https://nepalitimes.com/news/india-s-hindutva-politics-influencing-nepal.

57 Anil Giri, 'US report: BJP pays politicians to lobby for Hindu Nepal', *The Kathmandu Post*, February 2, 2024, https://kathmandupost.com/national/2023/05/18/us-report-bjp-pays-politicians-to-lobby-for-hindu-nepal.

royalist-right Rastriya Prajatantra Party (RPP) have long called for the abolishment of secularism in Nepal, the said report explicitly mentions that Hindu groups in India continued to exert pressure on Nepali politicians, notably those from the RPP, to advocate for the restoration of a Hindu state in Nepal.[58] In addition, the report claims that proponents of Hindutva sought to 'create an unfriendly environment for Christians on social media and encouraged "upper-caste" Hindus to enforce caste-based discrimination at local political rallies'.[59]

In what was viewed by critics as undeclared support to the Hindu nationalist politics proliferating in India and a deviation from the communist ideology he claims to embody, Prime Minister Pushpa Kamal Dahal offered an elaborate *pooja* at a temple during his official visit to India in June 2023 after Indian Prime Minister Narendra Modi assured him of a 'spiritual experience in this journey from Pashupatinath to Mahakaleshwar' while addressing a press conference, clearly showcasing the latter's expectation of commitment to Hindu sentiments from the Nepali Prime Minister.[60] Images of the Maoist Dahal clad in a saffron *dhoti*, offering prayers at the Mahakaleshwar temple, were met with shock and cynicism by many back in Nepal.[61] In another notable development, members of the ruling Nepal Communist Party-Maoist Centre (CPN-Maoist Centre) submitted a memorandum to Prime Minister Dahal, also

58 United States Department of State, *Nepal 2022 International Religious Freedom Report*.

59 United States Department of State, *Nepal 2022 International Religious Freedom Report*.

60 Binod Ghimire, 'Many see Dahal's temple worship as deviation from his Marxist ideology', *The Kathmandu Post*, June 3, 2023, https://kathmandupost.com/national/2023/06/03/many-see-dahal-s-temple-worship-as-deviation-from-his-marxist-ideology; Kamal Dev Bhattarai, 'Dahal's journey from Mahakaleshwar to Pashupatinath', *Annapurna Express*, June 12, 2023, https://theannapurnaexpress.com/news/dahals-journey-from-mahakaleshwar-to-pashupatinath-43669; JB Biswokarma, 'धर्म निरपेक्षताः बलियो दिग्भ्रम' [in translation Secularism: A strong delusion], Kantipur, December 29, 2023, https://bitly.ws/3fV4X.

61 Mitra Pariyar, 'Communism in Saffron Robes', *The Kathmandu Post*, July 10, 2023, https://kathmandupost.com/columns/2023/07/10/communists-in-saffron-robes; Achyut Wagle, 'Saffronisation of Dahal's diplomacy', *The Kathmandu Post*, updated June 6, 2023, https://kathmandupost.com/columns/2023/06/05/saffronisation-of-dahal-s-diplomacy.

the chairman of the party, seeking a referendum to choose between establishing Nepal as Hindu state and a secular one.[62]

During the 2022 election, while most political parties refrained from explicitly endorsing a Hindu agenda, the RPP continued to advocate for the restoration of a Hindu state alongside the reinstatement of monarchy.[63] The Nepali Congress also drew attention by refraining from addressing secularism in their manifesto, a decision coinciding with the growing demand for the restoration of a Hindu state.[64] While the Nepali Congress officially endorses secularism, the party's president has expressed openness to discussions on eliminating secularism, while rejecting the restoration of the monarchy.[65]

Similarly, party leaders and influential political figures across the political spectrum in the years leading up to the 2022 general election consistently attempted to influence voters by aligning themselves with a pro-Hindu agenda. A notable instance includes the former Chief of Army Staff launching the 'Hindu Rashtra Swabhiman Jagran Abhiyan' campaign in 2021 to 'reclaim' the Hindu identity.[66] Similarly, in what was interpreted by political analysts as a move aimed at garnering support for the 2022 election, in 2021, the then Prime Minister publicly directed the construction of a temple devoted to Lord Ram in a village south of the capital.[67]

Hindu religious leaders and public figures from India have

62 'Demand for a referendum on the Hindu state rising within the Maoist Centre', *Onlinekhabar*, May 18, 2023, https://english.onlinekhabar.com/maoist-centre-referendum-hindu-state.html.

63 Rastriya Samachar Samiti, 'RPP unveils election manifesto', *The Himalayan Times*, November 1, 2022, https://thehimalayantimes.com/nepal/rpp-unveils-election-manifesto.

64 Tika R Pradhan, 'Nepali Congress mum on secularism, vows to strengthen federalism', *The Kathmandu Post*, October 30, 2022, https://kathmandupost.com/politics/2022/10/30/nepali-congress-mum-on-secularism-vows-to-strengthen-federalism.

65 Anil Giri, 'Congress open to debating secularism within the party', *The Kathmandu Post*, November 28, 2023, https://kathmandupost.com/politics/2023/11/28/congress-open-to-debating-secularism-within-the-party.

66 'Calls grow for the re-establishment of Hindu Rashtra In Nepal!', Sanatan Prabhat, November 6, 2022, https://sanatanprabhat.org/english/66340.html.

67 Sangam Prasain, 'Hindu nationalism an easy bait in Nepal general elections', *EFE:*, November 8, 2022, https://efe.com/en/latest-news/2022-11-08/hindu-nationalism-an-easy-bait-in-nepal-general-elections.

continued to outrightly endorse a pro-Hindu agenda in Nepal. In August 2023, when Acharya Dhirendra Shastri, widely known as Baba Bageshwor, visited Nepal, his anti-secularist assertions advocating for Nepal to revert to a Hindu state sparked strong opposition from civil society.[68] While Prime Minister Dahal was scheduled to meet him, the meeting was cancelled due to growing public backlash. Nevertheless, Deputy Prime Minister and Home Minister Narayan Kaji Shrestha's decision to proceed with the meeting has been seen as tacit support for a pro-Hindu agenda.[69]

The impact of the rise of Hindu nationalism across the border is also evident in the gradual transformation of some Nepali cities having close geographical and cultural ties with India. After Modi's visit to Janakpur in May 2018, the local government spent NPR 28 million to give Janakpur a facelift by putting up elaborate Mithila paintings depicting stories from the *Ramayana* along the roads, among other developments.[70] In addition, saffron—a colour now closely identified with Hindu nationalism—is reported to have taken over the city since 2019. With both public and private properties and entire neighbourhoods doused in saffron, residents have raised concern over feeling pressured into painting their houses saffron, leading some to 'question Janakpur's adherence to secularism'.[71]

### Discrimination against Dalits

The harms of Hindu majoritarianism are limited not just to Nepal's non-Hindu population but also continue to impact Dalits, who were denigrated as 'untouchables' in the Muluki Ain (Country Code) of 1854, the authoritative legal text that entrenched caste hierarchy

68 Swagat, 'Baba Bageshwar Claims Nepal Was Historically Part of India, Stirs Controversy', *Odisha Bhaskar English*, August 23, 2023, https://odishabhaskar.in/national/baba-bageshwar-nepal-visit-controversy-50811.

69 'Baba Bageshwar goes to Nepal, calls Nepal a part of India', *The Statesmen*, August 23, 2023, https://www.thestatesman.com/world/baba-bageshwar-goes-to-nepal-calls-nepal-a-part-of-india-1503214747.html#.

70 Sweksha Karna, 'Janakpur is decked out in saffron, and not everyone is thrilled', *The Kathmandu Post*, September 28, 2019, https://tkpo.st/2mk4eI2.

71 Sweksha Karna, 'Janakpur is decked out in saffron, and not everyone is thrilled'.

in Nepal.[72] The Brahminic concept of purity was operationalised to substantiate such an imposition of multi-generational exclusion and misrepresentation.

The Constitution of the Kingdom of Nepal, 1990 banned caste-based discrimination in the country, but Dalits have remained economically and socially marginalised. This resulted in some Dalits adopting the 'politics of anonymity' by hiding their identity and/or changing their religion to Christianity to escape the hierarchised Hindu framework,[73] even as others solidified their Dalit identity in resistance to the orthodox Hindu caste hierarchy.[74] Studies have shown that the perception of Christianity as egalitarian and non-discriminatory is a major pull factor for Dalits.[75] They also see conversion as an avenue to meet their social, emotional and spiritual needs. For instance, religious spaces like temples may not be accessible to Dalits owing to discriminatory socio-cultural practices stemming from the Hindu caste system, but the same does not apply to churches.

The post-2008 political and social landscape has seen a significant shift towards greater rights for Dalits. The Caste-Based Discrimination and Untouchability (Offence and Punishment) Act, 2011, criminalises acts of caste-based discrimination and untouchability and outlines procedures for prosecution.[76] The 2015 Constitution, besides conferring the right to equality,[77] the right against untouchability and discrimination[78] and the right

72 Hofer, *The Caste Hierarchy and the State in Nepal.*

73 International Labour Organization, Dalits and Labour in Nepal: *Discrimination and Forced Labour* (Kathmandu: ILO, 2005); Steven Folmar, 'Identity Politics Among Dalits in Nepal', *HIMALAYA, the Journal of the Association for Nepal and Association for Nepal and Himalayan Studies* 27, no. 1 (December 2007): 45–47.

74 Amar Bahadur BK, 'The Stigma of the Name: Making and Remaking of Dalit Identity in Nepal', Baha Occasional Papers 6, Social Science Baha, 2013.

75 Bishnu Pariyar, Sushma Chhinal, Shyamu Thapa Magar and Rozy Bisunke, 'Pedalling out of Sociocultural Precariousness: Religious Conversions amongst the Hindu Dalits to Christianity in Nepal', *Religions* 12 (2021).

76 Adhikari et al, *From Exclusion to Inclusion: Crafting a New Legal Regime in Nepal.*

77 The Constitution of Nepal, 2015, Article 18.

78 The Constitution of Nepal, 2015, Article 24.

against exploitation,[79] also grants Dalits the right to participate in all agencies of the state, based on the principles of proportional inclusion.[80] As a result, Dalit representation has soared in the local, provincial and federal bodies of the government as well as in state bureaucracy.

Despite these significant changes, *de facto* discrimination against Dalits persists. Incidences of discrimination against Dalits are regularly reported in the media, with them being divested of cultural, economic and social rights in particular. Dalits continue to be beaten when visiting temples,[81] and they are still restricted from exercising their cultural rights, as evinced by their not being allowed to blow horns while transporting their dead as is customary in some villages.[82] In an incident reported in 2021, a Brahmin man was prevented from conducting the last rites of his father because he married a Dalit woman,[83] indicating how Dalits continue to be associated with impurity. Further, discriminatory acts of segregation by elected authorities during communal gatherings and feasts have also been reported.[84] In addition, inter-caste marriages remain rare and are not only considered socially unacceptable but can provoke acts of violence and brutality against Dalits.[85]

Historically, the Shah and Rana regimes buttressed extractive economic practices directly impacting Dalits. The Ranas prevented physical and social infrastructure development, including education and health services, rendering the polity feudal and backward.[86]

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79 The Constitution of Nepal, 2015, Article 29.

80 The Constitution of Nepal, 2015, Article 40.

81 National Dalit Commission, *Annual Report 2077/78* (Lalitpur: National Dalit Commission, 2021).

82 'Jilla Samanwaya Samiti Upa-pramukh Bhanchin: Marepachi Pani Dalit Mathi Bibhed Huncha (Dalits are Discriminated Even After Death)', *Onlinekhabar*, April 4, 2023, https://www.onlinekhabar.com/2023/04/1287758.

83 National Dalit Commission, Annual Report 2077/78.

84 Deepak Pariyar, 'Dalit Man Insulted for Joining Feast for "Upper-Caste" Guests', *The Kathmandu Post*, April 3, 2023, https://kathmandupost.com/gandaki-province/2023/04/03/dalit-man-insulted-for-joining-feast-for-upper-caste-guests.

85 Gopal Sharma, 'Dalit killings in Nepal spark outrage over caste discrimination', *Reuters*, June 17, 2020, https://www.reuters.com/article/idUSKBN23O23D.

86 Uddhab Pyakurel, *Reproduction of Inequality and Social Exclusion: A Study of Dalits in a Caste Society, Nepal* (Singapore: Springer, 2021).

The economic implications for Dalits, in particular, were severe due to their being restricted to certain low-paying occupations with no avenues of upward economic mobility, the effects of which remain pervasive.[87] Termed as the *bali ghare* practice,[88] Dalits were subjected to restrictive patron-client relationships whereby they were provided with a fixed amount of harvested food grains per year as compensation for their year-round work, depriving them of the ability to accumulate financial assets. Notably, the poverty rate among Dalits remains significantly higher than the rest of the population, with 44 and 38 per cent of Hill Dalits and Tarai Dalits, respectively, living below the poverty line.[89] The corresponding figures for Newars, Hill Brahmins and Hill Chhetris are 10, 10 and 23 per cent, respectively.[90] It is striking that a correlation is evident between the caste hierarchy codified in the Muluki Ain and the Human Development Index (HDI) measurements for each of the caste groups.[91]

## Indigenous Groups and Barriers to Exercising Socio-Economic Rights

The indigenous groups of Nepal were placed in middle-ranking positions in the caste hierarchy of the 1854 Muluki Ain.[92] Their impure status was solidified with the usage of the derogatory epithet *matwali*, meaning 'alcohol-drinkers', and although they

87 Pyakurel, *Reproduction of Inequality and Social Exclusion.*

88 'Bali Ghare involves a Dalit household serving an upper caste patron for predetermined remuneration in kind. There is thus a household-to-household informal contractual arrangement. The nature and magnitude of service delivery are the principal criteria for determining the remuneration'. See: International Labour Organization, *Dalits and Labour in Nepal: Discrimination and Forced Labour*, 43.

89 Central Bureau of Statistics, 'Nepal ma Garibi' *(Poverty in Nepal)* (Kathmandu: CBS, 2011).

90 Central Bureau of Statistics, 'Nepal ma Garibi' *(Poverty in Nepal).*

91 Deepak Thapa, 'The Making of the Maoist Insurgency', in *Nepal in Transition*, eds. S. von Einsiedel, D. M. Malone and S. Pradhan (New Delhi: Cambridge University Press, 2012); GoN and UNDP, *Nepal Human Development Report 2014: Beyond Geography, Unlocking Human Potential* (Kathmandu: GoN and UNDP, 2014).

92 Hofer, *The Caste Hierarchy and the State in Nepal.*

had a relatively higher status than Dalits in the caste hierarchy,[93] they remained inferior to the *tagadharis*, or 'wearers of the holy thread'. Later, exclusionary state-building of the Panchayat regime pushed indigenous groups to the margins.

The 'Nepalisation' strategy adopted by Shah rulers, amplified during the Panchayat regime, led to changes in indigenous culture and practices. Apart from being compelled to adopt Khas Arya traditions like the celebration of Dashain, many indigenous practices were also altered. For instance, the communal land tenure system of Limbus, the *kipat* system, underwent major modifications after the Gurkha conquest.[94] Hindus, especially Brahmins, were encouraged to migrate to Limbuwan, the ancestral homeland of the Limbus in the aftermath of the conquest, causing land tussles with native indigenous communities. The state converted the lands occupied by the immigrants into private holdings, undermining the indigenous collective culture. In a similar vein, the aftermath of the eradication of malaria in the Tarai plains in the 1950s saw state-sponsored resettlement projects facilitate a mass migration of Hill Khas Aryas to the region.[95] Unregistered lands of Tharus, indigenous to the plains, were passed on to these migrants, resulting in the former losing their lands and livelihoods. In addition to the infringement of economic, social and cultural rights of indigenous groups, the relocation of Khas Aryas to the traditional homelands of indigenous minorities has altered the demographic composition of these regions; currently, the Khas Arya constitute the largest population group in six of the seven provinces of Nepal.[96]

Further, the prohibition on cow slaughter also continues to be an imposition on those indigenous communities for whom beef consumption is an integral part of their cultural practices and even contributes to their collective identity.[97] Although the state frames

93 See footnote no. 6.

94 Jones, 'Sanskritization in Eastern Nepal'.

95 Jagannath Adhikari and Hari Dhungana, 'The State and Forest Resources: An Historical Analysis of Policies Affecting Forest Management in the Nepalese in the Nepalese Terai', *HIMALAYA* 29, no. 1 (2010).

96 Krishna Hachhethu, *Nation-Building and Federalism in Nepal: Contentions on Framework* (Oxford: Oxford University Press, 2023).

97 Mara Malagodi, 'Holy Cows and Constitutional Nationalism in Nepal',

such restrictions in the garb of cows being the national animal, the same restrictions have not been crafted for the protection of the *danphe (Lophophorus impejanus)*, the national bird.[98]

As with cultural practices, language can be used to foster group membership, determine inclusivity and access to resources, as well as classify people and their personal identities.[99] The sanskritisation process initiated by the Panchayat regime entailed the imposition of the Nepali language on ethnic minorities; the slogan *ek bhasa, ek bhes, ek desh* (one language, one dress, one country) demonstrates monist intentions to assimilate and homogenise Nepal's cultural and linguistic diversity.[100] Ethnic languages were envisaged to impede national unity, nation-building and development.

Intercensal comparison elucidates a stark rise in the Nepali-speaking population over the years with 19.5 per cent, 26.4 per cent and 44.7 per cent of the total population in 1961, 1971 and 1981 respectively.[101] Similarly, mother tongue retention by members of ethnic communities was only half in the central hills and, even lower, one-third in the inner Tarai in 1991.[102] In the latest census of 2021, a large proportion of ethnic minorities reported their indigenous language as their ancestral language, but a much smaller proportion reported the same as their mother tongue (Table 1). In contrast, Nepali was reported by 34.8 per cent as their ancestral language but a higher proportion of individuals, 44 per cent, reported that the language was their mother tongue.[103] The poor instrumental value of ethnic languages has been cited as the

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*Asian Ethnology* 80, no. 1 (2021): 93–120.

98 Chiara Letizia, 'Ideas of Secularism in Contemporary Nepal', in *Religion, Secularism and Ethnicity in Contemporary Nepal*, eds. David N. Gellner, Sondra L. Hausner and Chiara Letizia (New Delhi: Oxford University Press, 2016).

99 Elana Shohamy, *Language Policy: Hidden Agendas and New Approaches* (London: Routledge, 2005).

100 Burghart, 'The Formation of the Concept of Nation-State in Nepal'.

101 Harka Gurung, 'State and Society in Nepal', in *Nationalism and Ethnicity in a Hindu Kingdom*, eds. David N. Gellner, Joanna Pfaff-Czarnecka and John Whelpton (Amsterdam: Harwood Academic Publishers, 1997).

102 Harka Gurung, 'Linguistic Demography in Nepal', *Contributions to Nepalese Studies* 24, no. 2 (July 1997): 147–185.

103 National Statistics Office, *National Population and Housing Census 2021: National Report* (Kathmandu: Government of Nepal, 2023).

reason for their abandonment.[104] Parents are compelled to teach their children languages that provide opportunities for upward mobility, meaning intergenerational shifts from ethnic to more 'mainstream' languages have become a cause for grave concern.[105] While the 2015 constitution confers the right to basic education in one's mother tongue to all citizens,[106] such a guarantee may be of little value if the trend of decline in ethnic language retention continues among ethnic communities.

**Table 1: Ethnic language as ancestral language and mother tongue**

| Ethnicity | Proportion of ethnic population to total population | Proportion of population who reported ethnic language as ancestral language | Proportion of population who reported ethnic language as mother tongue |
|---|---|---|---|
| Newa: (Newar) | 4.60 | 4.05 | 2.96 |
| Rai | 2.19 | 0.78 | 0.49 |
| Tamang | 5.62 | 5.50 | 4.87 |
| Yakthung/Limbu | 1.41 | 1.40 | 1.20 |

Source: National Statistics Office, 2021.

Repeated misrepresentation of indigenous communities in the national census is also an issue plaguing indigenous groups in Nepal. In the latest census, indigenous ethnic groups such as Bantawa, Chamling, Tilung and Kulung, among others, have been reported separately under the ethnicity category but amalgamated as one ethnic group, Rai, under the language category in stark contrast to the demands of ethnic leaders and activists—recognition of the distinctiveness in the languages used by each community as they differ considerably.[107] Similarly, the exclusion of 'Pun' from the broader 'Magar' ethnic category has also incited

104 Bhim Lal Gautam, 'Language Politics in Nepal: A Socio-historical Overview', *Journal of World Languages* 7, no. 2 (January 2022): 355–374.

105 Bhim Lal Gautam, 'Language Shift in Newar: A Case Study in the Kathmandu Valley', *Nepalese Linguistics* 33, no. 1 (2018): 33–42.

106 The Constitution of Nepal, 2015, Article 31(5).

107 Ganesh Rai, 'Jana Ganana ko Tathyanka Ma Dohoriyeko Mithyanka (Repeated Misreporting in the Census Data)', *Kantipur*, June 6, 2023, https://ekantipur.com/news/2023/06/06/168603399108632292.html.

protests.[108] Likewise, despite protests from the Tharu Commission and other activists, the 2021 census categorises 'Rana Tharu' as a separate caste and language group, raising concerns that the state is wedging a rift between the Rana Tharus and the wider Tharu populace.[109]

Although the proclivity to term anyone raising concerns of indigenous groups as 'anti-national' has subsided,[110] the concept of national identity still resembles the Panchayat-era nation-building rhetoric of national unity and acquiescence with the dominant culture. Most recently, the Kirat community has been engaged in mass protests over the naming of the erstwhile Province 1 as 'Koshi' in lieu of a name that reflects the Kirat heritage of the region. The Kirat community has vehemently voiced discontentment towards the naming process which they claim was concluded without any consultation with the community and fails to take into account their cultural identity.[111] The provincial government, although opposed to the idea of renaming the province at first,[112] has recently inked an agreement with the agitators after escalating violence and the death of a protester.[113]

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108 'Jana Ganana ko Tathyanka ma Mithyanka Bhandai Pradarshan (Protests Accusing Misrepresentation of data in the Census)', *Nepal Clicks*, June 11, 2023, https://www.nepalclicks.com/details/12356.

109 Sahadev Chaudhary, 'Rana Tharulai chuttai jati ra bhashama bargikaran gareko ma aapatti (Objection over categorisation of Rana Tharus as a separate caste and language group)', *Onlinekhabar*, June 5, 2023, https://www.onlinekhabar.com/2023/06/1318110, as cited in 'SAC Bulletin #9 (1 March to 10 June, 2023): Nepal', The South Asia Collective, accessed December 31, 2023, https://thesouthasiacollective.org/bulletins/sacbulletin9/#np.

110 Lynn Bennett, Bandita Sijapati and Deepak Thapa, *Gender and Social Exclusion in Nepal* (Kathmandu: Himal Books, 2013).

111 Arjun Acharya, 'Kirant Pradesh Namakaran Maag Gardai Mukhya Mantri ko Karyalaya Gherau (The Office of the Chief Minister Surrounded by Groups Demanding the Naming of the Province as Kirat)', *Ratopati*, July 18, 2022, https://www.ratopati.com/story/252303/2022/7/18/kirat-pradesh-.

112 Anita Bhetwal, 'East is East', *Nepali Times*, July 14, 2023, https://nepalitimes.com/here-now/east-is-east.

113 Binod Bhandari, 'Koshi Province Government, Agitating Group Ink Five-Point Agreement', *The Kathmandu Post*, February 9, 2024, https://kathmandupost.com/province-no-1/2024/02/09/koshi-province-government-agitating-groups-ink-five-point-agreement.

**Denial of Burial Rights**

While the right to a dignified burial may not be explicitly acknowledged by human rights law, the right of individuals and communities to practise and profess their cultural and religious beliefs is protected by several national and international charters, including Nepal's constitution.[114] Since burial rites constitute a crucial aspect of Christian, Muslim and indigenous ethnic communities' cultural identities, the state has the responsibility to ensure that individuals belonging to these communities are able to practise their burial rituals in accordance with their culture.

Nonetheless, minority communities, especially those living within the Kathmandu Valley, continue to encounter impediments in their exercise of burial rights. This challenge is particularly pronounced for Christians, who find themselves without access to proper burial grounds within the valley, unlike the Muslim population, who benefit from the presence of two cemeteries in mosques in the Valley.[115] Previously, Christians and Kirats had been conducting burials in the Shleshmantak forest located within the confines of the Pashupatinath temple premises.[116] However, this practice came to a halt when the Pashupati Area Development Trust, in accordance with the Pashupati Area Development Trust Act of 1987, issued a decree prohibiting burial within the forest area. The prohibition was based on the forest's religious significance to the Hindu community.[117]

This majoritarian sentiment gained additional legitimacy through the *Chari Bahadur Gahatraj* case, in which the Supreme Court ruled that burials by non-Hindu religious communities within the Pashupatinath area would infringe upon the religious

114 The International Covenant on Civil and Political Rights, 1966, Article 27; The International Covenant on Economic, Social and Cultural Rights, 1966, Article 15; The Constitution of Nepal, 2015, Article 32.

115 Surinder Kaur, 'Why Nepali Christians Can't Bury Their Dead', *Christianity Today*, March 23, 2023, http://bitly.ws/Enhn; Christian Solidarity Worldwide, 'Stakeholder Submission Nepal', Universal Periodic Review, 37th session, (July 2018), 4.

116 Kaur, 'Why Nepali Christians Can't Bury Their Dead'.

117 ICJ, *Challenges to Freedom of Religion or Belief in Nepal a Briefing Paper* (July 2018), 22.

beliefs of the Hindu populace.[118] The court's verdict emphasised the state's responsibility to safeguard and promote Hinduism, citing the religion's historical significance and its status as the religion followed by the majority of the country's population.[119] Notably, the court dismissed the notion that the state has any obligation under national or international laws to ensure availability of burial grounds for indigenous and religious groups. Nonetheless, the bench did direct the state to arrange for alternative burial spaces and articulated that non-Hindu faith communities could privately acquire land for burial purposes, with the stipulation that such arrangements respect the religious sentiments of other religious groups. The 2017 case of *Tulasi Simkhada v. The Government of Nepal* upheld this ruling and maintained the prohibition on burials within the Pashupatinath area, whilst making an exception for those with pre-authorised permission for burial.[120]

Despite the court's ruling, state authorities are yet to allocate land for religious groups that culturally observe burial practices. On a positive note, local governments in eastern Nepal have independently initiated efforts to designate burial areas for their Christian communities.[121] Nonetheless, these endeavours have not resulted in significant improvements to the overall situation. Furthermore, even in cases where religious minority organisations/institutions—such as Protestant churches—have acquired private lands for burial purposes in the Kathmandu Valley, they have encountered resistance from local communities.[122]

**Political Representation of Minority Groups**

Representation in state structure is instrumental in reducing societal bias towards disadvantaged groups.[123] Electoral quotas

118 See Charibahadur Gahatraj et. al. vs. Prime Minister and the Council of Ministers et. al. (2011), https://supremecourt.gov.np/web/assets/downloads/judgements/Some%20Landmark%20Decision%20-%20Vol.%204.pdf.

119 Charibahadur Gahatraj et. al. vs. Prime Minister and the Council of Ministers; ICJ, *Challenges to Freedom of Religion or Belief*, 22.

120 ICJ, *Challenges to Freedom of Religion or Belief*, 22 and 23.

121Kaur, 'Why Nepali Christians Can't Bury Their Dead'.

122 United States Department of State, *Nepal 2022 International Religious Freedom Report.*

123 Lori Beaman, Raghabendra Chattopadhyay, Esther Duflo, Rohini Pande

embedded within Nepal's mixed electoral system serve as a crucial mechanism to ensure the numerical representation of underprivileged communities. This approach is meant to enhance the likelihood of candidates from marginalised groups being elected to federal and provincial legislatures. It aims to achieve a dual purpose: not only guarantees adequate numerical representation but also increase the likelihood of ensuring representation that aligns with the population size of the marginalised communities in Nepal.[124] This commitment to diverse and inclusive representation is strengthened by the constitutional framework under Articles 84(2) and 176(2), which mandate political parties to nominate candidates from a wide range of communities, including Dalits, indigenous nationalities, Khas Arya, Madhesi, Muslims and individuals from backward regions within the proportional representation (PR) part of the electoral system. While this principle holds promise in theory, political parties often exploit it as a means to merely meet the minimum legal requirements for representation.[125] Specifically, political parties tend to avoid fielding candidates from minority groups under the first-past-the-post (FPTP) system because they can fulfil the mandated minimum requirement of minority representation through the PR system. As an illustration, in the current House of Representatives, Dalits make up only 5.82 per cent of the membership, with 16 members elected through proportional representation and only one via direct election.[126] Recently, the Supreme Court instructed political parties to nominate lawmakers under the PR system in line with the spirit

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and Petia Topalova, 'Powerful Women: Does Exposure Reduce Bias?', *The Quarterly Journal of Economics* 124, no. 4 (November 2009): 1497–1540.

124 Krishna Khanal, Frits Sollewijn Gelpke and Udhab Prasad Pyakurel, *Dalit Representation in National Politics of Nepal* (Kathmandu: Nepal National Dalit Social Welfare Organisation, 2012); The House of Representatives Elections Act, 2017, Section 28(5).

125 Binod Ghimire, 'Political parties continue to abuse proportional representation system', *The Kathmandu Post*, September 21, 2022, https://kathmandupost.com/politics/2022/09/21/political-parties-continue-to-abuse-proportional-representation-system.

126 'Dalit representation in executive positions taking back seat', *myRepublica*, April 27, 2023, https://bitly.ws/3hQAL.

of the constitution so as to ensure equitable representation from underrepresented communities.[127]

The PR system's efficacy has also been undermined by the allocation of reservation quotas for the dominant Khas Aryas, albeit alongside other marginalised groups,[128] allowing the former to exploit the system to their advantage.[129] This situation raises significant concerns about the fairness and inclusivity of the electoral system. Additionally, it omits mandatory participation and representation of the Christian community. Likewise, the closed PR system in Nepal, where candidates are elected based on the percentage of votes received by political parties, tends to prioritise party politics over genuine representation of minorities, with political parties often nominating the most privileged and elite individuals from within marginalised groups while also promoting sycophants, exacerbating the issue of underrepresentation.[130]

The dispersed geographical distribution of Dalit and marginalised groups presents challenges in consolidating votes, a crucial requirement under the FPTP system.[131] This directly impacts minority groups' ability to compete effectively in elections. The major political parties often employ this as a justification for not nominating candidates from minority backgrounds within the FPTP system.[132] This issue is exacerbated by the domination of Khas Arya men in the top leadership positions of political parties.[133] As

127 Binod Ghimire, 'Court orders parties not to abuse proportional representation system', *The Kathmandu Post*, March 14, 2024, https://bitly.ws/3fVQD.

128 Simone Galimberti, 'Debating the discourse of discrimination against Dalits with JB Biswokarma', *Nepal Live Today*, May 2, 2023, http://bitly.ws/EnrW; Tika R Pradhan, 'Inclusion of Dalits, disadvantaged groups still negligible', *The Kathmandu Post*, April 12, 2023, https://kathmandupost.com/national/2023/04/12./inclusion-of-dalits-disadvantaged-groups-still-negligible.

129 Tika R Pradhan, 'Nearly half of ethnic groups underrepresented in Parliament in 15 years of PR exercise', *The Kathmandu Post*, October 15, 2022, https://tkpo.st/3MxM25m.

130 Khanal et al., *Dalit Representation in National Politics of Nepal*.

131 Khanal et al., *Dalit Representation in National Politics of Nepal*.

132 Khanal et al., *Dalit Representation in National Politics of Nepal*.

133 'Khas-Arya Dominance in Nepali Political Parties: A Case Study of Nepal Communist Party and Nepali Congress', IPSA-AISP, accessed September 15, 2023, https://wc2023.ipsa.org/wc/paper/khas-arya-dominance-nepali-political-parties-case-study-nepal-communist-party-and-nepali.

leaders, they wield significant influence over candidate selection for elections and display reluctance when it comes to fielding minority candidates, particularly women from marginalised communities. Additionally, Dalit candidates often encounter social, economic and political barriers that hinder their effective campaigning.[134] They may face exclusion from important social events and meetings, be susceptible to threats and intimidation and struggle to secure campaign funds altogether.[135] The situation is considerably worse for women from minority communities, who are frequently marginalised within their political parties, have limited, if any, access to their familial property and other financial resources,[136] and are further disadvantaged by lower literacy among women belonging to minority groups.[137]

The fact that the 2017 House of Representatives (HoR) elections yielded a more diverse representation than the 2022 legislature is a concerning indication of the political system's lack of inclusivity. Following the 2022 federal elections, there was a noticeable decline in the representation of Madhesi and Dalit communities in the HoR.[138] Meanwhile, Khas Aryas occupy a substantial 47 per cent of the total HoR seats. In fact, Khas Aryas account for 58 per cent of members elected through the PR system, calling into question the effectiveness of a system purportedly designed to boost marginalised communities' representation.

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134 Khanal et al., *Dalit Representation in National Politics of Nepal.*

135 'Election Result', Election Commission Nepal, accessed September 15, 2023 https://election.gov.np/en/page/result-hor; Tej Bahadur Sunar 'Situation of Women and Marginalized Groups' Representation in the Elected Institutions in Nepal: Analysis of Federal and Provincial Election 2022', *Global Scientific Journals* 11, no. 2 (2023): 2789.

136 Sankalpa, *Challenges Faced by Women Candidates in the 2022 Elections in Nepal: A Study on Political Leadership and Gender Equality* (Kathmandu: Sankalpa, 2023); National Planning Commission (NPC) and United Nations Development Programme (UNDP), *Nepal Human Development Report 2014: Beyond Geography Unlocking Human Potential* (Kathmandu: NPC and UNDP, 2014).

137 Ministry of Health and Population, New ERA and The DHS Program, *Nepal Demographic and Health Survey 2022* (Kathmandu: Ministry of Health and Population [Nepal], 2022).

138 Election Commission Nepal, 'Election Result'; Sunar, 'Situation of Women and Marginalized Groups' Representation in the Elected Institutions in Nepal', 2783.

**Table 2: House of Representatives election results, 2022**

| Caste/ Ethnicity | FPTP | | | PR | | | Total | | |
|---|---|---|---|---|---|---|---|---|---|
| | Male | Female | Total | Male | Female | Total | Male | Female | Total |
| Khas Arya | 91 | 4 | 95 | 8 | 27 | 35 | 99 | 31 | 130 |
| Adibasi Janajati | 33 | 2 | 35 | 5 | 26 | 31 | 38 | 28 | 66 |
| Madhesis | 25 | 2 | 27 | 4 | 13 | 17 | 29 | 15 | 44 |
| Dalit | 1 | | 1 | 7 | 8 | 15 | 8 | 8 | 16 |
| Tharu | 6 | 1 | 7 | 1 | 5 | 6 | 7 | 6 | 13 |
| Muslim | | | | 3 | 3 | 6 | 3 | 3 | 6 |
| Total | 156 | 9 | | 28 | 82 | | 184 | 91 | 275 |

Source: Election Commission and Dignity Initiative, 2022, https://bitly.ws/3fBNd.

When examining representation across the seven provinces, a disconcerting trend emerges. The Khas Arya, mirroring their prominence in the HoR, constitutes a significant share, accounting for 43 per cent of the total (Table 3).[139] The presence of Khas Aryas in large numbers in both federal and provincial legislatures signals the disproportionate concentration of power and resources by this group.

## Academic Curriculum and Dominant Narratives

Nepal has undertaken significant strides in recent years in advancing a multilingual literacy model that caters to the needs of its minority populations.[140] This effort has included the translation of school textbooks originally developed in Nepali in the Devanagari script into various other languages.[141] While there has been a positive shift towards inclusion of diverse characters encompassing a broader range of ethnicities and religions in educational materials, the primary indicators of these characters' identities frequently remain confined to their names, with their

139 Election Commission Nepal, 'Election Result'; Sunar, 'Situation of Women and Marginalized Groups' Representation in the Elected Institutions in Nepal', 2790.

140 Pramod K. Sah, 'Globalization of Language and Culture in Literacy Planning in Nepal: Toward Critical Literacy Education', *Asia Pacific Journal of Education* 41, no. 2 (2021): 238–252, https://www.tandfonline.com/doi/full/10.1080/02188791.2020.1751063.

141 Sah, 'Globalization of Language and Culture'.

**Table 3: Representation of Various Castes/Ethnicities in Seven Provincial Assemblies**

| Caste/Ethnicity | FPTP | | | PR | | | Total | | | Percentage (%) |
|---|---|---|---|---|---|---|---|---|---|---|
| | Male | Female | Total | Male | Female | Total | Male | Female | Total | |
| Khas Arya | 155 | 5 | 160 | 13 | 62 | 75 | 168 | 67 | 235 | 42.73 |
| Adibasi Janajati | 75 | 6 | 81 | 9 | 59 | 68 | 84 | 65 | 149 | 27.09 |
| Madhesis | 55 | 2 | 57 | 6 | 24 | 30 | 61 | 26 | 87 | 15.82 |
| Dalit | 2 | 1 | 3 | 4 | 24 | 28 | 6 | 25 | 31 | 5.64 |
| Tharu | 18 | | 18 | 1 | 9 | 10 | 19 | 9 | 28 | 5.09 |
| Muslim | 11 | | 11 | 1 | 8 | 9 | 12 | 8 | 20 | 3.64 |
| Total | 316 | 14 | 330 | 34 | 186 | 220 | 350 | 200 | 550 | |

Source: Election Commission and Dignity Initiative, 2022, https://bitly.ws/3fBNd.

ethnic and cultural backgrounds playing a relatively peripheral role in the essays or narratives presented within these textbooks.[142] Moreover, there is a visible gap in the inclusion and representation of various religious communities, as evidenced by the predominant focus on Hindu symbols and mythological characters in visual depictions and lessons within Nepali subject textbooks[143] despite some visual representation of Muslim and Christian faiths.

Additionally, all messaging on ethnic and religious diversity is coupled with affirmations of social unity and cohesion, projecting an idealised and sanitised view of Nepali society[144] that overlooks the systemic inequalities and discrimination experienced by underrepresented communities.[145] A line from an essay featured in the government's Grade 10 textbook for 'Social Studies and Human Values Education', for instance, reads, 'It is found that there has been mutual trust and equality among Nepali people since centuries. One does not look at the other with hatred…'[146]

There appears to be a tendency in the textbooks to emphasise the caste- and religion-based differences in the identities of persons with blatant disregard to the multiple roles and identities a person may embody and the intersections therein.[147] The emphasis on singular identities, without highlighting possible intersections between different caste and ethnic groups, discounts similarities

142 See Nepali textbooks for grades 6, 7, 8 and 9 accessible at https://moecdc.gov.np/en/text-books.

143 Ministry of Education, Science and Technology, *Nepali, Grade 6* (Bhaktapur: Government of Nepal, 2021).

144 Krishna Adhikari, Gopal Nepali and David N. Gellner, 'Dalits in the School Curriculum in Nepal', *The Annual Kathmandu Conference on Nepal and the Himalayas* (2019); See Social Studies textbooks for grades 8 and 9 accessible at https://moecdc.gov.np/en/text-books.

145 Rabi Shah and Peter Brett, 'Global Citizenship Education in Nepal', *International Journal of Development Education and Global Learning* 13, no. 2 (2021): 122–35, https://doi.org/10.14324/IJDEGL.13.2.05; see Nepali and Social Studies textbooks for grades 8 and 9 accessible at https://moecdc.gov.np/en/text-books.

146 Ministry of Education, Science and Technology, *Social Studies and Human Values Education, Grade 10* (Bhaktapur: Government of Nepal, 2021), 11.

147 Ministry of Education, Science and Technology, *Social Studies and Human Values Education, Grade 6* (Bhaktapur: Government of Nepal, 2021), 3–4; This is reiterated in the ninth-grade book.

between these groups[148] and could exacerbate exclusionary socio-cultural practices given that the school curriculum provides the basis for social and cultural reproduction.[149]

Textbooks remain ambivalent in their stance about the *Jana Andolan*, or the People's Movements of 1990 and 2006.[150] While they mention both positive and negative consequences of the movements, they do not explicitly acknowledge that the establishment of democracy has greatly accentuated the fundamental rights of the people and ushered in a more inclusive regime. The concluding paragraph in the chapter on the *Jana Andolan* of 1990 in the Grade 10 textbook for Social Studies and Human Values Education, for instance, mentions 'citizen rights were repressed'[151] during the movement, omitting the fact that the movement was a direct consequence of the repressive Panchayat regime.

148 Amartya Sen, *Identity and Violence: The Illusion of Destiny* (New York: WW Norton & Co, 2006).

149 Ulf P. Lundgren, *Between Education and Schooling: Outline of a Diachronic Curriculum Theory* (Geelong: Deakin University, 1991).

150 Ministry of Education, Science and Technology, *Social Studies and Human Values Education, Grade 10.*

151 Ministry of Education, Science and Technology, *Social Studies and Human Values Education, Grade 10*, 187.

The representation of Nepal's history in the textbooks is also tendentious, with a focus on the many stories of glory involving the Shah kings and their commanders, thus evoking nostalgia for the monarchy. Tales of Prithvi Narayan Shah's feat of 'unification' of the country, as well as subsequent efforts by Bahadur Shah and Rajya Laxmi Shah, are provided ample space in the books, but periods of history marked by internal conflict, assassinations and instability during the Shah regime, as well as the Dalit communities' contributions to the expansion of the Gorkha state, have effectively been excluded.[152] School textbooks appear to glorify the monarchical regime and omit the fact that it perpetuated a non-democratic system that entailed the elimination of citizens' agency to choose their leaders. Further, the textbooks do not include several important episodes in Nepal's history, except as told through the perspective of the Shah rulers. The inclusion of the uprisings in the east of Nepal against the Shah kings,[153] for instance, could have demonstrated that the unification required repression of indigenous groups for years and that it was not without dissent. Notably, the condemnation reserved for the Rana regime in the textbooks is not extended to the Shah regime. The following characterisation of the Rana regime, for instance, could also arguably apply to most years of the Shah regime: 'During the Rana regime, there were social evils like the caste system, untouchability, child marriage, poly marriage, *sati* system and slavery'.[154] The latter, however, appears to have been portrayed in a much more positive light.

Furthermore, the content of social studies and Nepali textbooks predominantly features writings from 'upper-caste' male writers and in the rare instances where female perspectives are included, they are predominantly from 'upper-caste' women.[155] In addition,

152 JB Biswokarma, 'Gumnam Nayakharu' (Unsung Heroes)', *Jhan Naya*, January 11, 2020, https://bitly.ws/3fwSJ.

153 Mahesh Chandra Regmi, *Imperial Gurkha: An Account of Gorkhali Rule in Kumaun* (1791–1815) (New Delhi: Adroit Publishers, 1999).

154 Ministry of Education, Science and Technology, *Social Studies and Human Values Education, Grade 6*, 100.

155 See Nepali textbooks for grades 8 and 9 accessible at https://moecdc.gov.np/en/text-books.

given that the Nepali language is characterised by an honorific speech system that encodes social status, often, lower levels of honorific are used when addressing or referring to women.[156] It is also worth noting that those responsible for reviewing the content in the textbooks are also predominantly Khas Arya males.[157] This inadvertently perpetuates and reinforces the cultural knowledge and worldviews of those deemed superior in the caste hierarchy.[158] In fact, the lack of effort to amplify the voices and experiences of underrepresented communities may encourage assimilationist behaviour in children.

**Minorities in Nepali Pop Culture and Media**

On multiple occasions, analysts have raised concern over the overall lack of inclusivity and gender sensitivity in Nepal's media.[159] Some have expressed the view that the dearth of meaningful stories about women, the Dalit and Madhesi communities in particular can be directly attributed to their low presence in Nepal's newsrooms.[160] Further, Nepali movies and television are rife with regressive cultural stereotypes, particularly in the case of Madhesis.[161] More often than not, Madhesi characters are seen in blackface speaking in exaggerated accents and are portrayed as antagonists who are 'selfish, cunning, and corrupt'.[162] Critics and minority rights

156 Sudeshna Thapa, 'The Exceptional Buhari', *Nepali Times*, September 25, 2023, https://nepalitimes.com/opinion/the-exceptional-buhari.

157 Sudeshna Thapa, 'The Exceptional Buhari'.

158 See Nepali and Social Studies textbooks for grades 6, 7, 8 and 9 accessible at https://moecdc.gov.np/en/text-books.

159 'Inclusion and Gender Sensitivity in Media', Media Action Nepal, https://mediaactionnepal.org/issue/media-governance-and-development/#:~:text=It%20is%20a%20sad%20fact,type%20of%20content%20they%20present; Rastriya Samachar Samiti, 'Call for more inclusive media in terms of content, participation', *The Himalayan Times*, January 1, 2022, https://thehimalayantimes.com/nepal/call-for-more-inclusive-media-in-terms-of-content-participation.

160 'Voice of the Entire Nation', *Nepali Times*, May 3, 2023, https://nepalitimes.com/news/voice-of-the-entire-nation.

161 Ankit Khadgi, 'When it comes to portraying ethnicity, Nepali pop culture still depends on stereotypical tropes', *The Kathmandu Post*, July 16, 2020, https://tkpo.st/2Wmif6K.

162 Srizu Bajracharya, 'Does blackface have a place in Nepali comedy? Probably not', *The Kathmandu Post*, September 1, 2019, https://kathmandupost.

activists have asserted that such stereotypical representation is a 'by-product of how cultural minority groups are viewed by the dominant group whose mentality is informed by casteist, racist attributes'.[163] Similar concerns have been raised by ethnic activists, who view the frequent casting of Janajati characters in violent and antagonistic roles as problematic, especially since such characters are frequently juxtaposed with the 'morally upright' protagonist—generally played by actors of the Khas Arya community.[164] If not as adversaries, ethnic characters appear on-screen playing second fiddle to the protagonist—reducing them to caricatured cultural cliches/stereotypes.[165] Depictions of ethnic and Janajati women are even more regressive with them being cast as 'bad girls' prone to vice.[166]

Further, the use of gendered language that degrades women is discernible across various forms of popular media, including popular music, particularly as evidenced by the abundant use of lyrics that are overtly misogynistic or laced with sexist undertones.[167] Dalit rights activists have asserted that the predominant media narrative depicting Dalits just as victims of the caste hierarchy is incomplete and disregards the many inspiring and powerful stories of resistance from the community.[168]

Likewise, popular media's portrayal of gender and sexual minorities is also fraught with tokenistic representation, with sensitive portrayals few and far between.[169] Even when presented sympathetically, they are frequently depicted more as victims of their circumstances than empowered agents of their own

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com/art-culture/2019/09/01/does-blackface-have-a-place-in-nepali-comedy-probably-not.

163 Khadgi, 'When it comes to portraying ethnicity'.

164 Khadgi, 'When it comes to portraying ethnicity'.

165 Khadgi, 'When it comes to portraying ethnicity'; Kshitiz Adhiraj and Abhimanyu Dixit, *Representations of Women and Girls in Nepal's Cinema* (Nepal: Plan International Nepal, 2020), 41, https://bitly.ws/3fDsV.

166 Adhiraj and Dixit, *Representations of Women and Girls in Nepal's Cinema*, 42.

167 Srizu Bajracharya. 'How Nepali songs are blurring the lines between entertainment and sexism', *The Kathmandu Post*, November 13, 2019, https://tkpo.st/2O4gtCf.

168 Sarita Pariya, 'The media's portrayal of Dalits is incomplete', *The Kathmandu Post*, March 10, 2020, http://bit.ly/3aJDeFf.

169 Adhiraj and Dixit, *Representations of Women and Girls in Nepal's Cinema.*

lives.[170] Moreover, most outlets continue to perpetuate harmful stereotypes about the group—labelling them as corrupt influences on heterosexuals.[171] When not depicted as predators, effeminate characters are usually played for cheap laughs and queerness is exploited as a trope to elevate the male protagonist's manhood and machismo,[172] often irrelevant to the wider/broader plot line. This skewed representation is consistent with entrenched societal prejudices that encourage the 'othering' of the community on religious and cultural grounds.[173]

## Way Forward

The political reforms since 2006 clearly represent a watershed moment in Nepal's history, ushering in an age of greater inclusion through the introduction of a new political and electoral system, along with reformed laws, policies and programmes. These advances were a vital step in mainstreaming minority rights and religious freedoms. Despite these encouraging steps, majoritarian values have persisted in Nepali society, often manifesting through inconsistent laws, uneven enforcement and feeble implementation as evidenced by practices such as unitary decision-making on issues concerning indigenous populations, failure to engender a value-system transformation in the general public and 'token representation' of minorities and marginalised groups that is viewed as an end in itself. A crucial challenge also stems from the presence of discriminatory legislation and persistence of anti-secular practices. These factors collectively create obstacles that not only perpetuate majoritarian beliefs but also erode the fundamental rights of minority communities. Additionally, the issue of inadequate representation of minorities in both federal- and state-level legislatures remains a significant concern, even with the introduction of electoral quotas. The continued use of

170 Adhiraj and Dixit, *Representations of Women and Girls in Nepal's Cinema*, 62.

171 Ankit Manandhar Khadgi, 'Representation of LGBTIQ in Nepali Media', *The Himalayan Times*, March 16, 2019, https://thehimalayantimes.com/nepal/representation-of-lgbtiq-in-nepali-media.

172 Adhiraj and Dixit, *Representations of Women and Girls in Nepal's Cinema*, 60–62.

173 Laxminarayan Tripathi, *Me Hijra, me Laxmi* (Oxford University Press, 2015).

Hindu religious symbols by the state and the increasing proclivity towards the pro-Hindu agenda, on the part of state representatives as well as political parties, complicates the struggle against majoritarianism. Also worrying is the inaccurate and often derogatory portrayal of minorities in the school curriculum and in Nepali pop culture and media.

In this context, ensuring proper implementation of laws and policies becomes crucial if Nepal is to achieve substantial representation and respect for pluralism, inclusion and minority rights. A focused and sustained effort to promote minority rights on the part of all relevant stakeholders including the government, political parties and the civil society, is indispensable to cultivating a society grounded in tolerance, inclusivity and mutual respect. In order to encourage discussions on the issues of minority and marginalised groups in the public space, elected representatives from these communities must advocate for the rights, needs and demands of their respective groups, thus mainstream the same in governance and politics.[174]

## Recommendations

### To the Government

- Enforce existing constitutional and legal provisions on anti-discrimination, inclusion and diversity.
- Ensure that Nepal's domestic legislation aligns with its international human rights commitments by translating them into national laws.
- Repeal laws that contravene Nepal's international commitments and those that discriminate against minority groups.
- Revise school textbooks to ensure inclusion of content related to minorities and religious freedom as well as accurate portrayal of socio-cultural practices of minority groups.
- Monitor and strengthen the implementation of minority-related laws and policies to ensure government accountability.

174 Phillips, *The Politics of Presence.*

- Hold open consultations, dialogues, debates on issues of public concern.
- Ensure active participation of minorities in decision-making processes, particularly for issues that directly concern them.
- Foster meaningful engagement and collaboration with civil society organisations that work on minority-related issues.
- Enforce a comprehensive mechanism for holding human rights violators accountable.
- Provide training to law enforcement, judicial authorities and public officials on handling minority-related cases with sensitivity.

**To Political Parties**

- Prioritise diversifying the upper echelon of the party leadership, taking into consideration factors such as caste, ethnicity, religion and other relevant aspects of diversity.
- Prioritise nominating candidates from minority backgrounds in FPTP elections as a strategic measure to ensure diverse representation.
- Establish internal diversity committees to handle diversity and inclusion efforts.
- Establish oversight mechanisms to ensure implementation of inclusion and diversity initiatives and hold leaders accountable for deviation from inclusive values and practices.

**To Civil Society**

- Advocate for press freedom to create a conducive environment for media outlets to cover majoritarianism, diversity and minority rights issues.
- Raise public awareness about mis-information, dis-information, hate speech and fact-checking to foster an informed and tolerant society.
- Lend technical assistance to the Nepali government in designing strategies to promote religious freedom, inclusivity and diversity.
- Initiate dialogue and discourse on issues related to majoritarianism, diversity and minority rights.

- Monitor the implementation of minority-related laws and policies and hold the government accountable.
- Document human and minority rights abuses and mobilise advocacy efforts to address these violations effectively.

# Majoritarianism and Its Impact on Minorities in Pakistan

**Elaine Alam**

This chapter considers the impact majoritarianism has on minorities in Pakistan. Keeping the state's history in context to better understand how trends manifest in practice, it takes a holistic approach to studying interactions of religious, ethnic, cultural and gender minorities with the numerous tools of the majoritarian state. It looks at the drivers of ideologies of the state, the consequences for society at large and the specific implications for minorities and also considers a way forward.

## Introduction to Majoritarianism

### Background

Pakistan came into existence based on a 'two-nation theory' when demanding a separate state for a Muslim majority from colonial India. Seventy-six years later, the country still clings to the idea that this nation is only to serve the majority. This ideology continuously works to erase all other identities through its politics, education, culture and economy. The pursuit of majoritarianism can be felt in all spheres of Pakistani society. However, pretending as if only one identity exists in a nation as ethnically, religiously and culturally diverse as Pakistan does not make it so. This results in 'outliers', which encompass all communities not identifying as Sunni Muslims, being actively disadvantaged and marginalised. While we recognise such identity-based marginalisation, it is important to consider that this heavily varies according to one's social, economic, political and gender positions. Pakistan's current population is estimated to be around 241.5 million; of this, 96.3

per cent are Muslims, 1.6 per cent each Hindus and Christians, and 0.22 per cent Ahmadiyyas, amongst others.[1] However, these estimates by the Pakistan Bureau of Statistics cannot be relied on fully since minorities, especially the Ahmadiyya community and other Islamic sects, choose not to be identified for safety reasons.

This country's existence is based on the very fight for equality for its citizens. Unfortunately, not every citizen can claim an equal right to the land. It was a reasonable expectation that losing one-half of its being, after only 24 years of its birth, would have halted the state's attempts at the elimination of identities.[2] Instead, the state chose to strengthen its majoritarian instincts. It did so by catering solely to its majority population, manipulating their loyalty by giving them power, or at the very least, a false sense of security. Unfortunately, even the majority could not hold onto power without taking it away from others, in this case, communities identifying differently than being Sunni Muslims.

To understand majoritarianism in the way it operates in Pakistan, it is crucial to consider the political history of the state. Of the 76 years of its existence, the military has officially ruled the country for 33 years. However, the military has always been a political player behind the scenes. If we consider the time the military has unofficially ruled the country, it would perhaps be for its entire existence. At this point, it is not just politics that the military controls but even the economy.[3] When the only model of governance the country has experienced is rooted in authoritarianism, it should not come as a surprise that its society mirrors the same structure, believing in the superiority of one over another. When society embeds the military's principles within it, it requires the 'other' to be seen as the enemy. Therefore, in the context of Pakistan's population, many religious, cultural,

1 'Population by Religion', Pakistan Bureau of Statistics, accessed August 7, 2023, https://www.pbs.gov.pk/sites/default/files/tables/population/POPULATION%20BY%20RELIGION.pdf.

2 'The Independence of Bangladesh in 1971', The National Archives UK, accessed August 9, 2023, https://www.nationalarchives.gov.uk/education/resources/the-independence-of-bangladesh-in-1971.

3 Nasir Jamal, 'Institutionalizing Army's Role in Business', *Dawn*, August 7, 2023, https://www.dawn.com/news/1768861.

ethnic and gender minorities fall within the 'other'. Hence, any rights given to minorities is seen as a threat to the majority's power. While Pakistan has always had a clear Muslim majority, due to its struggle for an independent land from the British, the state still capitalises on the majority's insecurities. It does so by instilling the belief that the only way to hold onto power is by maintaining superiority, which is strictly defined as limiting the ability of the 'other' to protect their interests. Unfortunately, this translates into the fear that if any other identity becomes visible, let alone actually garners any power, it may serve as a direct threat to the majority. Instilling authoritarian values in society through governance also leads to power dynamics that train the masses to react aggressively to any apparent threat, distracting them from holding the state accountable for the exploitation of resources, policies and governance.

For a country that thrives on majoritarianism, be it through its politics, governance, laws, education, culture or economy, it makes sense for it to continue to increase its policies of excluding minority groups. Ruling through division is not a new strategy by any measure; however, the tactics employed for these exclusions and divisions are increasingly becoming violent in nature. As exclusionary tools towards minorities become more prone to violence, the conflict and hostility between minorities and the majority becomes more evident and this, in turn, lends legitimacy to the narrative that minorities are a threat to the nation.[4]

## Trends

Articles 20, 21, 22, 25, 26 and 36 of the Constitution of Pakistan ensure equal rights for minorities without discrimination;[5] however, these rights are not legally safeguarded. Trends of majoritarianism can be seen within the constitution itself. For instance, Articles 41 and 91 require the President and the Prime Minister of the country to be Muslim.[6] The impact of such requirements is not

4 Volker Kaul and Ananya Vajpeyi, *Minorities and Populism–Critical Perspectives from South Asia and Europe* (Switzerland: Springer, 2020), 199–216.

5 The Constitution of the Islamic Republic of Pakistan, 1973.

6 Kalbe Ali, 'Minorities Want Bar Lifted on Non-Muslims from Becoming

limited to the person holding these offices since it furthers societal discrimination towards non-Muslims and legitimises institutional prejudices against them. Such societal views also limit the kind of economic opportunities provided to minorities, limiting them to jobs not considered 'pure', leading to further social stigmatisation that reinforces their economic marginalisation.[7]

### *Religious*

Majoritarianism thrives in Pakistan by limiting the visibility of minorities. The less visible they are, the more dominance can be established for Sunni Muslims. Non-Muslims make up around 3.7 per cent of Pakistan's population, approximately 8.9 million people.[8] Pretending as if non-Muslim citizens do not exist does not actually make them non-existent. The Pakistani majoritarian state then employs tactics to eliminate or at the least, silence their existence.

Different minorities face different kinds and forms of erasure; for some, it is more violent than for others. Within the same minority community, an individual's social, economic and political position in society also largely dictates the type of discrimination and/or violence s/he would be subjected to. However, it is also important to consider the different extent and nature of discrimination and/or violence various minority groups are subjected to, and this may be based on which minority is considered more of a threat to majoritarian ideologies according to the extent to which they challenge them. When considering religious minorities, the Ahmadiyya community challenges the definition set by the Pakistani state of who can be a Muslim. The state wants to ensure that only the majoritarian understanding of Islam is accepted, criminalising any group that challenges that narrative. The Ahmadiyya consider themselves Muslim and follow Islamic principles, besides disagreeing with other sects on who the last

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President, PM', *Dawn*, August 12, 2023, https://www.dawn.com/news/1769626.

7 'Submission for the 4th Universal Periodic Cycle 29th Session of the UPR, 2023', Minority Concern, July 14, 2022, https://www.upr-info.org/sites/default/files/country-document/2023-03/MCP_UPR42_PAK_E_Main.pdf.

8 Pakistan Bureau of Statistics, 'Population by Religion'.

Prophet was, an extremely important aspect of Islam.[9] The Sunni majority defines the religion according to only what fits its belief criteria. The state has already criminalised Ahmadiyyas from identifying as Muslim; however, new requirements to denounce any relation to the community show up in different forms. For example, the Punjab government recently inserted a new clause in the *nikahnama* (marriage contract) requiring a mandatory declaration of not following the Ahmadiyya faith.[10] The issue of enforcing majority ideologies by the state is not limited to how they can identify legally but expands to legitimising violence against them.

On the other hand, Hindus are also discriminated against, but that is commonly because they are associated with what they call 'the enemy', India.[11] This kind of discrimination has no backing since most Hindus who live in Pakistan have been rooted in it longer than many of the Muslims who migrated here in 1947. Regardless, their religion being associated with India gives grounds for violence against them.

For Christians, the majoritarian state has employed a different means of suppression. Since they do not pose an ideological challenge to the majority, they are not overtly villainised and neither is their identity stripped off of them. However, their role and contributions to Pakistan are dismissed and their economic standing in society is monitored.[12] Many Christians were farmers before independence, but a lot of their land was taken over by Muslims since then and they have been forced into low-tier work such as janitorial jobs.[13] Many Christian-owned businesses, which helped develop Pakistan as a state, were nationalised in

9 'History of the Ahmadiyya Community', Human Rights Watch, June 2005, https://www.hrw.org/reports/2005/bangladesh0605/3.htm.

10 Farah Zia (ed), *State of Human Rights in 2022* (Lahore: Pakistan: Human Rights Commission of Pakistan, 2023), https://hrcp-web.org/hrcpweb/wp-content/uploads/2020/09/2023-State-of-human-rights-in-2022.pdf.

11 'Hindus in Pakistan', Minority Rights Group International, June 2018, https://minorityrights.org/minorities/hindus-2.

12 Iftikhar Malik, *Religious Minorities in Pakistan* (UK: Minority Rights Group International, 2002).

13 Malik, *Religious Minorities in Pakistan.*

the 1970s, and no credit was given to the community.[14]

The manifestations of majoritarianism are not limited to easily identifiable minorities, such as non-Muslims. Since Pakistan consists of an overwhelming majority of Sunnis, Shias (another Muslim sect), who make up to 15 to 20 per cent of the population, are also subjected to persecution.[15] Pakistan has seen several organisations, militant and otherwise, that have mobilised against Shias. In the 1980s, a group known as Anjuman-i-Sipah-i-Sahaba (ASSP) called for Pakistan to be recognised as a Sunni state. This resulted in clashes in the province of Khyber Pakhtunkhwa (KPK).[16] After the clashes became extremely violent, hostility against Shias spread all over the country. Shias also created a group of their own, known as Tehriki-Nifaz-i-Fiqh-i-Jaafria (TNFJ), which called for Shia laws to be implemented in the country.[17] The then-military regime encouraged Shia jurisprudence to contain the situation, but this angered the Sunni majority as they saw it as a threat to their well-established majoritarian rule. The Sunni group, Lashkar-i-Jhangvi, then started committing militancy against Shias. The state did use force against such militant groups and has minimised their strength; however, the state still allows political parties that actively and openly encourage sectarian bloodshed against Shias, such as the Tehreek-i-Labbaik (TLP), to hold office. The Shia live in fear of being targeted because some of their religious beliefs differ from the majority Sunni.[18]

Non-Muslims whose faith is different from Islam, making it incomparable, and those who keep to themselves, are not met with as much aggression by the majoritarian state. For example, Sikhs

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14 Malik, *Religious Minorities in Pakistan.*

15 'Is There Any Hope for Pakistan's Shias?', Wilson Center, February 27, 2014, https://www.wilsoncenter.org/article/there-any-hope-for-pakistans-shias.

16 Research Directorate, 'The (Anjuman) Sipah-e-Sahaba Pakistan (SSP, ASSP), Including Its Leaders and Members, Mandate, Organizational Structure, Activities, Relationship with Other Groups, and Whether the SSP Units in Kamalpur Alam and Hazro Town, District Attock, Punjab Engaged in Acts of Violence, Particularly in September 1994', April 1, 1999, Canada: Immigration and Refugee Board of Canada, https://bitly.ws/3gW9Q.

17 Immigration and Refugee Board of Canada, *Sipah-e-Sahaba Pakistan.*

18 Afak Haydar, 'The Politicization of the Shias and the Development of the Tehrik-e-Nifaz-e-Fiqh-e-Jafria in Pakistan', in *Pakistan 1992* (New York: Routledge, 1993), 75–94.

remain relatively safe and do not face as much hostility.[19] Similarly, the Parsi community is not actively discriminated against as they present strong commercial and intellectual connections.[20]

Nevertheless, many religious minorities who had previously lived in Pakistan peacefully are now facing hostility. For example, the Kalash indigenous people of Chitral have been facing pressure to convert to Islam, with reports of girls from the community being kidnapped and forcefully converted.[21]

In fear of hostility from the majority, many ethnic and religious groups try not to be identified as a minority. One such group is the Zikri, belonging to and mostly still settled in Balochistan. Like the Ahmadiyya, the Zikri follow many of the Islamic principles in the same manner as Sunnis, but do not agree on the last Prophet.[22] Most Zikri stay within their own community and are poor peasants, yet they have been attacked by prominent religious political parties who want them to be declared non-Muslim minority in the same way the Ahmadiyya have been. The Zikri understand that any such recognition is only going to increase violence against them as their existence will become better known; instead, they choose to stay away from the majority and not attract any attention.

### *Cultural/Ethnic*

The state not only uses religious grounds to discriminate against minorities but also does so on a cultural and ethnic basis through moral degradation and subjugation. This can be seen in the context of the Makrani population, mostly living in Balochistan and Sindh.[23] The Makrani are Pakistanis of African and mixed descent who are easily identifiable due to their skin colour. While they have been able to find work as fishermen in coastal areas of Balochistan and Sindh, there is a specific cultural resentment towards them by the majority.[24] The Makrani community is Muslim; however, since its

19 Malik, *Religious Minorities in Pakistan.*

20 Malik, *Religious Minorities in Pakistan.*

21 Malik, *Religious Minorities in Pakistan.*

22 Malik, *Religious Minorities in Pakistan.*

23 John B. Edlefsen, Khalida Shah and Mohsin Farooq, 'Makranis, the Negroes of West Pakistan', *Phylon* 21, no. 2 (2nd Qtr 1960): 124–130.

24 Malik, *Religious Minorities in Pakistan.*

members do not look like the majority population, they are often sidelined and alienated, resulting in racism and social exclusion.[25] Further, since they are predominantly Balochi, belonging to the most underserved province of the country, harbouring multiple separatist movements, they are excluded further as they are considered vengeful of those who claim to have a deeper right to the land.

Another example is of the Pasthun ethnic minority. The Pashtun Tahaffuz Movement (PTM) is a social movement that strives for the rights of the Pathan/Pashtun population, which is routinely subjected to persecution by the military based on their ethnicity.[26] The movement has spoken up against enforced disappearances and extrajudicial killings of their people. The government accuses them of being anti-state since they challenge the majoritarian agenda targeting ethnic minorities in the name of national security.

The state strongly observes the erasure of gender identities as well. In November 2022, the federal government banned the release of the movie *Joyland*, the country's Oscar entry, in which the lead character is a transgender.[27] While the movie was approved by the censor board, the majority did not allow for the representation of gender minorities validating their existence in society. While the ban was overturned at the federal level, it was upheld in the province of Punjab, the most populated province and the setting of the film itself.[28]

### *Political*

To understand how political majoritarian principles extend to cultural and social values, one need only visit the Wagah border, the physical border between Pakistan and India, on the outskirts of Lahore. The daily ceremony at the border is the epitome of patriotism towards the state, yet the two most popular chants on

25 Malik, *Religious Minorities in Pakistan*.

26 'Why is Pakistan's Pashtun movement under attack?', *Al Jazeera*, January 28, 2020, https://bitly.ws/3gWak.

27 Abid Hussain, 'Pakistan Bans Its Official Oscar Entry Joyland', *Al Jazeera*, November 14, 2022, https://www.aljazeera.com/news/2022/11/14/joyland-banned-in-pakistan-cannes.

28 Hussain, 'Pakistan bans its official Oscar entry Joyland'.

the Pakistani side of the border are that of 'Pakistan Zindabad!' and 'Allah o Akbar!'.[29] The idea is for Pakistani citizens to come and feel the strength of the state and what it means to be a Pakistani. However, when the meaning of the country is limited to that of being a Muslim, all communities not belonging to that identity are systematically alienated.

Political trends harming minorities is also evident from how the

29 Usman Ghani Siddiqui, 'Humour: Birds Beyond Borders', *Dawn*, December 5, 2021, https://bitly.ws/3gWaD.

state continues to allow political parties that have openly incited violence against minorities, such as the Tehreek-i-Labbaik Pakistan (TLP), to contest elections.[30]

Political parties, of course, have a large role to play in how majoritarianism speaks to the citizens. The major political parties and the military have colluded with right-wing religious parties, pandering to the hyper-religious sentiment driven towards enhancing their own popularity and acquisition of power. The heightened sense of religious affiliation supported by the state and permeating the fabric of society is a complex case study in itself, with reliance on and alliances with such groups by the major political parties in the country.

## Drivers

Under Pakistan's constitution and its international obligations the state is required to ensure equal fundamental rights to all its citizens. However, the state not only denies the protection of these rights to minorities but also actively cultivates and drives society toward their suppression and marginalisation.

### Ideas and Ideologies That Incite Minority Exclusion and Violence

#### *Education*

In 2019, education institutions throughout the country were required to follow the Single National Curriculum (SNC).[31] This curriculum represents a Pakistani identity that requires you to be a Muslim, following stereotypical gender roles, and one that promotes majoritarianism. The standardised curriculum promotes an exclusionary narrative, ignoring the existence of religious and ethnic minorities.[32] While most of the exclusion is covert in nature, it does not shy away from overtly vilifying minorities. Textbooks

30 Xari Jalil, 'Video Shows TLP Leader Inciting Violence Against Pregnant Ahmadi Women', *Voice.pk*, September 30, 2022, https://voicepk.net/2022/09/video-shows-tlp-leader-inciting-violence-against-pregnant-ahmadi-women.

31 Farah Zia, *State of Human Rights in 2022*.

32 Abid Hussain, 'Pakistan's Top Rights Group Raises "Alarm" on Religious Freedom', *Al Jazeera*, February 8, 2023, https://www.aljazeera.com/news/2023/2/8/pakistans-top-rights-group-raises-alarm-on-religious-freedom.

include statements like, 'Hindus are inherently evil', 'Christians are tricksters and cheat', 'Jews are greedy usurer' and 'the Sikhs are knife-wielding butchers'.[33] Majoritarian advancement breeds insecurities; this process begins with children through their education. Textbooks now include the Hindu mistreatment of Muslims, their alleged violence and deceitful practices.[34] Children belonging to the majority are taught in their early years that all identities different from theirs are a threat and that they must target them before they become targets themselves. At the same time, it signals to children belonging to minority communities that they are not seen as equals in their own country.

These ideologies are not only promoted in education through religious hatred but by concealing important historical facts where the majoritarian state has committed atrocities, such as during the 1971 war between West Pakistan and East Pakistan (present-day Bangladesh).[35]

### *Media*

In Pakistan, every person, irrespective of age, consumes some form of media. While Pakistan's media is not entirely controlled by the state, its control and censorship are only ever-increasing. Most newspapers and magazines, print and online, carry verses from the *Quran*, never discussing or mentioning any teachings from other beliefs, serving as a reminder every day that non-Muslims do not have an equal right to representation.[36] There is a form of digital authoritarianism prevalent in the country, one that is used to further the majoritarian agenda, further isolating minorities.[37] This authoritarianism manifests itself through laws giving the state more power over the personal data of its citizens. This information

33 Rubina Saigol, 'Textbooks: An Education in Demonology', *India Today*, August 20, 2012, https://bitly.ws/3gWb6.

34 Saigol, 'Textbooks: An Education in Demonology'.

35 Saigol, 'Textbooks: An Education in Demonology'.

36 Malik, *Religious Minorities in Pakistan.*

37 Ihsan Yilmiz and Raja Ali M. Saleem, 'The Nexus of Religious Populism and Digital Authoritarianism in Pakistan', European Center for Populism Studies, December 1, 2022, https://www.populismstudies.org/the-nexus-of-religious-populism-and-digital-authoritarianism-in-pakistan.

becomes extremely useful for the state to manipulate and further its agenda, especially considering how much information and personal data internet media networks hold. Between 2021 and 2022 alone, it was estimated Pakistan had around 22 million new internet users.[38]

The main institution in Pakistan for internet governance is the Pakistan Telecommunication Authority (PTA). It can monitor, record and survey any kind of electronic communication, allowing the state to target those who dissent with the majoritarian state.[39] The PTA also holds the authority to ban websites that challenge the state. According to a report by the PTA, in 2019, more than 824,000 websites were banned with 93 per cent of them banned for religious reasons.[40]

On the other hand, individuals on social media also play a role in furthering the majoritarian agenda in a way that impacts minority rights. For example, in 2023, there was a campaign against transgender persons in Pakistan, when prominent, influential and elite women started a movement to malign transgender persons' lives and portray their existence as a threat to Islam.[41]

The Pakistan Electronic Crimes Act of 2016 (PECA) and its subsequent amendments have also been dangerous attempts at curbing freedom of speech affecting the lives of religious communities as well as media professionals. In 2022, the government passed an ordinance amending the PECA to make online 'defamation' of the authorities, including the military and judiciary, a non-bailable criminal offence with the possibility of a prison sentence of three to five years. It also expanded the definition of those who can initiate criminal proceedings for defamation, allowing any person or institution to register a complaint. PECA has led to several arrests,

38 'Digital 2022: Pakistan', Datareportal, February 16, 2022, https://datareportal.com/reports/digital-2022-pakistan.

39 PTA (Re-organization) (Amendment) Act, 2006.

40 Yilmiz and Saleem, 'The Nexus of Religious Populism and Digital Authoritarianism in Pakistan'.

41 'Worrying Rise in Digital Hate Speech against Transgender Community: Report', *The Express Tribune*, May 20, 2023, https://tribune.com.pk/story/2417727/worrying-rise-in-digital-hate-speech-against-transgender-community-report.

false allegations of blasphemy and even killings.[42]

**Political Mobilisation**

Exclusion of and violence towards minorities are considered a tool by the state to garner majority support. To understand how that tool is used, it is important to visualise how political parties have championed majoritarianism for this very purpose.

Until its ouster in 2022, the Pakistan Tehreek-i-Insaf (PTI) was in power in Pakistan from 2018. The PTI leader, Imran Khan, started his tenure by cracking down on minorities. In 2018, he removed a globally renowned economic scholar, Atif Mian, from the Economic Advisory Council because he belonged to the Ahmadiyya community.[43] Khan gave in to demands by extremist organisations, thus sending a clear sign to the public that individuals would be discriminated against based on their religious identity. Further, he routinely employed sexist language as he victim-blamed women for the rise in sexual violence, stating that it should be expected if women wore 'less clothes'.[44]

In addition, the Pakistan People's Party (PPP), a member of the current ruling coalition, has passed numerous progressive laws protecting minorities in Sindh. While it brands itself as working for minorities, it rejected the bill against forced conversions in the Sindh Assembly, where it enjoys a majority.[45] The PPP is a prime example of how political parties support minorities when it serves their purpose but otherwise ignore their plight, always

42 Kunwar Khuldune Shahid, 'Anti-Army Sentiments Simmer in Pakistan', News Line Magazine, November 1, 2022, https://newlinesmag.com/argument/anti-army-sentiments-simmer-in-pakistan/; US Department of State, 'International Religious Freedom Reports: Custom Report Excerpts', https://www.state.gov/report/custom/b099648f61.

43 Asad Hashim, 'Bowing to Far-Right Pressure, Pakistan Removes Ahmadi Adviser', *Al Jazeera*, September 7, 2018, https://www.aljazeera.com/news/2018/9/7/bowing-to-far-right-pressure-pakistan-removes-ahmadi-adviser.

44 Farahnaz Ispahani, 'Imran Khan Has Normalized Prejudice in Pakistan', *The Diplomat*, June 30, 2021, https://thediplomat.com/2021/06/imran-khan-has-normalized-prejudice-in-pakistan.

45 'Pakistan: Sindh Province Rejects Bill Against Forced Conversions', *Library of Congress*, November 15, 2019, https://www.loc.gov/item/global-legal-monitor/2019-11-15/pakistan-sindh-province-rejects-bill-against-forced-conversions.

assessing which move is going to guarantee their support. The PPP was responsible for the initial law declaring Ahmadiyyas as non-Muslims in 1973.

Islamist political parties based on Sunni principles are also playing a growing role in mainstream politics. Parties such as the Jamiat Ulema-e-Islam (F) (JUI-F) and Jamaat-e-Islami (JI) constantly demonstrate how to limit the rights of minorities and perpetuate hate between communities. For instance, when the JUI-F wanted Imran Khan and his party, PTI, to lose power, they started a rumour that he was in favour of allowing Ahmadiyyas to identify as Muslims. While Imran Khan denied any such intention, the fact that Islamist parties malign other politicians by associating them with minorities is telling.

Unfortunately, in Pakistan, mobilisation that incites minority violence and exclusion is not only through political parties. The military plays an equal, if not a bigger, role. As discussed below, the military characterises all minority groups that question the military's actions as a threat to the state as 'traitors' and 'enemies'. Examples include the Pathan and Balochi ethnicities, against whom the military continues to use force in the name of eliminating the Taliban.[46] When these ethnic minorities question the violence against them, as is done by the PTM, the military ensures a ban on their coverage, forcing them to be silenced.[47] The role of the military in the governance of the state is rapidly increasing, with citizens now being tried under wartime laws in peacetime as well. Interfering with democracy is always going to impact minorities the most as their protections and representation become even less of a priority. On August 9, 2023, the American news portal, *The Intercept*, released an article discussing a cipher between the US and Pakistan, which showed that the Pakistani military had a role in the removal of Imran Khan, Pakistan's democratically elected

46 Farahnaz Isphani, 'Pakistan's Crackdown on Pashtun Dissent Reflects Weakness, Not Strength', *The Diplomat*, January 29, 2020, https://thediplomat.com/2020/01/pakistans-crackdown-on-pashtun-dissent-reflects-weakness-not-strength.

47 Kunwar Khuldune Shahid, 'Pakistan Declares War on Pashtun Nationalism', *The Diplomat*, May 29, 2019, https://thediplomat.com/2019/05/pakistan-declares-war-on-pashtun-nationalism.

leader.[48] As the military's involvement in the country's politics increases, minorities will be negatively impacted. This is because the way the military rules is by instilling fear, for which it requires scapegoats to justify its arbitrary actions. Unfortunately, minorities are easy targets that can be alienated by the majority.

**In law**

One of the biggest realisations of minority exclusion and violence in Pakistan is through law-making. Even when laws are made for minority protection, they fall short of safeguarding the rights of the people they are drafted for. Some of the most recent examples include:

The National Commission of Minorities Bill, 2023, was passed by the National Assembly in August 2023. This legislation had been long awaited by minority communities and should have served as protection for them. However, the bill is blatantly in violation of the United Nations Paris Principles and the 2014 directives of the Supreme Court of Pakistan, which called on the legislature to establish such a commission.[49] Despite the bill being tabled nine years after the Supreme Court order, it is a hollow document, not providing a path towards real change. Minority community leaders, activists and civil society members have found it falling short of 'creating a truly functional, effective, independent, autonomous, and resourceful institution to safeguard minority rights'.[50] The bill, which will become an Act upon the signing of the President, gives the federal government the authority to appoint members to the commission based on its guidelines. The Karachi-based Joint Action Committee for People's Rights called for reducing government representation and influence in the commission and for appointments to be based on merit rather than religious or

48 Ryan Grim and Murtaza Hussain, 'Secret Pakistan Cable Documents U.S. Pressure To Remove Imran Khan', *The Intercept*, August 9, 2023, https://theintercept.com/2023/08/09/imran-khan-pakistan-cypher-ukraine-russia.

49 Supreme Court of Pakistan, S.M.C. No. 1 of 2014 and others (Suo moto actions regarding suicide bomb attack of 222.9.2013 on the church in Peshawar and regarding threats being given to Kalash tribe and Ismailis in Chitral).

50 'National Commission for Minorities Bill Rapped', *Dawn*, August 9, 2023, https://bitly.ws/3gWbq.

caste identities.[51] The bill has also been criticised for not taking into consideration minorities according to their population, which will result in arbitrary appointments, preventing holistic representation. For example, Hindu representation might include 'upper-caste' individuals. The commission is not provided with financial autonomy or stability either.

The Transgender Persons (Protection of Rights) Act, 2018 was enacted to provide legal identity to transgender persons and to safeguard their rights to inheritance, education, employment, health and assembly amongst all other fundamental rights guaranteed by the constitution.[52] The Act also penalises any person compelling transgender persons to beg. However, in 2020, the Act was challenged before the Federal Shariat Court for being against Islamic injunctions. While transgender rights activists, doctors, historians, lawyers and members of the civil society defended the Act in the Federal Shariat Court, provisions of the Act were found to be un-Islamic by the court in May 2023, making it void and subject to being repealed six months following the decision. That decision is now being appealed by human rights activists and transgender persons in the Supreme Court of Pakistan.[53] The findings of the Federal Shariat Court normalise hatred and persecution against gender minorities in society, giving legitimacy to hate crimes and moral degradation towards transgender persons.[54]

Blasphemy laws in Pakistan have a long history of being misused and targeting minorities. In July 2023, through the Criminal Laws (Amendment) Act, 2023, the punishment for blasphemy charges was increased.[55] Where the sentence previously was three years' imprisonment, it was replaced with a minimum of 10. The general law on blasphemy, Section 295-C of the Pakistan Penal Code, gives the death penalty for anyone convicted of the offence of blasphemy against the Holy Prophet, without the applicability of a

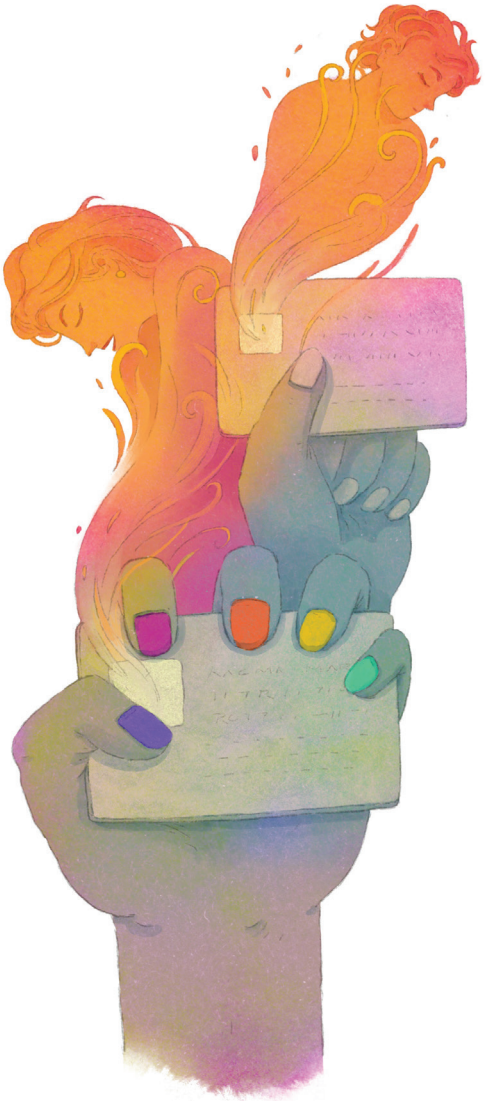
51 *Dawn*, 'National Commission for Minorities Bill Rapped'.

52 The Transgender Persons (Protection of Rights) Act, 2018.

53 Sara Malkani, 'FSC on transgender persons', *Dawn*, May 25, 2023, https://www.dawn.com/news/1755630.

54 Zia, *State of Human Rights in 2022.*

55 Criminal Laws (Amendment) Act, 2023.



pardon or a waiver.[56] The specific context in which enhancement of punishments for blasphemy directly impacts minority communities is because they are the most falsely accused of the crime.

56 Pakistan Penal Code, 1860.

The vague nature of the blasphemy law makes it an extremely easy tool against minorities. The issue is not even that people are accused under the law and then tried under it; it is that once someone is accused of the act, they automatically receive a death sentence by society. Despite courts trying the accused, mob violence against them, their families and communities takes place despite the court's decision. What makes the application of blasphemy laws arbitrary is the fact that anyone who accuses someone of blasphemy is not required by law to provide any proof in court, since repeating the 'blasphemous statement' is considered a crime in itself. Besides uttering any blasphemous statements against Islam, if any Ahmadiyya identifies as a Muslim, that is also considered blasphemy in the same manner. Therefore, if any Ahmadiyya is found to be practising Islam in public, they are under threat of violence either from the state or individuals who know the state will do nothing to them.

Since the promulgation of the blasphemy law in 1987, there has been a 17,500 per cent increase in blasphemy accusations made and a 2750 per cent increase in mob violence against individuals accused of blasphemy.[57] While religious minorities make up less than 4 per cent of the whole country's population, 54 per cent of all blasphemy accusations are made against persons belonging to a religious minority.[58]

The state's surveillance and control over its population is another tool used to persecute minorities. With its ever-increasing control over the population, the state furthers majoritarian agendas, eliminating and silencing minority representation. This was seen through the promulgation of the PECA. The Act criminalised posting content online that is against Pakistani laws, allowing for the surveillance of opinions and views online and legitimising violence against individuals based on their online content. Within five months of the Act coming into force, dissenting activists and secular bloggers were being abducted for what they posted online.[59]

57 'The Blasphemy Law Project', Engage Pakistan, accessed August 10, 2023, https://bitly.ws/3gWbC.

58 Engage, 'Blasphemy Law Project'.

59 Kunwar Khuldune Shahid, 'Five Years of PECA: The Law That Tried to

These individuals are some of the only people in the country who speak up against majoritarianism and against the brutality faced by minorities. While the state did not take responsibility for those abductions, the state did not protect the victims either. The state's intimidation of anyone who dares to speak against it was legitimised when the courts started equating online content that breached guidelines set under the Act with terrorism.[60]

The rules under the Act, the Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2020, allowed for licences of social media networks to be suspended if they do not remove content that is against the Act's guidelines.[61] In 2021, Freedom Network, an independent media and civil liberties organisation, found that between 2017 and 2021, 23 journalists had been targeted under the Act.[62] Many of those charged under the Act were those who spoke against enforced disappearances of members of ethnic minorities and the military intelligence's involvement.[63] Members of ethnic minority communities feel like they are disproportionately vulnerable under the law.[64] For instance, Pashtun nationalists, who came together and created the Pashtun Tahafuz Movement (PTM) in 2018 to highlight the atrocities against their communities by the state, were banned from the mainstream media. The internet became the only place for the organisation to mobilise, but their content resulted in prominent leaders getting arrested under the Act.

The state does not only target ethnic minorities using the Act but also religious minorities, as it continues to request social media

Silence Pakistan', *IFEX*, May 9, 2022, https://ifex.org/five-years-of-peca-the-law-that-tried-to-silence-pakistan.

60 Kunwar Khuldune Shahid, 'Five Years of PECA: The Law That Tried to Silence Pakistan'.

61 The Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules, 2020.

62 Adnan Rehmat and Iqbal Khattak, 'Impunity Against Journalists Prosecuted Under The Prevention of Electronic Crimes Act (PECA)', Annual Impunity Report 2021, Freedom Network, 2021, https://www.fnpk.org/wp-content/uploads/2021/11/FINAL-Impunity-Report-2021.pdf.

63 'Pakistani Investigative Reporter Accused of "Cyber-Terrorism"', Reporters Without Borders, April 16, 2019, https://rsf.org/en/pakistani-investigative-reporter-accused-cyber-terrorism.

64 Shahid, 'Five Years of PECA: The Law That Tried to Silence Pakistan'.

networks such as Facebook and Twitter (now X) to help with the identification of users posting content considered blasphemous.

The Official Secrets (Amendment) Bill, 2023 was provides intelligence agencies unparalleled powers and allows the arrest of citizens on the mere suspicion or presumption of working against the 'safety and interest of Pakistan'. The expansive powers given to the intelligence agencies are especially intimidating for minorities since their mere identity can make them liable to be considered for working against the interest of Pakistan; this can be seen in the way Hindus are considered to be pro-India.

While the state continues to pass legislation on increasing state control which threaten and intimidate minorities, it refuses to pass substantive laws that protect them. One such law tabled was the Prohibition of Forced Conversion Bill, 2019 but it was rejected by the government after it was opposed by the Ministry of Religious Affairs. Some members of the National Assembly simply denied the existence of forced marriages in Pakistan and termed the bill as being anti-Islam.[65] The discussion on the bill in the National Assembly is an example of the lack of the majoritarian state's concern towards the protection of minority lives.

Pakistan is party to numerous international conventions and treaties under which it has obligations to protect its minorities and safeguard their fundamental rights. These include the Universal Declaration on Human Rights; the International Covenant on Civil and Political Rights 1966; the International Covenant on Economic, Social, and Cultural Rights; the International Convention on the Elimination of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention on the Rights of the Child; and the International Labour Organization Discrimination (Employment and Occupation) Convention. While Pakistan has ratified these treaties and conventions, their implementation in terms of making domestic law consistent with their principles has not been fully accomplished yet.

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65 Nadir Gurmani, 'Parliamentary Panel Rejects Anti-Forced Conversion Bill Amid Protest by Minorities' Lawmakers', *Dawn*, October 13, 2021, https://www.dawn.com/news/1651813.

## Consequences: For Society at Large

For a country as culturally and ethnically diverse as Pakistan, the state is required to adopt policies that protect and promote the richness of its diversity. The state is required to create an environment that allows all citizens to practise their culture and their religion and is tolerant and encourages mutual respect. Unfortunately, this is not the case in Pakistan.

### Violence against Minorities

The marginalisation of minorities is becoming more mainstream in Pakistan year after year as intolerance is normalised in society. Pakistan's political and legislative regression can be seen through the arbitrariness and discretionary progression of state institutions. A prime example is the increasing enforced disappearances of those from Pashtun and Balochi ethnicities.[66] The state maintains that missing persons cases are being dealt with by the Commission of Inquiry on Enforced Disappearances, which is a forum free of any costs, investigates cases independently, and provides regular updates regarding progress.[67] However, activists claim that the decreasing number of cases being received by the commission is not only an indicator of how the situation for minority ethnicities is getting better but could very well be the result of the state control strengthening and limiting people's ability to approach the commission in the first place.[68]

With the interplay of political, economic and social resources, the extent of threat to individuals belonging to minority communities varies. In the same manner, those that belong to multiple minorities at the same time, for example, non-Muslim transgender persons are more susceptible to violence than Muslim transgender persons.

The registration of blasphemy cases against religious minorities has become a routine form of violence in Pakistan. In most cases, it does not even get to the point of registration and the mere

66 Zia, *State of Human Rights in 2022*.

67 Zia, *State of Human Rights in 2022*.

68 Patricia Gossman, 'Pakistan Court Holds State Responsible for Enforced Disappearances', *Human Rights Watch*, June 28, 2022, https://www.hrw.org/news/2022/06/28/pakistan-court-holds-state-responsible-enforced-disappearances.

rumour of a person belonging to a religious minority uttering a blasphemous statement becomes enough of a basis for his/her murder. News of Ahmadi places of worship being vandalised, broken into and destroyed is very common in Pakistani media. This is because the Ahmadiyya are not allowed to refer to their place of worship as a 'mosque' or build minarets on them, anything that would identify them as an Islamic sect.[69] According to the Human Rights Commission of Pakistan, in 2022, 92 Ahmadiyya graves and 10 Ahmadiyya worship sites were desecrated.[70] Further, 105 cases against Ahmadiyyas were registered on religious grounds.[71] Such vandalisation and destruction are not always state-backed, but the state does not condemn them either. Laws characterising Ahmadiyyas identifying themselves as Muslims as blasphemous legitimise these actions. However, in some cases, the vandalisation itself is carried out by state institutions such as the police. In July 2023, the police vandalised an Ahmadiyya place of worship, demolishing the minarets on the building and declaring it illegal.[72] This was done after a political party, Tehreek-i-Labbaik Pakistan (TLP), issued threats against the place of worship. Besides vandalising their places of worship, Ahmadiyyas are also subjected to persecution on every Islamic holiday. On Eid-ul-Adha of 2023, when Muslims around the world offer animal sacrifices, TLP publicly mobilised to encourage violence against any Ahmadiyya found sacrificing any animal.[73] Despite openly encouraging mob violence against a religious minority, the TLP is still a recognised political party, members of which hold seats in provincial parliaments.

Killing of a non-Muslim by a Muslim mob is a common occurrence in Pakistan; such targeting does not always discriminate between religions and often no investigation into the incident follows

69 Imtiaz Ali, 'Ahmadi Place of Worship Vandalised in Karachi', *Dawn*, July 25, 2023, https://www.dawn.com/news/1766743.

70 Zia, *State of Human Rights in 2022*.

71 Zia, *State of Human Rights in 2022*.

72 Asif Mehmood, 'After TLP "Threats", Police Demolish Minarets of Ahmadi Worship Place in Jhelum', *The Express Tribune*, July 16, 2023, https://tribune.com.pk/story/2426545/after-tlp-threats-police-demolish-minarets-of-ahmadi-worship-place-in-jhelum.

73 Mehmood, 'After TLP "Threats", Police Demolish Minarets of Ahmadi Worship Place in Jhelum'.

either. In May 2022, two Sikh traders were killed in Peshawar, the capital city of the province of KPK. The Prime Minister took notice of the incident but there was no report whether the culprits were arrested.[74] The persecution of religious minorities is not only limited to non-Muslims; it extends to everyone not following the one ideology protected by the majority, which is the Sunni sect of Islam in Pakistan.[75] In March 2022, a Shia Mosque was bombed in Peshawar, KPK, and at least 56 worshippers killed, with more than 194 injured.[76] The consequences are worse for Shias belonging to ethnic minorities, such as those of the Hazara community mostly living in Balochistan. The attacks on Shias, and especially Hazara Shias, continue to worsen, yet the state continues to ignore them. In January 2021, the Islamic State (IS) killed 11 Hazara Shias near Balochistan's capital, Quetta.[77] The Hazara community staged a sit-in and refused to bury the victims unless Imran Khan, then Prime Minister, visited them and promised protection. He chose to accuse the community of blackmailing him into their demands instead of safeguarding their fundamental rights.[78]

Besides religious and ethnic minorities, gender minorities face violence against them regularly as well. Transgender women are not given jobs and are forced to beg, dance and perform sex work to earn an income. However, these jobs leave them vulnerable to violence.[79] Transgender rights activists discuss how bullying, intimidation and harassment are common in their lives, but such incidents now lead to their murders as well, a crime the police

74 Zia, *State of Human Rights in 2022*.

75 Kaul and Vajpeyi, *Minorities and Populism–Critical Perspectives from South Asia and Europe*.

76 Zia, *State of Human Rights in 2022*.

77 'Gunmen Kill Many Hazara Shia Coal Miners in Southwest Pakistan', *Al Jazeera*, January 3, 2021, https://www.aljazeera.com/news/2021/1/3/gunmen-kill-at-least-11-from-shia-minority-in-south-west-pakistan.

78 Minority Concern, 'Submission for the 4th Universal Periodic Cycle 29th Session of the UPR, 2023'; Sanchita Bhattarcharya, 'Pakistan: Ahmadis Killed, Tortured, Hounded – Analysis', Eurasia Review, May 24, 2022, https://www.eurasiareview.com/24052022-pakistan-ahmadis-killed-tortured-hounded-analysis.

79 Shah Meer Baloch, 'Pakistan's Transgender Women Protest Against Rising Tide of Violence', *The Guardian*, April 1, 2022, https://www.theguardian.com/global-development/2022/apr/01/pakistan-transgender-women-protest-against-rising-tide-of-violence.

have, at times, not even registered when approached.[80] Most hate crimes against transgender persons, including murders, are not registered by the police or reported in the media.[81]

**Social Inequality**

Besides overt violence against minorities, they also suffer from social inequality in numerous ways. For admissions in schools and higher education institutes, having memorised the Quran awards the candidate 20 extra marks, placing them at an advantage over other candidates.[82] Not just in education, but prison inmates also receive remissions for learning the Quran.[83] While minorities are already at a disadvantage and do not get similar, let alone the same, socioeconomic opportunities as Muslims, these benefits awarded to only Muslims make minorities worse-off. The political, social, cultural and economic persecution of minorities all work together to disadvantage them. One reason non-Muslims are not awarded the same economic opportunities as Muslims is because they are considered 'impure' and not worthy of sharing the same spaces with Muslims. Due to this social stigma, their jobs are restricted to work related to sanitation, sewage and cleaning—jobs deemed disrespectful for the 'pure' Muslim majority.[84]

**Economy**

Similar to East Pakistan prior to its separation from Pakistan in 1971, Balochistan, Khyber Pakhtunkhwa (KPK) and Sindh also feel economically disadvantaged by the state.[85] The Pakistani state continues to invest in Punjab. One indicator is a comparison of the educational facilities in the provinces, which shows that institutes and teachers in Punjab are better equipped compared to other

80 Meer Baloch, 'Pakistan's Transgender Women Protest Against Rising Tide of Violence'.

81 'Transgender Person's Body Found Hanging in Rawalpindi', *The Express Tribune*, February 5, 2023, https://tribune.com.pk/story/2399533/transgender-persons-body-found-hanging-in-rawalpindi.

82 Malik, *Religious Minorities in Pakistan.*

83 Malik, *Religious Minorities in Pakistan.*

84 Usman Saeed, 'A Workforce to With', *The News*, August 6, 2023, https://www.thenews.com.pk/tns/detail/1097543-a-workforce-to-reckon-with.

85 Malik, *Religious Minorities in Pakistan.*

provinces.[86] This is because due to better education facilities, they are able to get better economic opportunities as well, in a way that ethnicities based in other provinces are not able to.

Indigenous communities are side-lined even in major cities, a prime example of this being the treatment of Balochis in Karachi and the way places such as Lyari, an area in Karachi with predominantly Balochi residents, are administered.[87] They are seen as second-class citizens, those who do not deserve a place at the same table as Urdu-speaking or Punjabi communities in the cities.[88]

Besides, religious minorities face their own set of challenges in availing economic opportunities. While non-Muslims are considered to be impure and given work associated with impurity such as sanitation work, even when they take up other opportunities, their morality and character are questioned. Non-Muslims are kept out of higher positions in both civil and armed forces, limiting their opportunities and decreasing their motivation to move up the economic ladder since they know most institutions hold a ceiling for their advancement. This can be seen especially in the manner in which employee quotas for non-Muslims are filled in governmental agencies by allocating them the lowest-grade offices. With all the socioeconomic disadvantages they face, minorities are often forced into poverty, making the state's control over them stronger and easier.

## Implications for Minorities

As Pakistan's majoritarian society legitimises an authoritarian regime, minorities are impacted in more ways than can be mentioned in one paper.

### Forced Conversions

86 Faisal Bari, Bisma Khan, and Neelum Maqsood, 'Analyzing Inter-Provincial Differences in Schooling Quality', *ASER Pakistan*, 2013, 13–14, http://aserpakistan.org/document/aser/2013/notes_aser_2013/Faisal_Bari.pdf.

87 Nida Kirmani, 'Resistance and Its Limits: Protesting Urban Violence in Lyari, Karachi', *Economic and Political Weekly* 52, no. 7 (2017): 41–48, http://www.jstor.org/stable/44166767.

88 Veengas, 'The Assault by Pakistan on Baloch People's Rights Has Now Reached Women', *The Wire*, May 28, 2022, https://thewire.in/south-asia/the-assault-by-pakistan-on-baloch-peoples-rights-has-now-reached-women.

Non-Muslim girls are forcefully converted to Islam through marriages, an act including kidnapping, forced religious change and rape on most accounts. However, since conversion to Islam is often not recognised as a crime, such coercive practice goes unregistered.[89] The number of non-Muslim girls being forcefully converted to Islam is increasing at a rapid rate. In 2020, only 15 cases were highlighted in the media, but by 2021, 60 cases were reported.[90] While these numbers do not show the real state of forced conversions in the country by any stretch, they do show how much more common they are becoming.

Girls abducted and forced to convert to Islam through marriage are usually abandoned by their husbands and are unable to go back to their homes since their families may disown them. Many girls are abducted and forced into marriage in a manner that their families never even find out where their daughter was taken, never to see them again. The group most vulnerable to this crime is Hindu minor girls.[91]

**Lowly Jobs**

Sanitation and janitorial jobs are mainly performed by non-Muslims, mostly by Christians and some Hindus.[92] These jobs require workers to clean sewage systems without any safety equipment. Even when quotas are allocated for non-Muslims in better industries, they are not filled, and that is enough evidence that society only accepts them when they are doing a low-tier job. One example of this is that federal and provincial governments are required to maintain a 5 per cent non-Muslim employee quota for

89 Isphani, *Politics of Hate: Religious Majoritarianism in South Asia* (India: HarperCollins, 2023).

90 'Forced Conversion Cases Spiked in 2021: Activist', *The Express Tribune*, January 10, 2023, https://tribune.com.pk/story/2337961/forced-conversion-cases-spiked-in-2021-activist.

91 'Pakistan Urged to Act Against Forced Child Marriages, Conversions', *Al Jazeera*, January 18, 2023, https://www.aljazeera.com/news/2023/1/18/pakistan-urged-to-act-against-forced-child-marriages-conversions.

92 Khusbakht Sohail, *Unequal Citizens: Ending Systematic Discrimination Against Minorities* (Pakistan: Human Rights Commission of Pakistan, 2022), https://www.nchr.gov.pk/wp-content/uploads/2022/05/Minority-Report-compressed.pdf.

government positions from BPS-1 to BPS-22;[93] however, only 2.8 per cent of the employees are non-Muslims, most of them working in positions from BPS-1 to BPS-4.[94] The unfortunate reality of the economic situation is borne by the fact that, for instance, 61 per cent of Christian youth are unemployed.[95]

**Stateless Citizens**

There are some communities that have been living in Pakistan since its inception, yet they are not considered citizens and do not hold the documents for citizenship. These are Bengali, Bihari and Rohingya communities, mostly living in Karachi.[96] Since their parents, and now they, do not hold nationality documents and have nothing to prove their claim to the land, they are not able to seek basic services such as healthcare, education and employment while also living in fear of detention and expulsion at any time. These individuals remain unidentified, and their existence is constantly questioned. For people who have been born in Pakistan, they have grounds to seek citizenship, yet, seeking such citizenship without parents' documentation is not possible to avail.[97]

**Indigenous Communities Destroyed by Real Estate**

All over Pakistan, gated communities have come up on the land of indigenous communities and other villagers without any compensation or permission prior to the destruction of their homes. The state supports such construction as indigenous minorities are not a priority of the state. One such example is Bahria Town developed by a private real estate company on the outskirts of major cities, where the original owners and inhabitants of the land have

93 Basic Pay Scale (BPS) is one of the types of pay scale used by the Pakistan government to reward its officers and workers. The higher the pay scale, the more the rewards.

94 Sohail, *Unequal Citizens: Ending Systematic Discrimination Against Minorities*.

95 Sohail, *Unequal Citizens: Ending Systematic Discrimination Against Minorities*.

96 'Legal Aid for Stateless', Imkaan Welfare Organization, accessed August 13, 2023, https://imkaan.org/legal-aid-for-stateless.

97 Imkaan Welfare Organization, 'Legal Aid for Stateless'.

been displaced.[98] The evicted protestors belonging to indigenous communities have appealed to numerous state institutions to help protect their land, but to no avail.

**Invisibility**

A way for minorities to avoid persecution is by limiting their visibility and staying out of the limelight. The more compliant lives they lead, the less attention they receive. That is something minority communities aspire to since any attention towards them is almost always negative. Blasphemy accusations alone can ruin an individual's life. Non-Muslims have been accused of blasphemy, which was later found to be false. Most blasphemy cases against Christians since 1986 have been dismissed for lack of evidence; however, this verdict usually comes after years going through the courts.[99] By this point, the person accused of the act is already vilified in society and often murdered by mobs taking the law into their own hands.[100] In fact, it does not even matter if the courts find the accused not guilty, just an accusation is enough for their life to be over. This was seen in the case of Aasia Bibi, an illiterate Christian mother of five, who was accused of blasphemy in 2009 when she shared the same water bucket as a Muslim woman who found that disrespectful.[101] She was convicted and was on death row for eight years until she was acquitted of all charges on appeal. Her acquittal sparked nationwide protests demanding she be hung for blasphemy, and even though the courts did not find her guilty, she had to flee the country for her safety. The governor of Punjab

98 Shah Meer Baloch, '"They Fired at Everyone": Peril of Pakistani Villagers Protesting Giant Luxury Estate', *Al Jazeera*, May 28, 2021, https://www.theguardian.com/global-development/2021/may/28/they-fired-at-everyone-peril-of-pakistani-villagers-protesting-giant-luxury-estate.

99 Kaul and Vajpeyi, *Minorities and Populism – Critical Perspectives from South Asia and Europe;* Mariam Faruqi, 'A Question of Faith: A Report on the Status of Religious Minorities in Pakistan', Jinnah Institute, Pakistan, 2011, http://jinnah-institute.org/images/stories/jinnah_minority_ report.pdf.

100 Kaul and Vajpeyi, *Minorities and Populism – Critical Perspectives from South Asia and Europe*; Mariam Faruqi, 'A Question of Faith: A Report on the Status of Religious Minorities in Pakistan'.

101 Asad Hashim, 'Aasia Bibi: Christian Acquitted of Blasphemy Leaves Pakistan', *Al Jazeera*, May 8, 2019, https://www.aljazeera.com/news/2019/5/8/aasia-bibi-christian-acquitted-of-blasphemy-leaves-pakistan.

at the time, Salman Taseer, was assassinated when he spoke up for her.[102] In fear of being targeted for false blasphemy accusations, most minorities, such as Christians, choose to stay within the community, limiting their interactions with Muslims.

Many non-Muslims have names that can pass as Muslim or have two names: one they use in their private lives and one Muslim name in public.[103] Their public identity protects them against the persecution that follows once they are recognised as belonging to a minority community, presenting themselves as a part of the majority at the cost of their own personal and religious identity.

Religious minorities also choose to live together in their 'own area' where their lives are not constantly threatened. Unfortunately, these are often underdeveloped areas, not being a priority of the state. The lifestyle choices of minorities extends to how they dress, what language they use publicly and which restaurants they eat at.[104] These daily life adaptations are constant tools that limit one's expression and identity.

## Lessons for Democracy and Equitable Human Rights

### Way Forward

#### Challenging Majoritarianism

Despite the precarious situation of religious and other minorities in Pakistan, there have been attempts by them and civil society partners to challenge the majoritarianism that pervades in the country. Some prominent examples are listed below.

#### *Minority Rights March*

The Minority Rights March was held on 11 August 2023 in four cities: Karachi, Hyderabad, Islamabad and Sukkar. The march

102 Hashim, 'Aasia Bibi: Christian Acquitted of Blasphemy Leaves Pakistan'.

103 Haroon Khalid, *A White Trail: A Journey into the Heart of Pakistan's Religious Minorities* (New Delhi: Westland, 2013).

104 Peter Jacob, 'The Identity Question for Christians in Pakistan', in *Religious Minorities in South Asia: Selected Essays on Post-Colonial Situations*, eds. Monirul Hussain and Lipi Ghosh (New Delhi: Manak Publications, 2002), 147–166.

was organised by independent minority rights activists who also formulated 10 demands highlighting the main issues minority communities face. These included an end to forced conversions of girls and women from religious minorities and a call to support the Anti-Forced Conversion Bill, protection of minorities' places of worship, an end to the misuse of blasphemy laws, non-discrimination of rights of all minority workers, better representations in legislative assemblies and protection of minorities' communal space amongst other legitimate demands. The largest turnout was in Karachi, which hosted multiple religious and gender minority leaders and included cultural performances as well. It was attended by the city's mayor, political workers, lawyers, journalists and civil society members.

### *Aurat March*

Pakistan saw its first Aurat March (Women's March) in 2018. Since then, multiple cities all over the country have had the march on International Women's Day.[105] The organisers of the march have made it clear that the Aurat March stands for all minorities, a fact evident in posters and chants besides the Charter of Demands. The idea is that no one can be free unless everyone is free. Since the Aurat March has garnered a following and is able to question the majoritarian state, there is increasing resistance from the state. In 2023, the march in the capital city of Islamabad was disrupted by the police. The marchers claimed that they were against enforced disappearances and that they marched for equal access to public spaces for all.[106]

In Karachi, a Christian minority rights activist addressed the marchers and spoke about sanitation workers and the forced conversion of minors from minority communities amongst other issues her community faces in Sindh.[107] A Hindu rights activist spoke about Hindu bonded labourers in the province and how they

105 Abid Hussain, 'Aurat March: Pakistani Women Rally Seeking Safe Public Space', *Al Jazeera*, March 9, 2023, https://www.aljazeera.com/news/2023/3/8/aurat-march-pakistani-women-rally-across-country.

106 Hussain, 'Aurat March: Pakistani Women Rally Seeking Safe Public Space'.

107 Shazia Hasan, 'Harassment, Patriarchy and Inflation Come under Fire in Aurat March', *Dawn*, March 13, 2023, https://www.dawn.com/news/1741862.

are treated like slaves, given no respect or dignity.[108] The Aurat March provides space for all minority issues to be highlighted, not just women's issues, bringing them into the mainstream, mobilising support and putting pressure on the majoritarian state to take action.

### *Sindh Moorat March*

The first Moorat March was held in Karachi, Sindh, on November 20, 2022 to raise awareness and demand equal rights for transgender persons.[109] They made 12 demands for the protection of transgender persons' lives, which are in severe danger in today's Pakistan as hate crimes against the gender are at an all-time high.[110] Since the march garnered support from citywide political workers, lawyers, journalists and civil society members, the Sindh police also cooperated and provided security for the marchers.

## Recommendations

Pakistan should ensure that its laws and practices are in accordance with its international obligations under the Convention on the Elimination of All Forms of Discrimination Against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Rights of the Child. It should take immediate steps to ratify and implement all the remaining major human rights instruments, in particular the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

The state should also provide sensitivity training to its law enforcement agencies (LEAs) while also increasing minority representation quotas in its recruitment. The importance of inclusion in the LEAs is for the prevention and post-crime

108 Hasan, 'Harassment, Patriarchy and Inflation Come under Fire in Aurat March'.

109 'Sindh Moorat March', *The Express Tribune*, November 23, 2023, https://tribune.com.pk/story/2387615/sindh-moorat-march.

110 Shah Meer Baloch, '"We Deserve to Be Treated Equally": Pakistan's Trans Community Steps Out of the Shadows', *The Guardian*, November 20, 2022, https://www.theguardian.com/world/2022/nov/20/pakistan-trans-community-steps-out-of-shadows.

management of violence against minorities. In many circumstances, as noted in this report, LEAs do not even register crimes committed against minorities due to pressure from the mobs supported by the majoritarian state. However, they must be trained to deal with such pressures and threats.

There are good practices that are already in place in the country. Before embarking on new ones, it would then be efficient to make more efficient and expand the existing ones, so that changes become meaningful. For instance, the helpline established by the Ministry of Human Rights is operational around the clock to provide legal advice, assistance, counselling and consultations.[111] Training personnel at this helpline to cater to issues specifically related to minorities and guide those seeking assistance to the relevant authorities could provide confidence in minority communities towards the state's ability to assist and protect them.

In considering the good practices the state should undertake to protect its minorities, it is important to remember that none of these can change the trajectory of the communities' lives unless the trends evident in the majoritarian state are replaced and the authoritarian system is overturned.

Improving the state of minority rights in Pakistan, particularly in the face of rising majoritarianism, requires a comprehensive and multi-faceted approach. Given below are some recommendations, which if implemented collectively, can contribute to a more inclusive and tolerant society in Pakistan, safeguarding the rights and dignity of minority communities.

**Legal Reforms**

- Strengthen and enforce existing anti-discrimination laws to ensure equal rights for all citizens, regardless of their religious, ethnic or cultural background.
- The requirement for the President and the Prime Minister to be a Muslim under Articles 41(2) and 91(3) of the Constitution of Pakistan must be repealed, giving members of all religious

111 'Compalint [sic]-Cell', Ministry of Human Rights, Government of Pakistan, accessed August 5, 2023, https://mohr.gov.pk/Detail/ZWIzOTFlZmItNjIzZi00ZjlmLWFhOWUtMTlhOTZiZDQ0OGVl.

communities an equal right to reach the highest levels of government in their country.

- Introduce specific legislation to protect minority rights, addressing issues such as forced conversions, blasphemy laws and discriminatory practices.
- Before passing any laws, especially those relating to minority rights, the opinion of all stakeholders, especially the National Commission for Human Rights (NCHR), must be considered so that the legislation is effectively able to safeguard minority rights.
- For laws that have already been passed, such as the National Commission of Minorities Bill, 2023, there should be a serious review through consultations with minority community leaders and representation of the NCHR, the National Commission on the Status of Women (NCSW) and the National Commission on the Rights of Child (NCRC).
- The Ministry of Religious Affairs and Interfaith Harmony should be required to report annually to Parliament on the work undertaken to protect minorities.
- Review and act on enforced disappearances, the plight of the Baloch missing persons and the demands of the PTM.
- Political parties that incite violence towards minorities should have their registration revoked and barred from contesting elections.
- State officials who vandalise minority communities' properties or let mobs do the same should be immediately removed from their positions.

**Educational Initiatives**

- Promote inclusive education that highlights the diversity of Pakistan's population, fostering tolerance and understanding among different communities.
- Introduce educational programmes that focus on equal citizenship and human rights, promoting empathy and respect for diverse religious and cultural perspectives.

**Media Sensitisation**

- Encourage responsible reporting in the media, promoting narratives that celebrate diversity and discourage sensationalism or biased coverage.
- Foster partnerships between media organisations and civil society groups to create content that educates the public on minority issues.

**Political Representation**

- Ensure fair representation of minorities in political institutions, both at the national and local levels, through mechanisms such as reserved seats or proportional representation.
- Encourage political parties to include minority candidates in their electoral processes.

**Community Outreach**

- Establish community centres that provide support and resources for minority communities, including legal aid, education and healthcare.
- Encourage initiatives that bridge the gap between marginalised and thriving communities, fostering positive interactions and relationships.

**Human Rights Commissions**

- Strengthen human rights institutions, such as the National Commission for Minorities, to monitor and address violations of minority rights effectively.
- Ensure these commissions have the authority and resources to investigate complaints and take appropriate action against those responsible for discrimination or violence.

**International Collaboration**

- Collaborate with international organisations, non-governmental organisations (NGOs) and other countries to share best practices and learn from successful models of promoting minority rights.

- Seek assistance in capacity-building programmes for law enforcement and judicial institutions to ensure the fair and impartial implementation of laws protecting minority rights.

**Economic Empowerment**

- Implement policies that promote economic opportunities for minority communities, including targeted development programmes, skill-building initiatives and access to credit and resources.
- The government should ensure that the 5 per cent departmental quota is fulfilled not only through lower-category posts but also for higher-level posts that carry authority.
- In order to promote economic opportunities for individuals belonging to minority communities, the government must ensure that diversity training takes place before recruitment.[112]

**Civil Society Engagement**

- Support and encourage the role of civil society organisations in advocating for minority rights, providing them with the space and resources needed to carry out their activities.

112 Sohail, *Unequal Citizens: Ending Systematic Discrimination Against Minorities.*

# Majoritarianism and Its Impact on Minorities in Sri Lanka

Sakuntala Kadirgamar

## Understanding Majoritarianism in Sri Lanka

Sri Lanka is a multi-ethnic and multi-religious country. The Sinhalese constitute the largest ethnic group, followed by Tamils, Muslims and Burghers (descended from the Portuguese and the Dutch communities). Buddhists constitute the largest religious group, followed by Hindus, Muslims and Christians.[1] The country's history is marked by ethno-religious tensions, manifesting in the rise of majoritarianism that prioritises the interests of the majority Sinhalese Buddhist community over minority communities. This has had a significant impact on the country's minorities and on the prospects for social inclusion, peace and stability. This chapter provides an overview of majoritarianism in Sri Lanka, its impact on minorities and on democratic governance in Sri Lanka.

In Sri Lanka, majoritarianism has been used by the Sinhalese political elite to assert its dominance over other ethnic groups.[2] The majoritarian ideology has even shaped attitudes pervading the political discourse and the psyche of many of the Sinhalese people and framed their relationships towards minorities. Paradoxically,

1 The 2012 national census, which provides the most recent available data, lists the population at 22,156,000 of which 14,272,051 (70.2 per cent) are Buddhists; 2,561,299 (12.6 per cent) are Hindus, 1,967,523 (9.7 per cent) follow Islam, and 1,552,155 follow Catholicism and various Christian denominations. The Christian community constitutes 1,261,194 Catholics, and 290,961 are from Anglican and protestant communities. The Muslim community constitutes of Sri Lankan Moors, Indian Moors, Sri Lankan Malays and Sri Lankan Bohras, http://www.statistics.gov.lk/abstract2022/chapter2.

2 'Majoritianism', The European Center for Populism Studies (ECPS), accessed December 20, 2023, https://www.populismstudies.org/Vocabulary/majoritarianism.

the Tamil minority, although numerically smaller, regard themselves as historically rooted in the country and as having equal indigenous status. This history has shaped the collective attitude of the Tamil community and their political discourse. The Sinhalese political narrative has been shaped by a fear of their own vulnerability—one that comes from having to protect their unique language and culture that was threatened by years of colonialism, historic invasions from India and wars with Tamil kings from northern Sri Lanka. The ever-present fear that the linkages that Tamils of Sri Lanka share with South India may overwhelm the Sinhalese has led to the expressions that the Sinhalese are 'a majority with a minority complex'[3] and the Tamils are 'a minority with a majority complex'. This 'majority complex' of the Tamil community has also impacted its relations with the Muslim community, living in the areas historically populated by the Tamils (i.e., the northern and eastern provinces of Sri Lanka). It has generated among the Tamils of this region, a 'sub-national majoritarianism', the very ideology resisted by the minorities at the level of national politics.[4]

**Colonial Roots of Majoritarianism in Sri Lanka**

The roots of majoritarianism in Sri Lanka can be traced back to the country's colonial past. Sri Lanka was a British colony from 1815 to 1948. Prior to that, it was colonised by the Portuguese and the Dutch. The impact of colonialism, especially British colonialism, was pervasive, impacting the social system, economy and governance.[5] Colonialism established the plantation economy and colonial education, which created new elites and displaced and marginalised old elites.[6] The colonial appropriation of lands

3 S.J. Tambiah, cited by Steven R. Weisman, 'Sri Lanka Struggles to Overcome Centuries of Ethnic Ill Will', *The New York Times*, August 30, 1987, https://www.nytimes.com/1987/08/30/weekinreview/the-world-sri-lanka-struggles-to-overcome-centuries-of-ethnic-ill-will.html.

4 Weisman, 'Sri Lanka Struggles to Overcome Centuries of Ethnic Ill Will'.

5 Neil DeVotta, 'Majoritarian Politics in Sri Lanka: The Roots of Pluralism Breakdown', Global Centre for Pluralism, April 2017, https://www.pluralism.ca/press-release/majoritarian-politics-sri-lanka-roots-pluralism-breakdown.

6 P.V.J. Jayasekera, *Confrontations with Colonialism: Resistance, Revivalism and Reform Under British Rule in Sri Lanka, 1796-1920, Vol. 1* (Colombo: Vijitha Yapa Publications, 2017).

dispossessed Sinhalese villagers in the hill country. As these villagers were not disposed to work in the plantations as labourers, the colonial government resorted to the large-scale recruitment of indentured workers from South India, who had to live and work under appalling conditions. Their presence was deeply resented by the local community. These workers were often Hindus and spoke Tamil. In 1946, before independence, the Indian Tamils constituted 15.2 per cent of the population while Ceylon Tamils made up 11.3 per cent.

Rural community structures were also shaken up by colonialism and the status-holders within the local communities, such as the village headmen, local Ayurvedic practitioners and teachers, felt marginalised. The colonial administration introduced education in the English language and prioritised it. Monastic education was discounted.[7] The Tamil community, especially in the north, accessed quality schools founded by the American missionaries and invested heavily in education in the English language.[8] The British colonial government was perceived to have prioritised the recruitment of the educated among the minority Tamils, from the

7 See Kithsiri Malalgoda, *Buddhism in Sinhalese Society: A Study of Religious Revival and Change* (California: University of California Press, 1976) for an analysis of how the Sinhalese approached the issue of English language education for employment.

8 Malalgoda, *Buddhism in Sinhalese Society.*

Northern and Eastern provinces into the administrative cadres, leading to resentment among the majority Sinhalese community.[9] After independence, the Sinhalese political elite sought to redress this imbalance by promoting policies that favoured the Sinhalese community at the expense of the Tamils and Muslims.[10] This was resented by the minorities as blatant discrimination and was the harbinger of a long period of political agitation, culminating in the Tamil minority's demand for a separate state.[11]

The British colonial administration established a system of governance that recognised the salience of these ethnic and religious differences, especially to the communities involved. To the minorities, this signified a sense of pluralism and diversity in Sri Lankan society. This included the colonial government's acceptance of the personal, customary law of the minorities that governed marriage, divorce, custody of children and the transfer of ancestral properties. For the colonial administration, that was an economic way of maintaining peace with the respective communities.[12]

## Taking Stock

Touting nakedly majoritarian politics, Gotabaya Rajapakse was elected president with an overwhelming number of votes in 2019.[13] He believed that his electoral majority had given him carte blanche to govern without consultations and without checks or balances. Corruption and mismanagement were also unchecked. The bureaucracy and public institutions dared not challenge him.[14] When, in 2022, the country was faced with shortages of gas, fuel,

9 J. Spencer, *Sri Lankan History and Roots of Conflict* (Routledge: London, 1990).

10 Spencer, *Sri Lankan History and Roots of Conflict.*

11 Spencer, *Sri Lankan History and Roots of Conflict.*

12 H.W. Tambiah, *Principles of Ceylon Law* (Colombo: H. W. Cave & Company, 1972); L.J.M. Cooray, *An Introduction to the Legal System of Ceylon* (Colombo: Lake House Investments Ltd., 1972).

13 Alan Keenan, 'Sri Lanka's Presidential Election Brings Back a Polarising Wartime Figure', International Crisis Group, November 18, 2019, https://zip.lu/3ircy.

14 See Sri Lanka 2022 Human Rights Report, https://www.state.gov/wp-content/uploads/2023/02/415610_SRI-LANKA-2022-HUMAN-RIGHTS-REPORT.pdf.

food, electricity cuts and no foreign currency reserves, the citizens responded, demanding that he leave office. This crisis led to a civic struggle—referred to as 'the struggle' (*Aragalaya* in Sinhalese and *Por Attam* in Tamil)—the face of which included young people, the middle class, urban dwellers and minority communities. However, the Tamils of the Northern Province were doubtful that this struggle would lead to far-reaching changes in the political system and expressed suspicion that the protests were brought about due to the economic collapse that affected all the people and not their critique of the majoritarian policies of the government or the broader governance failures that pervade Sri Lanka.[15]

Nevertheless, the economic collapse and the failures in nation-building are also failures of Sri Lanka's political class that has governed Sri Lanka since independence and continues to dominate politics through dynastic politics. It also points to the hollowness of the dominant narrative that advanced majoritarianism, overlooked corruption and did not call for accountability. Paradoxically, this temporarily united the population in shared misery and created the opportunity for a deeper reflection on whether it is only the economy that must be fixed through structural adjustment policies or whether the times call for governance reforms and overall societal transformation.

## Detailing the History of Majoritarianism in Post-independence Sri Lanka

Sri Lanka has a long history of de facto pluralism,[16] with Tamils, Muslims, descendants of the Portuguese and the Dutch, and other communities coexisting harmoniously alongside the majority Sinhalese community. But key legislative and executive actions and policy measures after independence in 1948 created fear among the minorities that the pre-independence social contract of equal citizenship and equal rights would not be respected.

15 See *Sri Lanka People's Manifesto, People's Parliament, Law & Society Trust*, July 7, 2023, https://zip.lu/3irco.

16 Sulochana Peiris, *An Introduction to Religious Pluralism in Sri Lanka* (Internews Sri Lanka, March 2019).

**Citizenship Laws**

Shortly after Sri Lanka gained independence in 1948, the new government of Ceylon, dominated by the majority Sinhalese, introduced the Ceylon Citizenship Bill before parliament, which did not auger well for Sri Lanka's democracy. The bill was challenged in parliament and in the courts[17] but the court adopted a race-blind attitude to the case, stating that there was no discriminatory language used and there was no evidence of discriminatory intent. Nevertheless, the bill was passed by Parliament on August 20, 1948 and became law on November 15, 1948, less than a year after Ceylon had gained independence from Britain.

Only about 5000 Indian Tamils qualified for citizenship under the new law. More than 700,000 people, about 11 per cent of the population, were denied citizenship and rendered stateless although many had voted in the first parliamentary election in 1947 that constituted the first government of independent Ceylon. Seven of the 95 MPs were Indian Tamil members of parliament in the first post-independence parliament and Indian Tamils had influenced the result in another 20 constituencies, very often voting for the opposition Sinhalese leftist parties. At the 1952 general elections, none of the 95 MPs elected were Upcountry Indian Tamils, reflecting the stark and tangible impact of the bill.[18]

The bill stipulated that anyone wishing to obtain citizenship had to prove that their father and grandfather were born in Ceylon, i.e., they had connections going back to three generations. This was an impossible task for most Indian Tamils who rarely registered births, with many women travelling back to India to give birth, and returning to work and to reside in Ceylon.[19] The ostensible purpose of the bill was to provide criteria for citizenship,[20] but its real

17 *Mudannayake v. Sivagnanasunderam*, (1951) 53 NLR 433; Jayantha de Almeida Guneratne, Kishali Pinto-Jayawardena and Gehan Gunatilleke, *The Judicial Mind in Sri Lanka: Responding to the Protection of Minority Rights* (Colombo: Law & Society Trust, 2014).

18 '1952 General Election Results', *LankaNewspapers.com*, accessed September 15, 2023, https://bit.ly/4aJzIu6.

19 'Statelessness in Sri Lanka', UNHCR, accessed September 15, 2023, https://bit.ly/3UtwpSe.

20 UNHCR, 'Statelessness in Sri Lanka'.

purpose of discriminating against the Indian Tamils by denying them citizenship was soon apparent[21] although some political commentators said it was not intended as a racist attack on the Indian Tamil population but rather to break the Left parties' hold on the plantations as many plantation workers were unionised and voted *en masse* for Left-leaning parties that supported workers' rights.[22]

In 1949, the parliament passed the Indian and Pakistani Residents (Citizenship) Act. Its objective was to provide a means of obtaining citizenship for the resident Indian Tamils and Indian Moors. However, the conditions imposed by the Act were such that they discriminated against Indian Tamils. The Act granted citizenship to anyone who had 10 years of uninterrupted residence in Ceylon (seven years for married persons) and whose income was above the stipulated level. This was an impossible requirement for most Indian Tamils who periodically returned to India to reconnect with family, thereby interrupting their residence in Ceylon and most could not meet the income qualification. Only 140,185 Indian Tamils qualified for citizenship under this Act.[23] Later in 1949, the Ceylon (Parliamentary Elections) Amendment Act No.48 of 1949 was passed, which stripped the Indian Tamils of their right to vote.[24]

India refused to automatically provide Indian citizenship to those who did not qualify for Ceylon citizenship, and for four decades, the Upcountry Indian Tamils lived in limbo and were subjected to various pacts and negotiations between the governments of India and Sri Lanka.[25] The relations between

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21 Luwie Ganeshathasan and Asanga Welikala, *Report on Citizenship Law, Sri Lanka* (European University Institute, May 2017).

22 Nira Wickramasinghe, 'Sri Lanka's independence: Shadows over a colonial graft', in *Routledge Handbook of South Asian Politics: India, Pakistan, Bangladesh, Sri Lanka, and Nepal*, ed. Paul R. Brass (Oxon, UK: Routledge, 2010).

23 Ganeshathasan and Welikala, *Report on Citizenship law, Sri Lanka.*

24 Ganeshathasan and Welikala, *Report on Citizenship law, Sri Lanka;* On January 18, 1954, Indian Prime Minister Jawaharlal Nehru and Ceylon Prime Minister John Kotelawala signed the Nehru-Kotelawala Pact under which India agreed to the repatriation of any Indian Tamil who wanted Indian citizenship.

25 Ganeshathasan and Welikala, *Report on Citizenship law, Sri Lanka;* On October 30, 1964, Indian Prime Minister Lal Shastri and Ceylon Prime

India and Sri Lanka and the personal relationships between the leaders of these countries were at an all-time low in the 1980s. The Tamil secessionist movement was in its ascendancy and the government of Sri Lanka was frustrated that the government of India and specifically the state government of Tamil Nadu were overly sympathetic to their cause.[26] The Indian government censured the Sri Lankan government when bouts of anti-Tamil violence impacted the plantation Tamils, although they were not part of the secessionist struggle. The Indian government exerted its right to intervene as the stateless persons were potentially Indian citizens.

In 1988, the Sri Lankan parliament passed the Grant of Citizenship to Stateless Persons Act which granted Sri Lankan citizenship to all Indian Tamils who had not applied for Indian citizenship under previous agreements. In 2003, the Sri Lankan Parliament unanimously passed the Grant of Citizenship to Persons of Indian Origin Act which granted Sri Lankan citizenship to all Indian Tamils who had been residing in Sri Lanka since October 1964 and to their descendants.[27] Thus, those who had been granted Indian citizenship under previous agreements but were still living in Sri Lanka were granted Sri Lankan citizenship upon rescinding their Indian citizenship. All Indian Tamils living in Sri Lanka had finally been granted Sri Lankan citizenship 55 years after independence. Those aware of the politics behind the disenfranchisement of the plantation workers recognised that they were granted citizenship

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Minister Sirimavo Bandaranaike signed the Sirima-Shastri Pact (also known as the Indo-Ceylon Agreement) under which India agreed to the repatriation of 525,000 Indian Tamils. Another 300,000 would be offered Ceylon citizenship. On June 28, 1974 Indian Prime Minister Indira Gandhi and Ceylon Prime Minister Sirimavo Bandaranaike signed the Sirimavo-Gandhi Pact under which India and Sri Lanka agreed to grant citizenship to the 150,000 Indian Tamils whose status was left unresolved by the Sirima-Shastri Pact. However, in 1982, India abrogated the Sirima-Shastri Pact and Sirimavo-Gandhi Pact. At this point, 90,000 Indian Tamils who had been granted Indian citizenship were still in Sri Lanka and another 86,000 were in the process of applying for Indian citizenship; See 'Solution to a prolonged problem', *The Sunday Times*, October 26, 2008.

26 Sandra Destradi, 'India and the Civil War in Sri Lanka: On the Failures of Regional Conflict Management in South Asia', *GIGA Working Papers*, no. 154 (December 2010).

27 Ganeshathasan and Welikala, *Report on Citizenship law, Sri Lanka.*

as part of a strategy to take them out of the Indian government's circle of concern.

The Tamils brought to work on the tea plantations as indentured workers were variously called Indian Tamils, Plantation Tamils, and Hill Country Tamils. Early census records, much of the early academic literature, and the newspaper references to them have used these various terms. But today, 200 years after they established their presence in the country, they have asserted themselves to self-identify as 'Malaiyaha Tamils'. The hardships they faced as stateless people created lost generations whose health, educational and economic opportunities and indicators have been well below the national average for decades. Despite being the backbone of Sri Lanka's plantation economy and the country's major foreign exchange earners, little investment has been made to improve their livelihoods.[28]

**Sinhalese Only Act of 1956**

After independence in 1948, the Sinhalese political elite sought to redress what it perceived to be an imbalance of power and influence by promoting policies that favoured the Sinhalese community at the expense of the Burghers, Tamils, and Muslims. One of the most significant of these policies was the Sinhalese Only Act of 1956, which made Sinhalese the only official language of the country.[29] This marginalised the Burghers who excelled in English and the Tamil and Muslim communities, who had traditionally used Tamil as a medium of education and communication.[30]

The Act also led to the displacement of Tamil civil servants and professionals due to their lack of language proficiency[31] and were

28 Selvaraja Rajasegar, 'The Plight of Up Country Tamils in the North', *Groundviews*, December 15, 2021, https://groundviews.org/2021/12/15/the-plight-of-up-country-tamils-in-the-north.

29 The Official Language Act No. 3 (commonly referred to as the Sinhalese Only Act), 1956.

30 Rajan Philips, '60 Years after June 5, 1956: The Making, Unmaking and the Difficult Remaking of a Nation', June 4, 2016, https://srilankatwo.wordpress.com/2016/06/06/60-years-after-june-5-1956the-making-unmaking-and-the-difficult-remaking-of-a-nation.

31 *Language Rights in Sri Lanka: Enforcing Tamil as an Official Language*, ed. B. Skanthakumar (Colombo: Law & Society Trust, 2008).

replaced by Sinhalese officials. This created a sense of insecurity and marginalisation among the Tamil community which eventually led to demands for greater autonomy and, eventually, independence.[32] Civil servants who gained proficiency in Sinhalese complained they were still excluded from promotions in public service and they pointed to an underlying commitment of the state to exclude minorities.[33]

**Education and the Standardisation Policy of 1971**

The Sinhalese Only Act led to increased agitation against the attempt to bring private denominational schools under state control. The Catholic Church which supported a network of church-managed schools, and its adherents, organised protests and even appealed to the Pope. However, the Sri Lanka Freedom Party (SLFP) vociferously declared that the assisted schools would be vested in the state as part of its campaign pledges in the 1960 July general elections, and the government held fast to this commitment. The Catholic Church did not receive the support it sought from the Vatican.

Eventually, the Assisted Schools and Training Colleges (Special Provisions) Act No 5 of 1960 was passed to enable the government to take over the ownership and management of many private schools and training colleges. Many of the schools that belonged to the Catholic Church in Sri Lanka were taken over but the debate over the alleged 'Catholic Action' and Catholic 'penetration' of society and educational institutions revealed the extent of suspicion and resentment and future policy changes were viewed in the context of these perceptions.[34] While some saw the school takeover as a means of democratising access to quality education and breaking the dominance of English language-oriented schools,

32 'Root causes of the ethnic conflict in Sri Lanka', *Tamil Guardian*, February 19, 2008, https://zip.lu/3ir3M.

33 Neil Devotta, *Blowback: Linguistic Nationalism, Institutional Decay, and Ethnic Conflict in Sri Lanka* (Redwood City, California: Stanford University Press, 2004).

34 All Ceylon Buddhist Congress, *The Betrayal of Buddhism: An Abridged Version of the Report of the Buddhist Committee of Inquiry* (Balangoda, Ceylon: Dharmavijaya Press, 1956).

others saw this as an attack on the rights of a religious minority to manage its own schools.[35]

Further, the Standardisation Policy of 1971, implemented by the government of Prime Minister Sirimavo Bandaranaike, was designed to promote Sinhalese students in university admissions at the expense of Tamil students. The policy was based on the belief that Sinhalese students were disadvantaged by the fact that Tamil students had access to better educational facilities in their home areas and that it resulted in disproportionate numbers of Tamil students gaining entry into higher education.[36] Although the government framed the Standardisation Policy as a tool for 'affirmative action', it was condemned for straying away from principles of merit and fairness, failing to guarantee social mobility through education and limiting the number of Tamil students in the science and medical faculties. The perceived unequal distribution of educational entitlements was a central issue among Sinhalese students living in southern Sri Lanka, and it led to a leftist insurrection in the early 1970s. It was also a catalyst for the Tamil insurrection in the north and the east in the latter part of the 1970s.[37]

The policy was later transformed into a regional quota system cutting across ethnic and religious identities to give weightage to students from areas with weaker educational facilities. That was a more equitable approach, giving access to students who showed promise despite the disadvantages of circumstances. However, in terms of Sinhalese-Tamil relations, the damage had been done, and the Tamil community's experience of discrimination and resentment continued to grow.[38]

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35 W.T.A. Leslie Fernando, 'Schools take over, attempted 1962 coup', *Sri Lanka Guardian*, January 21, 2011, http://www.srilankaguardian.org/2011/01/schools-take-over-attempted-1962-coup.html.

36 N. Wickramasinghe, 'Democracy and Entitlements in Sri Lanka: The 1970s Crisis over University Admission', *South Asian History and Culture* 3, no. 1 (2012): 81–96.

37 Neil DeVotta, 'Standardization and ethnocracy in Sri Lanka', *WIDER Working Paper*, August 2022, United Nations University.

38 Chandra Gunawardena, 'Ethnic Representation, Regional Imbalance and University Admissions in Sri Lanka', *Comparative Education* 15, no. 3 (October 1979): 301–312; P. Herath, K. Liyanage, M. Ushiogi and H. Muta, 'Analysis of

**Resistance to Political Solutions to Address Minority Concerns**

Recognising the sweep towards majoritarianism, the Tamil minority agitated for a federal system of governance whereby in the Northern and Eastern provinces, where they had a dominant presence, Tamil would be the language of administration. The then prime minister S.W.R.D. Bandaranaike recognised the value of federalism early in his political career and signed a pact with the leader of the main Tamil political party, the Federal Party in 1957. The pact was popularly referred to as the Bandaranaike-Chelvanayakam Pact (BC Pact) after the two leaders. The opposition rejected the pact and mobilised Buddhist monks who launched protests.[39] This resulted in the Prime Minister abrogating the pact. After that, several diluted formulations of regional autonomy were proposed, each weaker than the previous formulation and they were all rejected by the polity, leading to the Tamil political parties under the leadership of S.J.V. Chelvanayakam to declare their unilateral intent to secede.[40]

The sub-text of the attitude of successive governments was a non-recognition of the legitimacy of minority demands. This suggested that it was not the place of minorities to make

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Policies for Allocating University Resources in Heterogeneous Social Systems: A Case Study of University Admissions in Sri Lanka', *Higher Education* 34, no. 4 (December 1997): 437–457; C.R. de Silva, 'The Impact of Nationalism on Education: The Schools Take-Over (1961) and the University Admission Crisis 1970–75', in *Sri Lanka: Collective Identities Revisited, Vol. 2*, ed. M. Roberts (Colombo: Marga Institute, 1997); C.R. de Silva, 'Weightage in University Admissions, Standardization and District Quotas in Sri Lanka', Modern Ceylon Studies 5, No. 2 (1974): 152–78; C.R. de Silva 'The Politics of University Admissions. A Review of Some Aspects of Admissions Policy in Sri Lanka', *Sri Lanka Journal of Social Sciences* 1, no. 2 (1978): 85–123; K.M. de Silva, 'University Admission and Ethnic Tension in Sri Lanka: 1977–1982', in *From Independence to Statehood: Managing Ethnic Conflict in Six African and Asian States*, ed. R.B. Goldman and A.J. Wilson (London: Francis Pinter, 1984): 97–110; See *Sansoni Commission Hearings* (International Center for Ethnic Studies, 1978).

39 K.M. de Silva and Howard Wriggins, *J.R. Jayewardene of Sri Lanka: A Political Biography* (London: Antony Blond/Quartet, 1988).

40 Vaddukoddai Resolution 1976, https://archive.org/details/vaddukoddai-resolution-1976; Asanga Welikala, 'Towards Two Nations in One State: The Devolution Project in Sri Lanka', a paper presented at the EURO Regions Summer University of the Institute of Federalism, University of Fribourg, Switzerland, September 21, 2002.

demands on the political system but rather accept their place as dependents in the context of Sri Lanka. This attitude is reflected in the phrase deployed by a former president—'minorities are "vines and creepers" that grow among the shade-giving canopy of the majority'.[41]

The extreme demand for secession through an armed struggle as advocated by the Liberation Tigers of Tamil Eelam (LTTE) would not have fully resolved the 'National Question' as large numbers of Tamils were scattered around the country and would have to choose between migrating to the north and the east or face the ire of the Sinhalese population. The idea of secession also failed to address the needs of the Malaiyaha Tamils or the Muslims. What is significant is that the neglect of minority concerns over time led to the minorities making maximalist demands.

In 1987, the Government of India pressured Sri Lanka to introduce provincial councils and address the Tamil desire and need for regional autonomy. The legislation was passed by way of a constitutional amendment.[42] But the promise of autonomy for the Provincial Councils was never quite fulfilled and Tamil minority claims for recognition and autonomy continue to be regarded as illegitimate.[43]

**Minority Rights under the Constitution**

At the time of independence, no special provisions were made to protect minorities by way of federalism or consociational arrangements. However, Sections 29(2)(b) and (c) of the Constitution limited the powers of parliament to make laws that create restrictions on a person or community. It also restricted the power of the parliament to confer on persons of any community or religion any privilege or advantage which is not conferred on persons of other communities or religions. From the perspective of the minorities, this was the sole constitutional safeguard against

41 Rajpal Abeynayake, 'Vines And Creepers Time', *Sri Lanka Guardian*, March 7, 2010, https://zip.lu/3ircD.

42 Ceylon (Constitution) Order-in-Council, 1947.

43 Welikala, 'Towards Two Nations in One State: The Devolution Project in Sri Lanka'.

discrimination and privilege.[44] However, as events subsequently demonstrated, these provisions did not protect the minorities against discrimination in the laws relating to citizenship and language and were excluded from the subsequent constitutions enacted in 1972[45] and 1978.[46] Ineffective as they were, the exclusion of these provisions signified the majoritarian intent of the government and the refusal to provide specific constitutional safeguards to the minorities.

The constitution enacted in 1978 introduced many fundamental changes and consolidated and constitutionalised all the laws and practices that the minorities deemed discriminatory. It reiterated that Sri Lanka would be a unitary state, that Buddhism would have the foremost place and the state shall be obligated to protect the Buddha Sasana while granting all citizens the right to profess a religion of their choice.[47] In multi-ethnic and multi-religious countries, secularism is viewed as the surest way of keeping the peace between communities.[48] But constitutionalising a special place for Buddhism was upsetting to minority religions who felt marginalised. The constitution made Sinhalese the official language, but with the introduction of the 13th amendment in 1987, following intense pressure from the Indian government, the constitutional status of Tamil and English were changed, somewhat awkwardly, to read that 'the Official language of Sri Lanka shall be Sinhalese, Tamil shall also be an Official Language and English shall be the link language'.[49] The language policy purporting to promote three languages remains a dead letter. It is under-resourced[50] and has not received the political backing to make it effective.

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44 Ceylon (Constitution) Order-in-Council, 1947.

45 The Constitution of Sri Lanka (Ceylon), 1972.

46 The Constitution of the Democratic Socialist Republic of Sri Lanka, 1978.

47 The Constitution of the Democratic Socialist Republic of Sri Lanka, 1978.

48 S. Ratnajeevan H. Hoole, 'No Equality Without Secularism', *Colombo Telegraph*, April 30, 2017, https://www.colombotelegraph.com/index.php/no-equality-without-secularism.

49 The Constitution of Sri Lanka, 1977, Article 18.

50 'Sri Lanka Provides Excuses for not Implementing the Official Language Policy at UN CESCR 61', *Sri Lanka Brief*, September 6, 2017, https://srilankabrief.org/sri-lanka-provide-excuses-for-not-implementing-of-the-official-language-policy-at-un-cescr-61.

A key provision, the merger of the Northern and Eastern provinces, was challenged and set aside by the courts.[51] The war made the Northern and Eastern provinces ungovernable and the provisions relating to land and police powers have not been implemented and remain the subject of intense political contestation.[52] The military defeat of the LTTE effectively crushed the Tamil community's resistance but it has not eliminated the validity and legitimacy of their claims. The international community periodically raises the question of accountability for war crimes and enforced disappearances, and the government of India periodically voices concern that the provincial councils, established under the 13th amendment to the constitution, have yet to be implemented both in spirit and in letter.

## Thirty Years of Civil War

The most significant manifestation of majoritarianism[53] in Sri Lanka was the Sri Lankan civil war, which lasted for thirty years and claimed the lives of thousands of people. The war was fought between the Sri Lankan government, dominated by Sinhalese representatives, and the LTTE, a militant group that sought an independent Tamil state in the north and east of the country.[54]

Many attempts to end the conflict through mediation and negotiation failed largely due to the suspicions that each community had *vis-a-vis* the other.[55] As the LTTE gained victories on the battlefield, they, too, failed to see the value of a negotiated settlement and appeared to use peace talks as the space from which

51 'Northeast Merger Deemed 'Null and Void', *Tamil Guardian*, October 18, 2006, https://zip.lu/3ir3C.

52 Asiri Fernando, '13th Amendment: Government Slow to Shift Gears on Police Powers', *The Morning*, February 4, 2023, https://www.themorning.lk/articles/53Xhzx6agMgllebStmhR.

53 Neil DeVotta, 'Majoritarian Politics in Sri Lanka: The Roots of Pluralism Breakdown', Global Centre for Pluralism, April 2017, https://www.pluralism.ca/wp-content/uploads/2017/10/SiLanka_EN.pdf.

54 Nithyani Anandakugan, 'The Sri Lankan Civil War and Its History, Revisited in 2020', *Harvard International Review*, August 31, 2020, https://hir.harvard.edu/sri-lankan-civil-war.

55 'Sri Lanka: The Failure of the Peace Process', Asia Report No. 124, International Crisis Group, November 28, 2006, https://icg-prod.s3.amazonaws.com/124-sri-lanka-the-failure-of-the-peace-process.pdf.

they could re-group and rebuild their fighting capacities. Sinhalese majoritarianism was met with Tamil militancy and intransigence.

The war had a profound impact on the Tamil community's social and economic well-being.[56] The violence led to a spate of refugees, asylum-seekers and migrants leaving the country and settling overseas, draining the community of valuable human resources. Those left behind to face the consequences of the military defeat of the LTTE continue to face significant challenges in the post-war period.[57] The end of the war did not create a foundation for peace as the root causes of the conflict remain unaddressed as do the allegations of war crimes and unaccountable deaths and disappearances. Successive governments failed to implement the recommendations of various commissions of inquiry and have failed to sufficiently address the concerns of the Tamil community who want acknowledgement of the struggles and sacrifices of their community and the right to mourn those killed in the conflict.

**Majoritarianism and Its Impact on Muslims**

The Muslim community, especially those living in the north and the east, suffered at the hands of the LTTE who expelled them from the north, questioning their right to remain in the Tamil homeland.[58] This was clearly a manifestation of sub-national majoritarianism or the majoritarianism of a minority over another minority. Meanwhile, in the aftermath of the civil war, Muslims suffered bouts of violence at the hands of the Sinhalese Buddhist community,[59] resentful of their progress in trade, and the homes,

56 Aingkaran Kugathasan, 'Poverty and Civil War in Sri Lanka', Ideas for Peace, February 27, 2012, https://ideasforpeace.org/content/poverty-and-civil-war-in-sri-lanka.

57 Visvajith Sriramarajan, 'Post-War Sri Lanka: Fractured and Unjust for Tamils', *The Diplomat*, May 15, 2020, https://thediplomat.com/2020/05/post-war-sri-lanka-fractured-and-unjust-for-tamils.

58 Law and Society Trust, *The Quest for Redemption: The Story of the Northern Muslim, The Final Report of the Commission on the Expulsion of Muslims from the Northern Province by the LTTE in October 1990* (Colombo: Law & Society Trust, 2012).

59 Law and Society Trust, *Where Have all the Neighbours Gone? Aluthgama Riots and Its Aftermath: A Fact-Finding Mission to Aluthgama, Dharga Town, Valipanna and Beruwela* (Law & Society Trust, 2015); Law and Society Trust, *Fact-finding Report on the Anti-Muslim Violence in the Kandy District March*

mosques, schools and businesses the Muslim community had built through the remittances they accumulated from the Gulf states. Although they did not make demands for autonomy and circumvented the state for assistance in establishing educational institutions, they became targets of resentment, hate speech and physical attacks. Muslims are periodically accused of campaigns to increase their own population to become the numerical majority in the country although they currently comprise only 9.6 per cent of the country's population.

A point of contention within the Muslim community (specifically conservative male Muslims) is the proposed reform of Muslim personal laws that presently disadvantage women in the areas of marriage, divorce and custody of children.[60] The application of human rights and women's rights perspective to safeguard Muslim women and protect them under the general laws (giving them the right to divorce, custody of children, protection of girls to prevent them from contracting under-age marriages) is seen as undermining Muslims' right to their personal laws, their identity and even as an affront to their religion. Thus, conservative elements of Muslim society continue to clash with feminists and 'modernisers' within the community. However, the debate on the reform of Muslim personal laws was captured by extremists among the Buddhist clergy with their campaign for 'One Country, One Law'. They view Muslim personal laws not as the harbinger of discrimination against women but as an affront to the nation's sovereignty and a form of privileged exclusivism, and argued for their elimination.[61] The reform of the Muslim personal law remains unsettled and there is little political will to address it from the position of equality and non-discrimination for Muslim women.

In addition to random acts of violence against Muslim businesses, there have been verbal attacks on the way Muslim women dress,

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*2018* (Law & Society Trust, 2021).

60 'Civil Societies Condemn Muslim MP's Attempt to Derail MMDA reforms', *Daily Mirror*, July 27, 2023, https://zip.lu/3itDf.

61 Alan Keenan, '"One Country, One Law": The Sri Lankan State's Hostility toward Muslims Grows Deeper', International Crisis, December 27, 2021,https://zip.lu/3itDk.

with many calls made for the banning of the burka and the niqab[62] and resentment over the classification of food that is halal.[63] There were egregious acts of violence committed against the Muslim community such as in Aluthgama (2014), in Digana (2018) and in Ampara (2018) with evidence that the police looked the other way, giving the Muslim community little or no protection.[64]

During the Covid-19 pandemic, the government made the decision to cremate all bodies whether or not the person had died of Covid-19. Despite medical evidence that even Covid-19-infected patients did not need to be cremated as the corpse could not contaminate the soil or groundwater as alleged by the President's selected 'expert advisers', the government continued to order cremations.[65] The burial ban during Covid-19 attracted negative responses from many quarters and was eventually shelved.[66] Under pressure from the regional Muslim-majority countries, the government relented and permitted burials in Iranathivu island in the Gulf of Mannar, a remote part of the country populated by Muslims and Tamils.[67] These burial procedures were costly, inconvenienced and stressed the bereaved families and were eventually revoked after pressure from rights groups and Muslim countries.[68]

The attacks on Christian churches by Muslims aligned with a radical Islamist group on Easter Sunday 2019 led to a rise in attacks

62 'Sri Lanka to Ban Burqa, Shut More Than 1,000 Islamic Schools', *Al Jazeera*, March 13, 2021, https://bit.ly/4aPccfd.

63 'Sri Lanka Hardline Group Calls for Halal Boycott', *BBC*, February 17, 2013, https://bbc.in/3W4r591.

64 Law and Society Trust, *Where Have all the Neighbours Gone?*.

65 'Sri Lanka: Covid-19 Forced Cremation of Muslims Discriminatory', Human Rights Watch, January 18, 2021, https://www.hrw.org/news/2021/01/18/sri-lanka-covid-19-forced-cremation-muslims-discriminatory.

66 'Covid-19: Sri Lanka Reverses "Anti-Muslim" Cremation Order', *BBC*, February 26, 2021, https://www.bbc.com/news/world-asia-56205737.

67 S. Rubatheesan, 'Iranaitivu, Where the War Displaced Began New Lives, Is No Place For COVID Graves', *Sunday Times*, March 7, 2021, https://www.sundaytimes.lk/210307/news/iranaitivu-where-the-war-displaced-began-new-lives-is-no-place-for-covid-graves-434789.html.

68 'Forced cremations in Sri Lanka', Amnesty International, December 10, 2020, https://www.amnesty.org/en/latest/news/2020/12/forced-cremations-in-sri-lanka; See 'OIC raises Sri Lanka cremation issue at UNHRC urges GoSL for swift action', *EconomyNext*, February 24, 2021, https://zip.lu/3itDx.

against the Muslim community, arbitrary arrests and increased suspicion against the community at large.[69] These attacks also led to the collapse of the tourism industry on which the economy

69 'Sri Lanka: Authorities must protect Muslims against violence', Amnesty International, Press Release, May 14, 2019, https://www.amnesty.org/en/latest/press-release/2019/05/sri-lanka-authorities-must-protect-muslims-against-violence.

depended, and this fostered greater resentment against the Muslims.

The International Covenant on Civil and Political Rights (ICCPR) Act of 2007,[70] has, in recent years been misused to suppress minorities in Sri Lanka and arrest them for content that allegedly pose a threat to religious and national harmony, and national security. Ahnaf Jazeem (pen name, Mannaramuthu Ahnaf), a 26-year-old poet and teacher was arrested in 2020 under Sri Lanka's draconian Prevention of Terrorism Act (PTA) in connection to a Tamil-language poetry anthology called *Navarasam* he wrote and published in July 2017. Unsubstantiated claims were made that he exposed his students to 'extremist' content, intending to turn them into followers of 'extremist ideology'. His arrest took place against a backdrop of increased hostility towards Sri Lanka's Muslim community. More recently, Nathasha Edirisooriya, a female comedian, was arrested under the provisions of the ICCPR Act for allegedly insulting Buddhism. Subsequently, on May 31, 2023, Bruno Divakara, the creator of the YouTube channel 'SL-VLOG', who was suspected of being involved with the Colombo Comedy Central YouTube channel, was arrested by the Computer Crimes Investigation Division for his alleged role in broadcasting Edirisooriya's video.[71] These arrests have been condemned as the latest move to stifle freedom of speech in the guise of protecting religious harmony.

**Majoritarianism and Its Impact on the Malaiyaha Tamils**

Sri Lanka's Malaiyaha Tamils were the first to be marginalised by the citizenship laws. For a decade, they lived in limbo without civic, political, social, or economic rights. They were eventually granted citizenship in Sri Lanka in 1988 but in the intervening years, they too were subjected to bouts of anti-Tamil violence even though they did not join other groups of Tamils in demanding a separate state and were not fully engaged in struggles for

70 International Covenant on Civil and Political Rights (ICCPR) Act, no. 56, 2007.

71 Rezwan, 'Comedian and YouTube Content Creator Arrested in Sri Lanka over Satire on Buddhism', Global Voices advox, June 2, 2023, https://bit.ly/3Uo413H; Gayan Kumara Weerasinghe, 'Natasha's rant: and YouTube channel owner "Bruno Divakara" arrested', June 1, 2023, https://bit.ly/49RDgZU.

autonomy. Their struggle was for basic economic rights, fair wages and decent living and working conditions that continue to be denied to them. Their presence in the hill country was bitterly resented by the local community although they were the engines of growth of the economy, doing work others were not willing to undertake. They are regarded as the 'swing vote' and promises of improved wages are made to them at every election but the promises fall short thereafter. The United Nations (UN) Special Rapporteur on contemporary slavery noted during a visit to Sri Lanka in 2021 the conditions of the Malaiyaha Tamils and the ethnic dimensions of this form of modern slavery in Sri Lanka.[72]

UN bodies have consistently highlighted human rights concerns regarding the northern and eastern Tamil communities (especially during and after Sri Lanka's civil war),[73] as well as the Muslim community over growing fears of persecution. However, the plight of the Malaiyaha Tamil community, historically neglected and marginalised, has received relatively less international attention.[74]

**Majoritarianism and Its Impact on the Christian Community**

Resentment towards Christians was evident from the early days of independence, manifesting in suspicions towards Catholic Action, pointing out that the Christians, being elites, had disproportionate access to education and lucrative professions. Sinhalese-Buddhist revivalists did not only focus on reviving a lost heritage but accompanied it with verbal attacks on Christians and their marginalisation.

There was a resurgence in anti-Christian agitation along with anti-Muslim agitation, driven by militant Buddhists who operated

72 Meera Srinivasan, 'Sri Lanka's Malaiyaha Tamils Living in Inhumane, Degrading Conditions: U.N. Experts', *The Hindu*, December 4, 2021, https://bit.ly/44dgNFI.

73 United Nations High Commissioner for Human Rights, 'A/HRC/51/5: Situation of human rights in Sri Lanka - Comprehensive report of the United Nations High Commissioner for Human Rights', September 6, 2022, https://www.ohchr.org/en/documents/reports/ahrc515-situation-human-rights-sri-lanka-comprehensive-report-united-nations-high.

74 'Sri Lanka's Malaiyaha Tamils Living in Inhumane, Degrading Conditions: UN expert', *Ada Derana*, December 5, 2021, https://www.adaderana.lk/news.php?nid=78940.

with impunity during the government of President Mahinda Rajapaksa.[75] During his term in office, there were measures to regulate the construction of churches and several attacks on churches.[76] Since 2004, there have been several campaigns to prevent religious conversions although these measures were in violation of the fundamental rights to freedom of belief and conscience.[77]

In recent times, the multi-religious aspect of the Northern and Eastern provinces appears to be further strained by the influence of the Hindutva ideology that is sweeping through India. For example, Shiv Sena representatives visiting these regions are said to stoke sentiments of Hindu exceptionalism and disparage other religious communities, especially targeting Christians and Muslims.[78]

**Archaeology Weaponised against Minorities**

As the country emerges from the civil war, heritage remains a vital aspect of the island's national identity. It has emotional, political and economic value for communities. Sri Lanka's post-war period, however, has witnessed an escalation in violence against other ethno-religious minorities, with heritage-centred contestations questioning their legitimacy, belonging and citizenship.[79] The Lessons Learnt and Reconciliation Commission (LLRC)[80] identified

75 Mahinda Rajapaksa served as the leader of the Sri Lanka Freedom Party from 2005 to 2015. Rajapaksa was sworn in for his first six-year term as president on November 19, 2005. He was subsequently re-elected in 2010 for a second term. Rajapaksa was defeated in his bid for a third term in the 2015 presidential election by Maithripala Sirisena, and he left office on January 9, 2015.

76 Neil DeVotta, 'Religious Intolerance in Post-Civil War Sri Lanka', *Asian Affairs* 49, no. 2 (2018): 278–300.

77 A.R.M. Imtiyaz, 'Anti-conversion Bill Paving the Way to 'Therocracy', *Sunday Times*, February 22, 2009, https://sundaytimes.lk/090222/Plus/sundaytimesplus_08.html.

78 'Siva Senai in Sri Lanka gets Shiva Sena Support, Colombo Worried', *Ada Derana*, October 14, 2016, https://www.adaderana.lk/news.php?nid=37389.

79 Sandun Jayawardana and S. Rubatheesan 'Heat over Archaeological Site or People's', *Sunday Times*, June 18, 2023, https://www.sundaytimes.lk/230618/news/heat-over-archaeological-site-or-peoples-523242.html.

80 The Lessons Learnt and Reconciliation Commission (LLRC) was a commission of inquiry appointed by Sri Lankan President Mahinda Rajapaksa in May 2010 after the 26-year-long civil war in Sri Lanka to function as a truth and reconciliation commission. After an 18-month inquiry, the commission submitted

heritage contestation between different ethnic groups as an obstacle to the path of reconciliation.

Tamil minorities contend that the majority ethnic group, the Sinhalese, are rendering their heritage less visible within mainstream heritage narratives.[81] Similar arguments are made by the Muslims, especially in the Eastern Province, that their heritage is undermined by the Sinhalese and discounted by the Tamils. Heritage sites of the minorities are periodically destroyed, neglected and in some instances, renamed and incorporated into the dominant narrative.[82]

In 2020, President Gotabaya Rajapaksa appointed an 11-member presidential task force to conduct a comprehensive survey of archaeological sites in the Eastern Province and recommend measures to preserve them. The task force was appointed in the midst of the Covid-19 pandemic and was to be chaired by Secretary to the Ministry of Defence, a retired major-general.[83] Specifically, the members of the task force were to identify sites of archaeological importance in the Eastern Province and implement an appropriate programme for the management of archaeological heritage, by conserving and restoring such identified sites and antiquities. It was also meant to identify the extent of land that should be allocated for such archaeological sites, take necessary measures to allocate them properly and legally, preserve the cultural value of sites of archaeological importance, promote the uniqueness of Sri Lanka, both locally and internationally, and make recommendations for the promotion of such heritages. No representative from either the Tamil or Muslim community were named to the task force, even though they collectively make up over 70 per cent of the Eastern Province's population.[84] Sri Lanka

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its report to the President on November 15, 2011. The report was made public on December 16, 2011, after being tabled in parliament.

81 Parameswaran Wigneshwaran, 'Wiggie to seek support from Indian Hindu groups to stop Buddhistisation of North and East', *Daily FT*, September 2, 2023, https://zip.lu/3itH6.

82 *Sri Lanka 2022 International Religious Freedom Report*, https://zip.lu/3itHe.

83 Chandani Kirinde, 'President appoints Task Force for Archaeological Heritage Management in East', *Daily FT*, June 4, 2020, https://zip.lu/3itHh.

84 Kirinde, 'President appoints Task Force for Archaeological Heritage Management in East'.

has a government archaeological department that should address these issues but the archaeology department, too, sees its role as protecting Buddhist sites and Sinhalese civilisation and not all ancient sites.[85]

Although the Provincial Council legislation states that land is a devolved subject to be managed by the provincial authorities, the provisions of the 13th amendment to the constitution remain dead letters. Elections for the councils have not been held and the land powers of the provincial authorities have been undermined with exceptions made for land to be allocated for defence, national security and public purposes. Presidential task forces on archaeology and national security have enabled further erosions of the land populated by minorities. Although the task force created by President Gotabaya Rajapaksa is defunct and its report not recognised by current President Ranil Wickremasinghe, the manner in which minority heritage sites are to be preserved and contestations resolved are not transparent and reassuring to the minorities.

## Political, Economic and Social Impacts of Majoritarianism in Sri Lanka

Having described the specific instances and examples of majoritarianism, it is also possible to see the trends and the overall political, economic and social impacts of majoritarianism in Sri Lanka. These are described separately but it should be noted that there is also intersectionality between the political, economic and social impacts of majoritarianism.

### The Political Impact

Majoritarianism has impacted the political system and process in many ways. Specifically, the ideology of majoritarianism has impacted the political parties, the electoral system, and the overall functioning of the political system. The major political parties in Sri Lanka have historically been associated with majoritarianism. The Sri Lanka Freedom Party (SLFP) and the United National Party (UNP), which have alternated in power since independence, have

85 MA Sumanthiran, PC, 'Ancient Hindu Shrine on Kurunthoormalai Hill was Destroyed by Soldiers', Ilankai Tamil Sangam, April 26, 2023, https://zip.lu/3itIf.

both promoted policies that favour the Sinhalese community. The SLFP, which has its roots in the Sinhalese nationalist movement, was responsible for introducing the Sinhalese Only Act of 1956 and has consistently promoted policies that favour the Sinhalese Buddhist community including the takeover of the schools and the Standardisation Policy in 1971.[86] As the SLFP was visibly aligned to spearheading Sinhalese Buddhist nationalism from its inception, few members of the Tamil community supported the party or joined its political establishment. Later, some Muslim parties joined the SLFP in coalitions.

The UNP, on the other hand, has historically been associated with liberal policies, but the party has also been criticised for its role in promoting majoritarianism.[87] It was the party in power when the Citizenship Acts were passed in 1948/49, it scuppered the BC Pactto introduce federalism, and its members were associated with the most egregious anti-Tamil pogrom in 1983. Although the party passed the Provincial Councils legislation, it has resolutely impeded the Act's implementation.

Minority communities too have formed ethno-religious parties to represent their communities. The Tamil parties have failed to reach out to Muslim minorities in the north and the east and the Muslims, too, have opted for their own political parties. Periodically, the minority parties form coalitions with the majority parties and with the Tamil parties as well. Although they are fragmented, they have formed a united front to contest elections even if they often fall apart due to personality contests. The political fragmentation of minorities has weakened their bargaining position. Overall, political parties have reflected the ethno-religious cleavages and have failed to build an overarching consensus to make Sri Lanka a functioning and effective democracy.

Given the demographic composition of minorities in Sri Lanka, they can at most be swing voters. The Tamils, residing in large numbers in the north and the east, and the Muslims residing in

86 'Root Causes of the Ethnic Conflict in Sri Lanka', *Tamil Guardian*, February 19, 2008, https://zip.lu/3ir3M.

87 'Political Parties in Sri Lanka', Facts and Details, https://zip.lu/3ihttps://zip.lu/3itIfr3Q.

the east can have an impact in selected constituencies and have historically enhanced their roles through pre-election pacts and post-election coalitions. The 1978 constitution created the office of the executive presidency to be filled through direct election by the people. It was envisaged that this would incentivise candidates to not engage in polarising positions and ethnic out-bidding, whereby they reach out only to their community, or more specifically, to the Sinhalese-Buddhist majority alone. The president has to appeal to the whole country as a single electorate. Chandrika Bandaranaike Kumaratunga benefitted from minority support during the elections of 1994 with 62 per cent of the popular vote, giving credence to this view. However, in 2019, Gotabaya Rajapaksa was elected president with a large majority (6.9 million votes which amounted to 52.2 per cent of the vote) while campaigning on an exclusive Sinhalese Buddhist platform.

Majoritarianism has prevented social cohesion and development and cost the country immensely through years of conflict.[88] The failure to empower and operationalise provincial councils has led to the further exclusion of minorities in political terms as well. In recent times, there have been national issues to address such as the pandemic and the economic crisis that affects all communities alike. But even in these watershed moments, majoritarianism marked the government's approaches to addressing them.

Some of the key implications of majoritarianism in relation to political representation include limited minority representation, exclusion from political and consequently economic decision-making, discrimination in the electoral process, under-representation of gendered minorities, and the diminishing of the quality of Sri Lanka's democracy.

The current electoral system, which is based on proportional representation, has led to the concentration of political power in the hands of the majority community, leaving minority communities with limited political representation. Minority communities also face discrimination in the electoral process, including restrictions

88 Ahilan Kadirgamar, 'Polarization, Civil War, and Persistent Majoritarianism in Sri Lanka', Carnegie Endowment for International Peace, August 18, 2020, https://zip.lu/3itIo.

on their ability to register to vote and limitations on their access to political parties and candidates. The privileging of the majority community in Sri Lanka has also led to the exclusion of minority communities from political decision-making. Minority communities have limited representation in the Sri Lankan parliament and limited ability to influence policy decisions that affect their communities. Only a few have joined mainstream parties and secured cabinet-level positions. Minority communities are also restricted from economic decision-making as they have limited representation in business and economic organisations, limiting their ability to influence policy decisions that affect their communities. Women and gender and sexual minorities from minority communities face multiple layers of discrimination based on their gender and minority status, and this has limited their access to political power and representation.

The concentration of political power in the hands of the majority community has often been accompanied by the suppression of minority voices and the erosion of democratic institutions and values. The majority community has not questioned violations of the human rights of minorities, believing that the government of the day required broad support to win the war. Consequently, successive governments have routinised and institutionalised human rights abuses, and today, even the majority community has experienced these violations. In fact, majoritarianism has undermined democracy, with both the majority community and minority communities defensively and uncritically closing ranks around their respective representatives and interests. For instance, the majority perceive the military as a key institution and refuse to hold them accountable for their actions, be they human rights violations or corruption. Equally, minorities were slow to condemn the violence of militant organisations as they perceived them as giving them a voice. The siren call of ethnicity has made it possible for demagogues to be elected to parliament, many of whom have no leadership skills or competence in governance.

The dominance of majoritarianism in Sri Lankan politics has also created a sense of exclusion among minority communities, leading to low levels of political participation and representation.

Minorities increasingly believe they face Hobson's choice as the major political parties rarely abide by the electoral promises made to them.

**The Economic Impact**

Majoritarianism has had a significant impact on the economic opportunities available to minorities and to the overall economic development of the country. It has led to wealth inequality, limited access to economic opportunities, unequal distribution of resources, undermined meritocracy and created political instability, leading to economic uncertainty, which in turn has undermined tourism, foreign direct investment, and driven migration and created a diaspora, which has had mixed consequences for the society and the economy.

Majoritarianism has contributed to wealth inequality in Sri Lanka, with the Sinhalese community enjoying greater access to wealth and resources due to discriminatory land policies while minorities have been denied access to quality education and healthcare, especially in war-affected areas. Majoritarianism has also limited access to economic opportunities for minority communities. Discriminatory practices in the workplace and in access to credit and economic opportunities advertised only in the Sinhalese language have meant that minority communities often face significant barriers to economic mobility and entrepreneurship.

Majoritarianism has resulted in the unequal distribution of resources in Sri Lanka, with the majority community often benefiting from greater access to resources such as education, healthcare and infrastructure. This is particularly so in the case of the Malaiyaha Tamils living in the hill country. This has further marginalised minority groups.[89] Members of the majority community also have greater access to patronage networks controlled by political operators.

Majoritarianism has undermined meritocracy and talented

89 Don Embuldeniya, 'Ethnic Conflict, Horizontal Inequalities and Development Policy: The Case of Sri Lanka', PhD dissertation, PhD dissertation submitted to the University of South Africa, 2013.

members of the minority community no longer expect to be recruited to the public sector. Many have opted to work for the private sector or start businesses independently. Majoritarianism has also created a sense of entitlement among members of the majority community, many of whom do not focus on developing their skills and being competitive.

Majoritarian policies have contributed to political instability and uncertainty. Political polarisation, ethnic and religious tensions and the erosion of democratic institutions have contributed to a sense of instability and unpredictability. The marginalisation and exclusion of minority communities in Sri Lanka has created fertile ground for the spread of extremist ideologies. Young people who feel excluded from mainstream society are attracted to the simplistic narratives and promises of extremist groups, which offer a sense of identity and purpose. These factors have contributed to conflict, leading to increased militarisation and made it difficult to implement far-reaching economic policies and reforms, leading to ongoing economic challenges.

Majoritarianism is a driver of migration and the remittance economy. Most migration of unskilled labour is to the Middle East and Sri Lanka's hostility towards its Muslim population has had a knock-on effect in terms of accessing labour market and other markets in the Middle East.[90] While the diaspora and the remittances they send have supported families and have provided necessary infusions of support, it has created imbalances and distortions in the property market as well and sapped a younger generation of drive and initiative to succeed on their own efforts.

Majoritarian policies leading to discrimination against minority communities, bouts of communal violence and the perception of instability and insecurity have led to a decrease in foreign investment essential for driving economic growth and development in the country. The ever-present ethnic and religious tensions create a sense of instability and insecurity, and this has also impacted Sri Lanka's tourism industry which is one of the largest sources of foreign exchange earnings in Sri Lanka.

90 Ameer Ali, 'Consequences of Demanding the State to Impose A Blanket Ban on Halal', March 12, 2013, *Colombo Telegraph*, https://zip.lu/3ir48.

The majoritarian system of government in Sri Lanka has resulted in limited access to economic opportunities for minority communities. Members of minority communities that do succeed are more likely to come from a higher social class with independent access to networks and capital. Minority communities in Sri Lanka also face discrimination in employment, including limitations on their access to jobs, promotion and equal pay.[91] This has contributed to higher rates of unemployment and poverty among minority communities. This is especially so in relation to public sector employment. Minority communities also face limited access to financial resources, including credit and loans, which can be a significant barrier to economic growth and development.

**The Social Impact**

Majoritarianism has contributed to economic inequality in Sri Lanka and that in turn has led to social inequality. Discriminatory policies and practices, including language policies, land policies[92] and political representation, have further marginalised these communities and contributed to their social exclusion. Minorities feel politically powerless and unsupported by the political patronage networks that have become essential to advance. Minorities generally do not have access to public sector resources and when they do it is because they are seen as being useful to some of the political power holders.

Majoritarian policies have threatened the cultural diversity of Sri Lanka, particularly the cultures of minority communities. The imposition of majority cultural norms and practices has led to the marginalisation of minority cultures, as they have limited access to resources and opportunities to preserve and promote their cultural heritage. The marginalisation of minority cultures and religions in Sri Lanka has resulted in a loss of identity for many members of minority groups. The imposition of majority cultural norms

91 'Sri Lanka Crisis: A Long Tale of Discrimination Against Minority Groups That Goes Beyond Economic Crisis', *Outlook*, July 15, 2022, https://www.outlookindia.com/international/sri-lanka-crisis-a-long-tale-of-discrimination-against-minority-groups-that-goes-beyond-economic-crisis-news-209356.

92 *Outlook*, 'Sri Lanka Crisis: A Long Tale of Discrimination'.

and practices has made it difficult for minorities to express their cultural and religious identity, leading to a sense of alienation and disconnect from their cultural heritage. Many from the minority community now study in Sinhalese and do not learn their own art forms and have suppressed memories and expressions of their heritage. Sri Lanka used to showcase a rich cultural diversity, but the culture practised today is a diminished expression of that culture.

The consequences of majoritarianism have also had an impact on interfaith relationships in Sri Lanka. The erosion of trust and cooperation between different religious communities has limited the potential for interfaith dialogue and cooperation, making it more difficult to address issues of religious tolerance and promote greater understanding between different religious groups.

Buddhism is world renowned as a religion of peace and non-violence but the experiences in Sri Lanka have undermined its true essence and reputation. The consequences of majoritarianism in Sri Lanka have had significant impacts on religious tolerance in the country, contributing to discrimination against minority religious communities, polarisation of communities, limitations on religious freedom, an increase in violence against religious minorities and the erosion of interfaith relationships.

Many people have left Sri Lanka. The waves of migration included the Dutch Burghers, the Tamils, whose migration could be charted with spikes around each bout of violence, as well as many Sinhalese fearful of the political instability. Some are engaged in political activism overseas. The diaspora numbers are greatest among the Tamil community, but there are Sinhalese, too, and they are both engaged in developing counter-narratives from the countries of their residence. Although many in the diaspora live in liberal democracies, their narratives and engagement in Sri Lankan politics are not always based on the values of liberal democracy.

## International Consequences of Sri Lanka's Majoritarian Policies

The implications of majoritarianism in Sri Lanka for minorities have had a significant impact on the country's international

standing. Sri Lanka's international reputation has been marred by its history of discrimination against minorities, leading to increased international oversight, legal scrutiny and pressure, diplomatic isolation and loss of trade concessions.

The majoritarian system of government in Sri Lanka has been associated with a history of human rights violations, including extrajudicial killings, disappearances and torture. These violations have been largely targeted towards minority communities, drawing significant attention from the international community and calls for accountability and justice.[93] This has included the imposition of economic sanctions, travel bans and other measures, aimed at promoting accountability and justice for minority communities. The European Union is reconsidering awarding Sri Lanka the Generalised Scheme of Preferences Plus (GSP+) tariff concessions.

Sri Lanka's history of human rights violations has also drawn international legal scrutiny, including investigations by international bodies such as the International Criminal Court[94] and diplomatic isolation, with some countries refusing to engage with the Sri Lankan government until progress is made in addressing human rights violations and promoting equality for all communities.

**Challenges to Majoritarianism**

Civil society organisations (CSOs) and some political actors have called for reforms that address the grievances of minority communities and promote greater inclusion of minorities, political representation and participation of minorities. International actors, including the United Nations and the international community, have also played a role in advocating for and promoting inclusivity to address the challenges posed by majoritarianism in Sri Lanka. International pressure has been instrumental in pushing for reforms that promote the rights and well-being of minority communities. Sri Lanka is a signatory to many human rights conventions and is obligated to adhere to them. CSOs

93 'Sri Lanka: UN Rights Council Scrutiny Crucial', Human Rights Watch, September 10, 2021, https://zip.lu/3irdS.

94 Human Rights Watch, 'Sri Lanka: UN Rights Council Scrutiny Crucial'.

and international actors regularly remind the government of its breaches. Political representatives of minorities and CSOs have challenged discriminatory laws and have periodically undertaken strategic litigation to highlight the arbitrary detention of minorities,[95] and actions harmful to minority interests,[96] including the abuse of the ICCPR Act.[97]

CSO appeals to the international community to give their attention to the plight of minorities[98] have led to a backlash from various governments who have chastised CSOs for being 'anti-national' and unpatriotic. Often, 'patriotic forces' are seen to urge the government to crack down on 'unpatriotic forces'[99] and increasingly, governments have sought to control NGOs through an NGO secretariat and laws that create surveillance and control of NGOs.[100]

## Challenges and Opportunities for Minorities

Successive governments have found ways in which to undermine, marginalise and even humiliate minority communities and they have done so even as they face greater, existential threats. This was evidenced during the pandemic and now during the economic

95 Ermiza Tegal, *Understanding Rule of Law, Human Security, and the Prevention of Terrorism in Sri Lanka* (Colombo: Law & Society Trust, 2021).

96 *Tegal, Understanding Rule of Law, Human Security, and the Prevention of Terrorism in Sri Lanka.*

97 Marisa de Silva, 'PTA: Terrorizing the Sri Lanka for 42 Years', *Colombo Telegraph*, November 17, 2020, https://www.colombotelegraph.com/index.php/pta-terrorising-sri-lanka-for-42-years.

98 'Sri Lanka: Rights Groups Urge Strong UN Resolution, Human Rights Council Should Enhance Mandates, Address Growing Abuses', September 13, 2022, https://www.hrw.org/news/2022/09/13/sri-lanka-rights-groups-urge-strong-un-resolution.

99 'What Are "Anti-national" Criticisms Exactly?', *The Sunday Times*, https://www.sundaytimes.lk/130609/columns/what-are-anti-national-criticisms-exactly-47935.html; Sudath Gunasekara Mahanuwara, 'The Government Should Immediately Proscribe All Anti-National Foreign Agents Called "Civil Societies"', Lankaweb, July 17, 2022, https://www.lankaweb.com/news/items/2022/07/07/the-government-should-immediately-proscribe-all-anti-national-foreign-agents-called-civil-societies.

100 Voluntary Social Service Organisation Registered with the National Secretariat for NGOs under Act no. 31, 1980, as amended by Act no. 08, 1998; See 'Sri Lanka: Draft NGO Act Heralds Death Knell to the independence of NGO Sector', *Sri Lanka Brief*, November 21, 2022.

crisis. Restraints on minority freedoms have included, for instance, the battle over the niqab and forced cremations of Muslims during Covid-19.[101] The Easter Sunday bombings occurred despite prior intelligence being shared with the state in respect of the impending attacks.[102] The indiscriminate arrests of Muslims after the bombings that could have been prevented are seen as a means of deflecting attention and responsibility of the state authorities.[103] It was alleged that intelligence reports were suppressed with a view to permitting the attack and securing electoral gains in the forthcoming presidential elections of 2019.[104]

Nevertheless, there have also been opportunities for minority communities to assert their rights and demand greater inclusion in Sri Lanka's political system. The presidential elections of 1994 and 1999 and the 2015 presidential election, for example, saw the election of Chandrika Kumaratunge and Maithripala Sirisena, respectively, who promised to promote reconciliation and address the grievances of minority communities. Specifically, President Sirisena's coalition government came into power promising 'good governance' with the support of minorities.[105]

The Aragalaya—the People's Movement that took place in 2022—dislodged the sitting president who stood for majoritarianism. It offered some hope that people could coalesce for change. During the Aragalaya, the youth who came to the streets said that for the first time, they understood the deprivations experienced by the people in the North and the East, while professing to 'not knowing' and not understanding the root causes of the conflict.[106]

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101 'Sri Lanka: Covid-19 Forced Cremation of Muslims Discriminatory', Human Rights Watch, January 18, 2021, https://zip.lu/3ir5o.

102 'Sri Lanka spy chief, president blamed for Easter attack lapses', *Al Jazeera*, October 24, 2019, https://zip.lu/3ir5u.

103 'After Sri Lanka's Easter Bombings: Reducing Risks of Future Violence', International Crisis Group, September 27, 2019, https://zip.lu/3ir7f.

104 Robin Gomes 'Cardinal Ranjith stresses political involvement behind Sri Lanka Easter bombings', *Vatican News*, March 21, 2022, https://zip.lu/3ir7s.

105 'Sri Lanka and its democratic revolution: The constitutional challenge of unity and diversity', LSE, September 1, 2015, https://zip.lu/3ircX.

106 Aragalaya, LST Review, Vol 31, No. 349, Law & Society Trust, June 2023, https://www.lstlanka.org/wp-content/uploads/2023/08/Aragalaya-LST-review-eng.pdf.

The selective historical narratives that the youth are subjected to and their ignorance of post-independence history was stark.

## Good Practices Adopted by the Sri Lankan State

There have been some efforts by the Sri Lankan state to challenge majoritarianism and promote the rights of minority communities. Some of the good practices adopted by the Sri Lankan state to challenge majoritarianism are:

### Constitutional reforms

The Sri Lankan government introduced the 19th Amendment to the Constitution in 2015 which aimed to reduce the power of the executive presidency and strengthen the role of parliament. In addition, the government worked on its promise to write a new constitution which aims to address issues of good governance and ethnic and religious minority rights. Although this has since been abandoned, it remains in the public consciousness and surfaced again as a demand during the Aragalaya of 2022.

### Minority representation in government

The Sri Lankan government has taken steps to increase the representation of minority communities in government. The government has introduced a quota system for women and minorities in local government elections.[107] In addition, the government has established the Ministry of National Integration and Reconciliation, which aims to promote harmony between different ethnic and religious communities in Sri Lanka.

### Development programmes

The Sri Lankan government has implemented various development programmes in areas that are predominantly inhabited by minority communities. For example, the government has implemented the Northern Province Sustainable Fisheries Development

107 Chulani Kodikara and Kumudini Samuel, 'The Significance of the 25% Quota for Women in Local Government', *Groundviews*, February 7, 2018, https://groundviews.org/2018/02/07/the-significance-of-the-25-quota-for-women-in-local-government.

Project which aims to provide support to small-scale fishermen in the northern region of the country. The government has also established the Eastern Province Livelihood Development Project which aims to support small and medium-sized enterprises in the Eastern Province.

**International engagement**

The Sri Lankan government has actively engaged with the international community to address issues related to minority rights. Sri Lanka has ratified international treaties such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which require states to protect the rights of minorities.[108] In addition, the government has engaged with the United Nations and other international organisations to seek technical assistance and support for its efforts to promote minority rights. The government passed the International Covenant on Civil and Political Rights (ICCPR) Act no. 56 of 2007 to operationalise this covenant but it has turned out to be a double-edged sword, used selectively against minorities who have caused offence to Buddhism but has never been used against members of the majority community for hate speech or other acts against the minority communities.[109]

**Building Social Cohesion Through Pluralism: Pathways to Consider to Move Forward**

Combating majoritarianism in Sri Lanka requires a political, economic and legal reset. It requires both a political and personal commitment by all relevant stakeholders. Civil society will have to maintain pressure on governments and communities alike to warn against the perils of majoritarianism and the greater political, social and economic value and gains from an inclusive society. Challenging

108 'Sri Lanka has ratified all the main UN International Human Rights Conventions', Ministry of Foreign Affairs, Sri Lanka, https://mfa.gov.lk/overview.

109 Aanya Wipulasena, 'Abuse of ICCPR Act Has "chilling effect" on Fundamental Freedoms', *Sunday Observer*, June 16, 2019, https://archives1.sundayobserver.lk/2019/06/19/news-features/abuse-iccpr-act-has-%E2%80%98chilling-effect%E2%80%99-fundamental-freedoms.

majoritarianism in Sri Lanka and establishing a democracy based on pluralism will require reforms that must include a reform of laws, policies and political behaviour. It must include constitutional reform, electoral reform, coalition building and political dialogue and negotiation. This must be accompanied by civic activism, inter-communal engagements by way of dialogues, understanding and participation in projects that bring shared gains. The objective must be to bridge the chasm created between communities who can no longer speak to each other in a shared language. A combination of these ideas can help reduce the impact of majoritarianism in Sri Lanka and promote greater social harmony and inclusion. Too often, political parties opt for electoral pacts and coalitions with minority parties during elections but they do not use these as a basis to address foundational issues that the communities face.

## Recommendations

To redress the negative consequences of majoritarianism, Sri Lanka must review the history of majoritarianism, its negative consequences, good practices that the state intermittently adopted and develop a concerted programme to chart inclusive pathways. Combating majoritarianism in Sri Lanka requires a political, economic and legal reset. It requires both a political and a personal commitment from all relevant stakeholders. Outlined below are some political and non-political pathways that can be pursued.

### Political

***Constitutional reform:*** Constitutional reform can play an important role in challenging majoritarianism in Sri Lanka. A new constitution that protects the rights of minority communities, ensures their representation in government and promotes social harmony can go a long way in addressing the root causes of majoritarianism. However, considering the demands articulated by minorities will require a shift in the political imagination from the currently highly securitised and militarised state.

***Active political participation:*** Greater political participation

and representation of minority communities in decision-making processes can help reduce majoritarianism in Sri Lanka. This can be achieved by promoting greater participation of minority communities in political parties, elections and public policy formulation.

***Electoral reform:*** Sri Lanka's electoral system can be reformed to promote greater representation of minority communities in government. This can include the implementation of a mixed electoral system with proportional representation and constituencies and reserved seats for minority communities.

***Coalition building:*** Political parties in Sri Lanka can work together to build coalitions representative of all communities. This can help reduce majoritarianism by promoting cross-community dialogue and cooperation. These coalitions need not be confined to the parliamentary arena alone.

***Dialogue and negotiation:*** Political leaders can engage in dialogue and negotiations to promote greater understanding and cooperation between different communities. This can involve reaching out to community leaders, holding community forums and encouraging open and honest communication.

**Non-political**

***Inter-faith dialogue:*** Inter-faith dialogue can be a powerful tool for promoting understanding and cooperation between different religious communities in Sri Lanka. Interfaith initiatives can promote dialogue, understanding and trust between different communities.

***Inter-community dialogues:*** Building bridges and bringing communities closer together through social interactions is important, given that the majority of people do not share a common language through which they can communicate across communities.

***Civil society initiatives:*** CSO can play a critical role in challenging majoritarianism in Sri Lanka. These organisations can engage in advocacy, awareness-raising and community-based initiatives to promote social harmony and reduce the impact of majoritarianism.

***Economic empowerment and inclusion:*** Economic empowerment initiatives can be used to promote greater inclusion of minority communities in the Sri Lankan economy. This can involve business development programmes, vocational training and employment initiatives that target minority communities. These measures will make minorities stakeholders in the country and its future.

***Transitional justice:*** Addressing the legacy of past human rights violations and promoting accountability for those responsible can help build trust and promote reconciliation between different communities in Sri Lanka. Transitional justice mechanisms, including truth commissions, reparations and prosecutions, can help address the legacy of past human rights abuses.

***International engagement:*** International engagement can also play an important role in reducing majoritarianism in Sri Lanka. International actors can use diplomatic pressure, economic incentives and other measures to encourage the Sri Lankan government to address human rights violations and promote greater inclusion of minority communities.

***Education and awareness to change the national narrative:*** Non-political efforts to challenge majoritarianism must involve education and awareness campaigns that promote greater understanding, acceptance and appreciation of minority communities. This can involve public awareness campaigns, cultural events, and educational programmes that include minority histories and narratives as well.

These pathways are not mutually exclusive and thus a combination of these measures is necessary to promote greater

inclusion, equality and social harmony in Sri Lanka. It is a long-term endeavour and requires a sustained commitment on the part of all political parties and actors. But as a first step, it requires a political and social recognition that majoritarian policies pursued, thus far, may have provided short-term electoral gains but that they have had, in the long-term, negative consequences that have not served Sri Lanka and its people well.

# State of South Asian Minorities 2023

**Manesh Shrestha**

## Afghanistan

Human rights, including minority rights, in Afghanistan remains under grave threat and covering abuses is challenging and dangerous, often independently unverifiable. The continuing crackdown by the Taliban that has left the country bereft of independent media and civil society. During the period under review, the Taliban, *de facto* authorities in Afghanistan, continued to impose their interpretation of Islamic Sharia, which has particularly impacted the rights of women and girls, who have now been effectively erased from public life. Concurrently, the Taliban has also continued its crackdown on all forms of dissent. Religious minorities, in particular the Hazara Shia community, continue to be targets of attacks including arbitrary deprivation of life and restricted from practicing their religions.

According to the February 2023 report of the United Nations Special Rapporteur of the situation of human rights in Afghanistan, banning women and girls from all education beyond the primary level, access to parks, gyms and public baths and working for non-governmental organisations (NGOs) deepen existing flagrant violations of women's human rights, already among the most draconian in the world. The discriminatory denial of women and girls' fundamental human rights may amount to gender persecution, a crime against humanity.[1] Following its decree in December 2022

1 Human Rights Council, 'Situation of Human Rights in Afghanistan', United Nations High Commissioner for Human Rights, 2023, https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session52/

that women would not be allowed to attend universities, after girls restricted from secondary education in 2021,[2] the Taliban also stopped women from going abroad to study despite their receiving scholarships[3] besides creating other difficulties like accessing diplomas and transcripts to apply at universities abroad.[4]

The ban on Afghan women working in national and international NGOs, also enforced in December 2022, meant than aid organisations' activities, including those of the United Nations (UN),[5] were severely restricted[6] in a country where two-thirds of the population is in need of urgent humanitarian assistance.[7] According to Agency Coordinating Body for Afghanistan Relief and Development (ACBAR), a network of 183 NGOs and international non-governmental organisations (INGOs), 28 per cent of Afghan staff of its member organisations are women.

Putting further restrictions on women, in July the Taliban ordered that Afghanistan's hair and beauty salons be shut,[8] leading to more than 60,000 women, working in 12,000 hair salons across the country facing unemployment,[9] many of them are their

advance-version/A_HRC_52_84_AdvanceEditedVersion.docx.

2 'Afghanistan: Taliban ban women from universities amid condemnation', *BBC*, 2022, https://www.bbc.com/news/world-asia-64045497.

3 'Taliban stop female Afghan students leaving country to study in Dubai', *BBC*, 2023, https://www.bbc.com/news/world-asia-66636750.

4 'Options are limited for Afghan female students hoping to study', *Afghan Witness*, 2023, https://www.afghanwitness.org/reports/options-are-limited-for-afghan-female-students-hoping-to-study.

5 United Nations, 'UN protests order from de facto authorities prohibiting Afghan women from working with the United Nations in Afghanistan', United Nations Assistance Mission in Afghanistan, 2023, https://unama.unmissions.org/un-protests-order-taliban-de-facto-authorities-prohibiting-afghan-women-working-united-nations.

6 Patrick Wintour, 'UN Afghanistan head meets Taliban over ban on female aid workers', *The Guardian*, 2023, https://www.theguardian.com/world/2022/dec/26/aid-groups-suspend-afghanistan-operations-after-ban-on-women-working-for-ngos.

7 '2 years after Taliban takeover: Afghanistan's population need urgent humanitarian assistance', European Union, 2023, https://civil-protection-humanitarian-aid.ec.europa.eu/news-stories/stories/2-years-after-taliban-takeover-afghanistans-population-need-urgent-humanitarian-assistance_en.

8 Nicholas Yong, 'Taliban order Afghanistan's hair and beauty salons to shut', *BBC*, 2023 https://www.bbc.com/news/world-asia-66094490.

9 'Women protest in Kabul over Taliban ban on beauty salons', *Afghan Witness*, 2023, https://www.afghanwitness.org/reports/women-protest-in-kabul-over-

families' primary breadwinners. Taliban authorities resorted to using tasers and water cannons, in addition to firing live bullets in the air, during protests against the closure of salons. A hairdresser in Talqan city (Talkhar) told South Asia Collective (SAC) partners that Taliban authorities stationed themselves in front of her house for several days, questioning all women who entered the premises. These gross human rights violations by the Taliban against women and girls continue to be protested against by Afghan women despite facing 'some of the greatest risks for raising their voices and yet speak the loudest' and 'the Taliban responding by inflicting on them physical violence, raids, arbitrary arrests and detention, torture and other cruel, inhuman or degrading treatment, enforced disappearance, and attacks on their family members'.[10] The treatment of women by the Taliban has also meant that women continue to get killed with reports that between January 2022 and July 2023, 188 women were killed by a 'range of actors, including family members, unknown perpetrators, and in some instances, alleged Taliban members'.[11] Meanwhile, women human rights defenders continue to be arrested and held without charge.[12]

Among ethnic and religious minorities facing attacks in Afghanistan during the period under review, Hazara Shia Muslims, in a country dominated by Sunni Muslims, were the top target particularly of the Islamic State of Khorosan Province (ISKP). This followed the killing or injuring of more than 700 Hazaras at schools, mosques and work place in 2022, according to Human Rights Watch.[13] A number of residents of Jibril town of Herat city,

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taliban-ban-on-beauty-salons.

10 Alliance for Human Rights in Afghanistan, 'Afghanistan: Call for Justice accountability and effective response to ongoing violations and gender persecution', 2023, https://www.amnesty.org/es/wp-content/uploads/2023/08/ASA1171102023ENGLISH.pdf.

11 'Two years of Taliban rule: documenting human rights abuses using open source', *Afghan Witness*, 2023, https://www.afghanwitness.org/reports/two-years-of-taliban-rule%3A-documenting-human-rights-abuses-using-open-source.

12 United Nations, 'Taliban must immediately release women human rights defenders, say UN experts', 2023, Office of the High Commission for Human Rights, https://www.ohchr.org/en/press-releases/2023/10/taliban-must-immediately-release-women-human-rights-defenders-say-un-experts.

13 Human Rights Watch, 'Afghanistan: Events of 2022', 2023, https://www.hrw.

who are mainly Hazara and Shia, have expressed their concern about the increase in targeted assassinations. They claim that these murders are a continuation of the 'Genocide of the Hazaras'.[14] On December 1, 2023, a tragic incident occurred in the Jibrail area of Herat, where at least six individuals from the Hazara community, including two clerics and two women, were killed in an attack by unidentified armed assailants. The victims were ambushed while returning from a religious ceremony in the Khoshrud area of the Injil district. Three others were injured in the attack. Among the deceased were Mohammad Etimadi, a religious scholar who had been present in a similar attack on October 22.[15]

The attack followed a similar pattern of violence against the Hazara community and Shia Muslims. In November, Rajab Akhlaqi and Khadim Hussain Hedayati, members of the Herat Shia Ulema Council, were killed in a similar manner by motorcycle-riding gunmen in Jibril.[16] In October, a significant bomb explosion occurred at a Shia mosque in Baghlan Province. The explosion at the Imam Zamane Mosque in Pol-e Khomri resulted in 30 casualties, with an additional 40 people injured. The victims, predominantly young individuals attending Friday prayers, faced severe health conditions, leading to some being transferred to the provincial hospital in Kunduz. Islamic State of Iraq and Syria (ISIS) claimed responsibility for the attack,[17] stating it was carried out by a suicide bomber.

In another distressing incident, the district governor and police commander of the Taliban allegedly handed over 109 shops and 30 stalls of the Hazara people in Pitab Band Kose bazaar to

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org/world-report/2023/country-chapters/afghanistan.

14 'The status of Hazaras in the Taliban regime; 13 people were assassinated in Herat in one month (November to December 2023)', 8 Daily, 2023, https://8am.media/fa/the-status-of-hazaras-in-the-taliban-regime-13-people-were-assassinated-in-herat-in-one-month.

15 'Six Hazara Community Members, Including Clerics, Killed In Herat Attack', *Afghanistan International*, 2023, https://www.afintl.com/en/202312013998.

16 Ibid.

17 'Explosion in the Shiite mosque in Baghlan; The number of dead has increased to 30 people', *Etilaate Roz*, 2023, متفای شیازفا رفن ۳۰ هب ناگدشهتشک رامش ؛نالغب رد نایعیش دجسم رد راچفنا زور تاعالطا - تسا (etilaatroz.com).

Kochis. This event took place in the Waras district of Bamyan province. The Band-e-Kosa bazaar and the green field of Pitab Girls' School have become places of dispute between the Kochis and Hazaras. Despite local residents' protests, Taliban officials in Wares reportedly ignored Hazaras' appeals. Two days prior to the reported handover, armed nomads attacked the Pitab Sarab area at night, cutting down trees at a school, threatening residents, including students and teachers, and declaring, 'The history of Hazaras are over'.[18] Hazaras were also restricted from practicing their religion being forced to break their fasts[19] and not allowed to celebrate New Year.[20]

In July the Taliban opened fire at Shia mourners in Nowabad in Ghazni province during Ashura commemorations killing three and injuring others.[21] There were also reports of Shia mourners being assaulted in Kabul and Balkh province. Local sources in Ghazni province reported to SAC partners that in July, the Shia Ulama Council was warned by Taliban authorities not to allow women in mosques and participate in Ashura commemorations. The Council and family members of women were threatened with strict punishments if they disobeyed the directives. Taliban authorities in Herat too limited observance of Ashura to certain areas and issued warnings about the presence of women without hijab. The Taliban also reportedly deactivated telecommunications networks in the capital.

Besides Shias, Taliban also imposed restrictions on other religions including Hindus and Sikhs with the Taliban telling

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18 Tara Sultani, 'The district governor of Waras in Bamyan handed over 109 shops and 30 stalls of the Hazara people in Pitab Band Kose to the Kochis', VOC News, 2023, ار سرو باتیپ مرازه مدرم مفرغ ۳۰ و ناکد باب ۱۰۹ نایماب سرو لاوسلو دنورمش یادص یرازگرب خ - درک راذگاو اهیچوک مب (voc-news.com).

19 'Taliban forces Shia community in Daikundi to break fast, says former MP', Afghan International, 2023, https://www.afintl.com/en/202304227348.

20 'Taliban bans celebration of Norwoz in Hazara-dominated province of Afghanistan', *Afghan International*, 2023, https://www.afintl.com/en/202303204363.

21 'Afghanistan: Three Shia mourners martyred due to Taliban shooting at Ashura procession', *Shia News*, 2023, https://shiawaves.com/english/ahlulbayt-occasions/95265-afghanistan-three-shia-mourners-martyred-due-to-taliban-shooting-at-ashura-procession.

Hindus and Sikhs women to dress up like Muslim women and wear burqa or niqab.[22]

With the Taliban's takeover of Afghanistan, the space for media has become severely restricted with journalists continuing to be attacked and detained. In March a parcel bomb exploded at an awards ceremony for journalists in Mazar-e-Sharif killing a security guard[23] for which ISIS claimed responsibility.[24] According to a report, between January 2022 and July 2023, 98 journalists, photographers and media commentators were detained by the Taliban across the country.[25] In one week in August alone, five journalists were detained[26] and in three weeks in July and August, 13 were arrested.[27] The crackdown on the media has meant that 52 per cent of visual media has shut down in the country, with 77 of 147 stopping broadcast, after the Taliban came to power in August 2021[28] and more than two-thirds of Afghanistan's 12,000 journalists have left their profession including 80 per cent of women journalists since August 2021.[29]

Meanwhile, Mortaza Behboudi, a journalist with French-Afghan

22 Fresta Negah Abubakar Siddique, '"Forced to dress like a Muslim": Taliban imposes restrictions on Afghanistan's Sikh, Hindu minorities', *RadioFreeEurope RadioLiberty*, 2023, https://www.rferl.org/a/afghanistan-sikh-hindu-muslim-taliban-restrictions/32559175.html.

23 'Blast in northern Afghanistan kills at least one', *Al Jazeera*, 2023, https://www.aljazeera.com/news/2023/3/11/blast-in-northern-afghanistan-kills-at-least-one.

24 'ISIL claims attack targeting journalists in Afghanistan', *Al Jazeera*, 2023, https://www.aljazeera.com/news/2023/3/12/is-claims-attack-targeting-afghan-journalists-in-mazar-i-sharif.

25 'Two years of Taliban: Documenting human rights abuses using open source', 2023, *Afghan Witness*, https://www.afghanwitness.org/reports/two-years-of-taliban-rule%3A-documenting-human-rights-abuses-using-open-source.

26 'Taliban detained 5 Afghan journalists over past week, says media support group', *Afghan International*, 2023, https://www.afintl.com/en/202308117957.

27 'Reported journalist arrests hit 2023 high as Taliban introduce ID cards', *Afghan Witness*, 2023, https://www.afghanwitness.org/reports/reported-journalist-arrests-hit-2023-high-as-taliban-introduce-id-cards.

28 '52 percent of visual media in Afghanistan shuts down, reports NAI on World TV Day', *Afghan International*, 2023, https://www.afintl.com/en/202311218143.

29 'Over two-thirds of Afghan journalists left profession after Taliban takeover in 2021, RSF', *Afghan International*, 2023, https://www.afintl.com/en/202308124385.

dual nationality, was released by the Taliban in October after nine months' detention 'after a Kabul criminal court acquitted him on charges of spying, illegal support for foreigners and assisting border crossings'. Following his release he said that without the media's support he would not have been alive.[30] The Taliban also released Matiullah Wesa, a girls' education activist in October after seven months following protests by the UN and international rights groups after his arrest.[31] However, Rasool Parsi, a university professor and an expert on religious affairs, who was arrested in March was sentenced to 16 months imprisonment in October on charges of blasphemy and propagandising against the Taliban.[32]

Another group that has been persecuted under the Taliban are former members of the Afghanistan National Defence and Security Forces (ANDSF) with a UK-based Afghan group recording, between January and July, of 108 claims of torture, arbitrary detentions, killings and attacks on former members of ANDSF and their families across 28 provinces of the country including 57 alleged arbitrary killings, including minors, across 19 provinces.[33]

Meanwhile, with Pakistan asking 'illegal' Afghan refugees to leave in October and beginning to forcibly expel them from November, those returning to Afghanistan face grave human rights violations as they include ethnic and religious minorities and former government employees, the UN said in December.[34]

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30 '"Media coverage saved me," says journalist Mortaza Behboudi held for nine months in Afghanistan', *Reporters Without Borders*, 2023, https://rsf.org/en/media-coverage-saved-me-says-journalist-mortaza-behboudi-held-nine-months-afghanistan.

31 'Afghanistan girls' education activist Matiullah Wesa released by Taliban', *Al Jazeera*, 2023, https://www.aljazeera.com/news/2023/10/26/afghan-girls-rights-activist-matiulah-wesa-freed-by-taliban.

32 'Taliban sentences Afghan university professor to 16 months in prison in Kabul', *Afghanistan International*, 2023, https://www.afintl.com/en/202310303768.

33 'Claims of Taliban killings of former ANDSF and family members continue to surface, including female officer', *Afghan Witness*, 2023, https://www.afghanwitness.org/reports/claims-of-taliban-killings-of-former-andsf-and-family-members-continue-to-surface%2C-including-female-officer.

34 United Nations, 'UN experts call for protection of Afghan nationals in Pakistan', United Nations, Office of the High Commissioner for Human Rights, 2023, https://www.ohchr.org/en/press-releases/2023/12/un-experts-call-

In Afghanistan, during the period under review there have been reports of forced displacement and destruction or acquisition of

protection-afghan-nationals-pakistan.

civilian property or land, mostly belonging to minorities, in at least 14 provinces across the country between January and September.[35]

## Bangladesh

During the period under review, there were attacks on religious minorities like Hindus and Ahmadiyyas, who are not recognised as Muslims by the majoritarian Sunni sect, although they self-identify as Muslims. Towards the end of 2023, a sense of dread also spread among minorities as they are often targeted in violent attacks during the run-up to general elections scheduled for January 2024. They are also concerned since the ruling Awami League did not fulfil its 2018 election pledge that legal provisions would be put in place for the protection of minorities.

In January a large mob in Gopalganj district vandalised the house of a Hindu youth living in India over his Facebook post that allegedly demeaned Prophet Muhammad.[36] In February 14 idols in 12 Hindu temples in Thakurgaon district were vandalised by unidentified miscreants. Local Hindus had been praying in the temples for more than 50 years.[37]

Also in February, inhabitants of Dhaka's Telugu Sweeper Colony were handed eviction notices by the city corporation, which reportedly intends to build housing for its own employees in the area. The Telugu-speaking families in the colony, who are mostly Dalits engaged in sanitation work, have reportedly been residing there for over 30 years. Local human rights groups protested against the corporation authorities' move.[38] In April, a

35 'Uptick in claims of forced displacement across Afghanistan', 2023, *Afghan Witness*, https://www.afghanwitness.org/reports/uptick-in-claims-of-forced-displacement-across-afghanistan.

36 Manoj Kumar Saha, 'House vandalized in Gaplaganj over Facebook post on Prophet Muhammed', *Dhaka Tribune*, 2023, https://www.dhakatribune.com/bangladesh/nation/302851/house-vandalized-in-gopalganj-over-facebook-post.

37 Sahidul Hosan Khokan, 'Miscreant vandalise idols at 12 Hindu temples in Bangladesh's Thakurgaon', *India Today*, 2023, https://www.indiatoday.in/world/story/miscreants-vandalise-14-hindu-temples-in-northwestern-bangladesh-2330803-2023-02-05.

38 Saidul Islam, 'The eviction scare in Dhaka's Telugu Sweeper Colony, which

Dalit-led public rally attended by over 800 people in Satkhira town called for extended rights for Bangladesh's minorities, including reformed land rights, reserved quotas in university admissions, and the provision of safety equipment for sanitary workers.[39]

Hindus were also attacked and killed in at least two separate incidents. In June, a 50-year-old fish farmer was murdered while keeping a night watch on his fish farm. He was found with his throat slit while sitting on a chair. The Bangladesh Hindu-Buddhist-Christianity Unity Council subsequently condemned the murder.[40] A 36-year-old Hindu farmer was beaten to death outside his home allegedly by his neighbours with a hammer and an iron rod. According to the police, a previous dispute over land could have been the alleged motive of the crime.[41]

Ahmadiyyas also faced atrocities during the period under review when the Salana Jalsa, a religious congregation of the Ahmadiyya community, came under attack in Panchagarh town. At least two people were killed and around thirty injured. Police, who reportedly arrived late and seemed uninterested in stopping the violence, eventually fired live bullets to restore order. News reports suggested that the attack was instigated by hate speeches made against the community at local mosques. Local Ahmadiyyas claimed that official permission had been sought from local authorities six months prior to the congregation, and that the organisers were told that no written permission was required so long as the event was conducted within private premises. Local police also reportedly visited the venue a day before the incident to ensure that security measures were followed.[42] According to the

happened', *BBC*, 2023, https://www.bbc.com/bengali/articles/c2jpgyn15d2o.

39 'Satkhira rally vows to realise rights of Dalits', *The Daily Star*, 2023, https://www.thedailystar.net/news-detail-30825.

40 'Bangladesh Hindus live in fear after attacks', *Union of Catholic Asian News*, 2023, https://www.ucanews.com/news/bangladesh-hindus-live-in-fear-after-attacks/101626.

41 'Narail farmer beaten to death', *New Age*, 2023, https://www.newagebd.net/article/209750/narail-farmer-beaten-to-death.

42 'Attack on Ahmadiyya: What happened in Panchagarh?', *Dhaka Tribune*, 2023, https://www.dhakatribune.com/bangladesh/nation/282326/attack-on-ahmadiyya-what-happened-in-panchagarh.

police 81 were arrested over the incident.[43] There is a long-standing debate on whether Ahmadiyyas, who self-identify as Muslims but are considered as heretics by some Muslims, should be officially recognised.

In May the Rangpur Cyber Tribunal in Bangladesh sentenced a Hindu man to 10 years in prison for an allegedly blasphemous Facebook post that had sparked violent attacks against Hindus in 2017.[44] The lawyer for the accused argued that he was illiterate and could not have posted the message. The violence in 2017 had resulted in at least one death and twenty injuries and widespread vandalism and destruction of Hindu houses and temples. Bangladeshi authorities are known to routinely abuse the Information & Communication Technology (ICT) Act and the Digital Security Act to target minorities for online content deemed to be blasphemous.

In the context of the insecurity faced by Bangladesh's religious and ethnic minorities, in August they submitted a seven-point demand for their protection. Among the demands were the enactment of an Act for the protection of minorities and a National Commission of minorities.[45]

In October there was an attack on a rally in Cumilla. Bangladesh Hindu-Buddhist-Christian Oikya Parishad, started a rally in protest of the attack on Radhapada Roy, a poet from Kurigram.[46] The rally also demanded the actions be taken against Munshiganj mayor Mohammed Faisal Biplab for religiously hurtful statements. The protest was stopped by Chatra League (BCL) and Jubo League workers, the student and youth wing respectively of the ruling

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43 'Attack on Ahmadiyya: Over 8,200 sued, 81 arrested in Banchagarh', *Dhaka Tribune*, 2023, https://www.dhakatribune.com/bangladesh/nation/306198/attack-on-ahmadiyya-over-8-200-sued-81-arrested.

44 Zakir Hossain, 'Titu gets 10 years jail', *The Business Post*, 2023, https://businesspostbd.com/nation/titu-gets-10-years-jail-2023-05-24.

45 Sahidul Hasan Khokon, 'Bangladesh minorities submit 7-point demand before PM Sheikh Hasina seeking rights, security', *India Today*, 2023, https://www.indiatoday.in/world/story/bangladesh-minorities-submit-7-point-demand-before-pm-sheikh-hasina-seeking-rights-security-2319438-2023-01-10.

46 'Attack on poet Radhapada Roy: What we know so far', *Dhaka Tribune*, 2023, https://www.dhakatribune.com/bangladesh/327079/attack-on-poet-radhapada-roy-what-we-know-so-far.

party, Bangladesh Awami League. A case was filed against around 500 people and two were arrested within the day. The local authority committed that it would take actions against those involved.[47]

Although there were no reports of violence against Hindus during Durga Puja in October and Diwali in November, in the run-up to the Hindu festivals there were concerns of possible attacks. After a Muslim lawmaker from the ruling Awami League called for an alcohol-free Durga Puja, Hindus took out a protest rally against 'defamatory' remarks against the community and there was an attack on the rally.[48]

With the national-level elections scheduled in January 2024, the potential risk of Bangladesh's minorities being subject to violence and other human rights violations in run-up remains elevated. According to the Bangladesh Hindu-Buddhist-Christian Unity Council, people from minority communities are concerned about the electioneering activities of political parties, as during pre-election period, religious and ethnic minorities often come under attack.[49]

## India

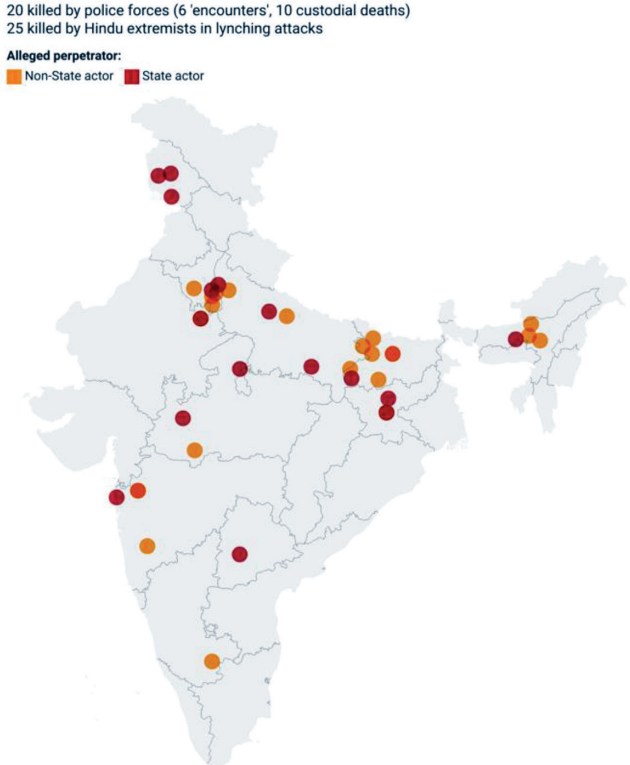
In 2023, the situation of India's religious minorities under the Hindu nationalist Bharatiya Janata Party (BJP)-led government continued to deteriorate, with adherents of minority faiths, particularly Muslims and Christians, facing extrajudicial killings, arbitrary detentions, torture and physical assaults, and summary demolitions of their residences, businesses and places of worship, while also being denied the right to practice and manifest their

47 '500 sued, 2 arrested over attack on Bangladesh Hindu-Buddhist-Christian Okiya Parisad rally', *The Business Standard*, 2023, https://www.tbsnews.net/bangladesh/crime/500-sued-2-arrested-over-attack-bangladesh-hindu-buddhist-christian-oikya-parishad.

48 'Bangladesh: Tension rising in the country ahead of major Hindu festival', *Human Rights Without Frontiers*, 2023, https://hrwf.eu/bangladesh-tension-rising-in-the-country-ahead-of-major-hindu-festival.

49 'Minorities fearing pre-election violence', *The Daily Star*, 2023, https://www.thedailystar.net/news/bangladesh/rights/news/minorities-fearing-pre-election-violence-3212866.

**Map 1: 45 extrajudicial killings of Muslims (2023)**




Source: South Asia Justice Campaign (link to full map)

faith, and the rights to fair trial and livelihoods. The media continued to be muzzled. In the run-up to elections in multiple states throughout the year, India witnessed an escalation in anti-minority hate speech, incitement and violence, a trend that many fear will worsen further ahead of federal elections that are expected to commence in April 2024. A particular flashpoint in 2023 was the BJP-ruled, northeastern state of Manipur, where the predominantly-Christian Kuki-Zo tribal groups faced widespread attacks, leaving nearly 200 dead over several months of ethnic violence. Attacks against minorities across the rest of the country continued to be led by members of BJP-affiliated groups like the Rashtriya Swayamsevak Sangh and the Bajrang Dal. Meanwhile,

India's domestic institutions largely continued to fail to ensure accountability and justice.

Below we provide a snapshot of the key violations against religious minorities, mostly Muslims and Christians, as well as a summary of repressions against fundamental freedoms and that in Indian administered Kashmir.

## Extrajudicial Killings

As in the recent past years, the lives of India's Muslims continued to be 'dangerously uncertain'.[50] In the first 11 months of 2023, advocacy group South Asia Justice Campaign (SAJC) documented 20 extrajudicial killings of Muslims by security forces—including six in staged 'encounter' shootings and 10 other custodial deaths—along with 27 instances of custodial torture, and thousands of arbitrary arrests and detentions (see map 1).[51] Extrajudicial 'encounters' that disproportionately targeted Muslims continued to be concentrated in BJP-ruled Uttar Pradesh and Assam, which have witnessed at least 183 and 76 such killings each since BJP-led provincial governments assumed power in May 2017 and May 2021, respectively.[52] In July, an Indian Railways police constable shot dead his Hindu superior officer and three other bearded Muslim passengers inside a moving train in Maharashtra,[53] before going on an anti-Muslim tirade and extolling the sectarian politics of India's Prime Minister and other senior BJP leaders.[54] Among

50 Apporvanand, 'Muslim life in India has become dangerously uncertain', *The Wire*, 2023, https://thewire.in/communalism/muslim-life-in-india-has-become-dangerously-uncertain.

51 South Asia Justice Campaign, '2023 Overview', India Persecution Tracker, 2023, https://southasiajusticecampaign.org/ipt2023.

52 '183 Criminals killed In Uttar Pradesh police encounters since 2017', *NDTV.com*, 2023, https://www.ndtv.com/india-news/183-criminals-killed-in-uttar-pradesh-police-encounters-since-2017-3948169; 'Police did not kill anyone in fake encounters: Assam Govt', *EastMojo*, 2023, http://www.eastmojo.com/assam/2023/04/05/police-did-not-kill-anyone-in-fake-encounters-assam-govt.

53 Megha Sood, '4 shot dead by RPF man in hate crime on moving train', *Hindustan Times*, 2023, https://www.hindustantimes.com/india-news/4-shot-dead-by-rpf-man-in-hate-crime-on-moving-train-101690830167744.html.

54 Harsh Mander, 'What India's Prime Minister about the hate crime on a moving train', *The Wire*, 2023, https://thewire.in/communalism/what-indias-prime-minister-did-not-say-about-the-hate-crime-on-a-moving-train.

instances of custodial deaths of Muslims in 2023 included a 25-year-old man who was allegedly tortured to death in Jharkhand,[55] a 30-year-old man who was allegedly burned to death in Madhya Pradesh,[56] a 48-year-old man who was allegedly tortured to death in Jammu & Kashmir,[57] a youth who was allegedly beaten to death in Jharkhand,[58] a Muslim youth who was allegedly mistakenly arrested and killed in Rajasthan,[59] a 36-year-old man who was allegedly killed in police custody in Delhi[60] and a 28-year-old man who was allegedly tortured to death in Uttar Pradesh.[61] According to government data, 687 people died in police custody across India between April 2018 and March 2023.[62]

Muslims and other religious minorities also continued to be harassed, intimidated, assaulted and murdered by Hindu extremist non-state actors. SAJC documented 25 killings of Muslims in 2023 by members of extremist groups reported to have close links to the BJP.[63] A notable case included the murder of a 22-year old Muslim

55 'Black Friday for two Muslim youth in Jharkhand', eNewsroom India, 2023, https://enewsroom.in/muslim-youth-jharkhand-mob-lynching-police-brutality.

56 'Ujjain horror: Muslim man allegedly burnt to death by five cops', *Sabrang India*, 2023, https://sabrangindia.in/ujjain-horror-muslim-man-allegedly-burnt-death-five-cops.

57 Jehangir Ali, 'J&K: Inquiry is "official cover-up", says family of man who died of suicide after he was summoned', *The Wire*, 2023, https://thewire.in/rights/jk-inquiry-is-official-cover-up-says-family-of-man-who-died-of-suicide-after-he-was-summoned.

58 'Muslim youth allegedly killed in police custody in Jharkhand, family demands justice', *The Observer Post*, 2023, https://theobserverpost.com/muslim-youth-allegedly-killed-in-police-custody-in-jharkhand-family-demands-justice.

59 'FIR filed against police in custodial death of Muslim youth from Rajasthan' *The Observer Post*, 2023, https://theobserverpost.com/fir-filed-against-police-in-custodial-death-of-muslim-youth-from-rajasthan.

60 'Suspect dies in police custody, family alleges foul play, "police not giving us proper answers"', *The Hindu*, 2023, https://www.thehindu.com/news/cities/Delhi/suspect-dies-in-police-custody-family-alleges-foul-play-police-not-giving-us-proper-answers/article67113046.ece.

61 'Uttar Pradesh: 28-year-old Sajid Farsi dies following custodial torture', *The New Indian Express*, 2023, https://www.newindianexpress.com/nation/2023/jul/03/uttar-pradesh-28-year-old-sajid-abbasi-dies-following-custodial-torture-2591031.html.

62 'Highest number of custodial deaths in Gujarat, Maharashtra: Government', *The Deccan Herald*, 2023, https://www.deccanherald.com/india/highest-number-of-custodial-deaths-in-gujarat-maharashtra-government-1242870.html.

63 South Asia Justice Campaign, '2023 Overview'.

man who was tied to a pole and beaten to death over allegations of stealing a banana from a temple in the country's capital city in September.[64] Another Muslim man was beaten to death by a mob in Uttar Pradesh following an argument.[65] In Jharkhand a 20-year old man was tied to an electric pole and beaten to death after accusing him of stealing, despite being one of the few Indian states to pass a bill against mob lynching.[66] Another Muslim youth was beaten to death by a mob in Madhya Pradesh for allegedly stealing chickpeas.[67] A 39-year-old Muslim assistant driver of a vehicle was lynched after he and two others were waylaid by a group of Hindu extremists.[68] Hours before the body was found, the perpetrators had forcibly taken the victims to a police station and filed a complaint against them under the state's cow protection law. The victim's body reportedly bore marks of torture with a stun gun.[69] Days before the killing, the leader of the Hindu group involved in the killing—who enjoys a wide following on social media—had posted videos of himself carrying a stun gun. Similar incidents of non-state actors comprising of Hindu extremists arbitrarily depriving Muslims of their lives also took place in Bihar (a truck driver for carrying bones of animals to a factory),[70] Maharashtra (a tempo

64 Meer Faisal, 'Muslim man lynched in India for "taking a banana" at Hindu temple event, *Al Jazeera*, 2023, https://www.aljazeera.com/news/2023/9/28/muslim-man-lynched-in-india-for-taking-a-banana-at-hindu-temple-event.

65 'Muslim man beaten to death by a mob in Harpur district of U.P.', *The Hindu*, 2023, https://www.thehindu.com/news/national/other-states/ups-hapur-remains-tense-after-muslim-man-killed-over-scuffle-during-dussehra-celebrations/article67458287.ece.

66 Animesh Bisoee, '20-year-old youth beaten to death in Jharkhand', *The Telegraph Online*, 2023, https://www.telegraphindia.com/jharkhand/20-year-old-youth-beaten-to-death-in-jharkhand/cid/1928294.

67 Sana Akbar and Fatema Khan, 'Muslim youth lynched in Madhya Pradesh over suspected theft', *maktoobmedia.com*, 2023, https://maktoobmedia.com/india/muslim-youth-lynched-in-madhya-pradesh-over-suspected-theft.

68 'Cattle trader lynching: 4 teams to nab Kerehalli', *The New Indian Express*, 2023, https://www.newindianexpress.com/states/karnataka/2023/apr/04/cattle-trader-lynching4-teams-to-nab-kerehalli-2562452.html.

69 Aditi Kumar 'Karnataka lynching: Accused uses electric stun gun on cow vigilante outings', *The News Minute*, 2023, https://www.newindianexpress.com/states/karnataka/2023/apr/04/cattle-trader-lynching4-teams-to-nab-kerehalli-2562452.html.

70 'Police watch as Muslim truck driver lynched in Bihar's Saran ahead of Eid-ul-Adha', *The New Indian Express*, 2023, https://www.newindianexpress.com/

driver for transporting cattle and a man ferrying beef),[71] Assam (a man returning after watching a sporting event, on accusation of stealing cows and another for the same reason in a different incident),[72] Uttar Pradesh (an elderly Muslim couple over their son's relationship with a Hindu woman)[73] and Jharkhand (a Muslim man stripped and thrashed to death for 'conning people'),[74] among others. Such incidents continued to be carried out with impunity, with convictions remaining rare.

India also witnessed two major episodes of mass violence during the period under review: in Manipur since May, and in Haryana in July–August. In Manipur, clashes erupted on 3 May between the tribal, predominantly-Christian Kukis and the predominantly-Hindu Meiteis, after the state High Court directed the state government to consider including the latter in the list of Scheduled Tribes (ST), making them eligible for affirmative action benefits. Protests by tribal groups and counter protests by Meiteis were reportedly the trigger for the violence.[75] The deaths have been at the hands of security forces, who were given 'shoot-at

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nation/2023/jun/29/police-watch-as-muslim-truck-driver-lynched-in-bihars-saranahead-of-eid-ul-adha-2589782.html.

71 'Maharashtra: Man transporting cattle lynched by "gau rakshaks"', *The New India Express*, 2023, https://www.newindianexpress.com/nation/2023/jun/14/maharashtra-man-transporting-cattle-lynched-by-gau-rakshaks-2584972.html; Parth MN '"It was his birthday": Muslim lynched over beef in western India', *Al Jazeera*, 2023, https://www.aljazeera.com/news/2023/6/30/it-was-his-birthday-muslim-lynched-over-beef-in-western-india.

72 Mahibul Hoque, 'Muslim youth lynched to death in Assam's Marigaon, survivor says familiar mob among men', *maktoobmedia.com*, 2023, https://maktoobmedia.com/features/muslim-youth-lynched-to-death-in-assams-morigaon-survivor-says-familiar-men-among-mob; 'Assam: Muslim man lynched over cow theft; 6 held', *Clarion India*, 2023, https://clarionindia.net/assam-muslim-man-lynched-over-cow-theft-6-held.

73 Sweta Sharma, 'Muslim couple killed in India over son's relationship with Hindu girl', *The Independent*, 2023, https://www.independent.co.uk/asia/india/muslim-couple-killed-sitapur-uttar-pradesh-india-b2396193.html.

74 Tarique Anwar, 'Muslim man beaten to death in Jharkhand, police deny lynching', *NewsClick*, 2023, https://www.newsclick.in/muslim-man-beaten-death-jharkhand-police-deny-lynching.

75 Rakhi Bose, 'Manipur violence: lynchings, villages burnt, lives disrupted. But where was the state?', *Outlook India*, 2023, https://www.outlookindia.com/national/scarred-and-displaced-magazine-287803.

sight'[76] orders in some areas, as well as by non-state armed groups. Kukis—who accounted for most of the deaths—have alleged that majority-Hindu mobs were incited to attack them.[77] Entire villages[78] and hundreds of churches have reportedly been vandalised and burned to the ground.[79] Human Rights Watch alleged police bias against the Kukis.[80] On 29 May, the Chief Minister announced that nearly 40 armed Kuki 'terrorists'—who local Kukis said were guarding their villages from further violence—were shot dead by security forces.[81] A week earlier, a former senior BJP legislator was arrested for inciting violence.[82] The central government did not announce a judicial probe into the violence till almost a month after it began.[83] Evidence of widespread gang rape and other forms of sexual violence, previously unreported due to the prolonged internet blackout in place in the state, was also uncovered, leading

76 'Manipur issues "shoot-at-sight" orders in "extreme cases" amid violence, *NDTV*, 2023, https://www.ndtv.com/india-news/manipur-issues-shoot-at-sight-orders-in-extreme-cases-amid-violence-4005228.

77 Devadeep Purohit, 'As conflict in Manipur reached 26th day, a look at the "plot" that keeps the fire burning', *The Telegraph Online*, 2023, https://www.telegraphindia.com/north-east/from-ethnic-strife-to-heartburn-over-land-plot-that-keeps-the-manipur-fire-burning/cid/1940347.

78 '"Everything is gone": entire Indian villages burnt in ethnic violence', *The Guardian*, 2023, https://www.theguardian.com/world/2023/may/09/indian-villages-burned-ethnic-violence.

79 'Manipur: Archbishop claims 249 churches burnt in 36 hours, says, "collapse of constitutional machinery"', *Mint*, 2023, https://www.livemint.com/news/india/manipur-archbishop-claims-249-churches-burnt-in-36-hours-says-collapse-of-constitutional-machinery-11687135842800.html.

80 'India: Investigate police bias in Manipur violence', *Human Rights Watch*, 2023, https://www.hrw.org/news/2023/05/30/india-investigate-police-bias-alleged-manipur-violence.

81 'At least 40 killed in clashes with troops, in India's Manipur', *Al Jazeera*, 2023, https://www.aljazeera.com/news/2023/5/29/dozens-killed-in-clashes-with-troops-in-northeastern-india.

82 Phurailatpam Keny Devi, 'Manipur: Ex-BJP MLA among three arrested in connection with fresh violence in New Checkon Bazaar', *India Today NE*, 2023, https://www.indiatodayne.in/manipur/story/manipur-ex-bjp-mla-amongst-three-arrested-in-connection-with-fresh-violence-in-new-checkon-bazaar-562996-2023-05-24.

83 'Manipur violence: What measures has Home Minister Amit Shah announced for the state?', *The Indian Express*, 2023, https://indianexpress.com/article/explained/manipur-violence-home-minister-amit-shah-announcements-8640768.

to the Manipur State Commission for Women registering 59 cases.[84] At the time of writing, the ethnic division of Manipur's population was all but complete, with the predominantly Hindu Meitei tribes remaining in the valley region, while the Kukis are exclusively relegated to the surrounding hill regions.[85] In September, a group of 18 independent United Nations (UN) experts expressed alarm at the continuing abuses in the region.[86] In the latest count (as of December) 196 persons have been killed and 50,000 displaced in the months-long violence. Bodies lying in morgues across the state were still being claimed in December only after a Supreme Court directive in November.[87] In September, Manipur police had said 175 people were killed, 1182 injured and 32 missing in the months-long violence; there were also 5172 cases of arson, including of 4736 houses and 386 religious places, of which 245 were churches and 132 were temples.[88]

In Haryana, targeted mass violence by Hindu extremists that began in late-July left six dead, in addition to widespread destruction of property.[89] The violence erupted after Hindus and Muslims clashed during a religious procession (which a member of the BJP-aligned Bajrang Dal, wanted by the police for the murder

84 'Manipur women panel registers 59 cases of sexual violence, hands over 5 to CBI', *NorthEast Now*, 2023, http://nenow.in/north-east-news/manipur/manipur-women-panel-registers-59-cases-of-sexual-violence-hands-over-5-to-cbi.html.

85 Praveen Dhonti, 'Ethnic Clashes Roiling Manipur Pose Test for India's Modi', International Crisis Group, 2023, https://www.crisisgroup.org/asia/south-asia/india/ethnic-clashes-roiling-manipur-pose-test-indias-modi.

86 United Nations, 'India: UN experts alarmed by continuing abuses in Manipur', United Nations, 2023, Office of the High Commissioner for Human Rights, *https://www.ohchr.org/en/press-releases/2023/09/india-un-experts-alarmed-continuing-abuses-manipur*.

87 'India: Bodies of 64 killed in Manipur violence handed over to families', *WION*, 2023, https://www.wionews.com/india-news/india-bodies-of-64-killed-in-manipur-violence-handed-to-families-669853.

88 'Manipur violence: Death toll touches 175 mark, few stolen weapons recovered, say police', *Hindustan Times*, 2023, https://www.hindustantimes.com/india-news/manipur-toll-175-few-stolen-weapons-recovered-police-101694716778763.html.

89 'Haryana Nuh violence highlights: 141 arrested, 55 FIRs registered', Mint, 2023, https://www.livemint.com/news/india/haryanas-nuh-violence-live-updates-stones-pelted-at-religious-procession-sohna-mewat-schools-shut-in-gurugram-11690850667688.html.

of two Muslim men, said he would join) taken out by a Hindu group.[90] Among the dead was a 19-year-old Muslim cleric. Two mosques were burned down along with dozens of Muslim-owned properties. The violence, which soon spread to nearby districts, resulted in over 3000 Muslims fleeing their homes, including in Gurugram and New Delhi.[91] Later, the BJP-led state government in Haryana continued the trend of inflicting collective punishment on Muslims, summarily demolishing over a thousand Muslim-owned houses and businesses.[92] Mass arbitrary arrests too were reported, also overwhelmingly of Muslims.[93] Also among those detained were Rohingya Muslim refugees, including children.[94]

Apart from Manipur and Haryana, lower-intensity episodes of mass violence targeting Muslims were reported simultaneously from seven states—Maharashtra, Bihar, Gujarat, West Bengal, Uttar Pradesh, Karnataka and Jharkhand—during the Hindu festival of Ram Navami, in March.[95] Amid the festivities, armed Hindu extremists marching through Muslim-concentration localities engaged in widespread and large-scale destruction of Muslim-owned homes, businesses and religious buildings.[96] At least two

90 Arunoday Mukharji, 'Haryana: Days after Nuh Gurugram violence, victims count losses', *BBC*, 2023, https://www.bbc.com/news/world-asia-india-66391587.

91 'Imam killed in attack on Gurugram mosque, Haryana violence toll now 5', *Economic Times*, 2023, https://economictimes.indiatimes.com/news/india/man-killed-in-attack-on-gurugram-mosque-third-death-in-haryana-violence/articleshow/102298757.cms.

92 Aiswaraya Raj and Jignasha Sinha, 'A restaurant, a tile shop, amid Nuh demolitions, one claim – no notice sent', *The Indian Express*, 2023, https://indianexpress.com/article/cities/delhi/a-restaurant-a-tiles-shop-amid-nuh-demolitions-one-claim-no-notice-sent-8879959/https://maktoobmedia.com/india/days-after-violence-shanties-houses-shops-of-muslims-demolished-in-haryanas-nuh.

93 'Days after violence, shanties, houses, shops of Muslims demolished in Haryana's Nuh', *muktoobmeida.com*, 2023, https://maktoobmedia.com/india/days-after-violence-shanties-houses-shops-of-muslims-demolished-in-haryanas-nuh.

94 Vipul Kumar, 'Rohingya refugees fled Myanmar only to "live in fear" in India', *Al Jazeera*, 2023, https://www.aljazeera.com/news/2023/8/17/rohingya-refugees-fled-myanmar-only-to-live-in-fear-in-india.

95 '2 killed in Ram Navami violence across six states, situation tense as fresh clashes erupt', *India Today*, 2023, https://www.indiatoday.in/india/story/ram-navami-violence-situation-tense-fresh-violence-bengal-maharashtra-gujarat-2353932-2023-03-31.

96 'Ram Navami violence: 77 Arrested; mob vandalises madrasa in Bihar

deaths were reported.[97] As in Haryana later in the year, Muslim youth and community leaders were disproportionately targeted by authorities in post-violence crackdowns, particularly in BJP-governed states.[98]

## Grievous Assault and Torture

SAJC also documented over 109 instances of Muslim men being accosted and physically assaulted by Hindu extremists across the country, on various pretexts, including 52 by Hindu extremist cow vigilantes and 16 for being in inter-religious relationships and friendships. Of these, 88 (81 per cent) of the assaults were reported in BJP-governed states (see Table 1).[99] In a shocking incident in August, a seven-year-old Muslim student in Muzaffarnagar, Uttar Pradesh was assaulted by his classmates, one by one, at the behest of their teacher,[100] who was seen on video referencing the child's religious identity while directing the assault.[101] Later, local police registered a case against a prominent fact-checker after he shared the video.[102]

Christians in India, too, continued to be attacked during the period under review. According to the United Christian Forum, an

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Sharif', *The Hindu*, 2023, https://www.thehindu.com/news/national/other-states/ram-navami-violence-77-arrested-mob-vandalises-madrasa-in-bihar-sharif/article66692716.ece.

97 'Biharsharif on edge: Teenager killed in crossfire', *The Indian Express*, 2023, https://indianexpress.com/article/india/biharsharif-on-edge-teenager-killed-in-crossfire-8534319.

98 'India's Hindu festivals bring increasing anti-Muslim violence', *Human Rights Watch*, 2023, https://www.hrw.org/news/2023/04/05/indias-hindu-festivals-bring-increasing-anti-muslim-violence.

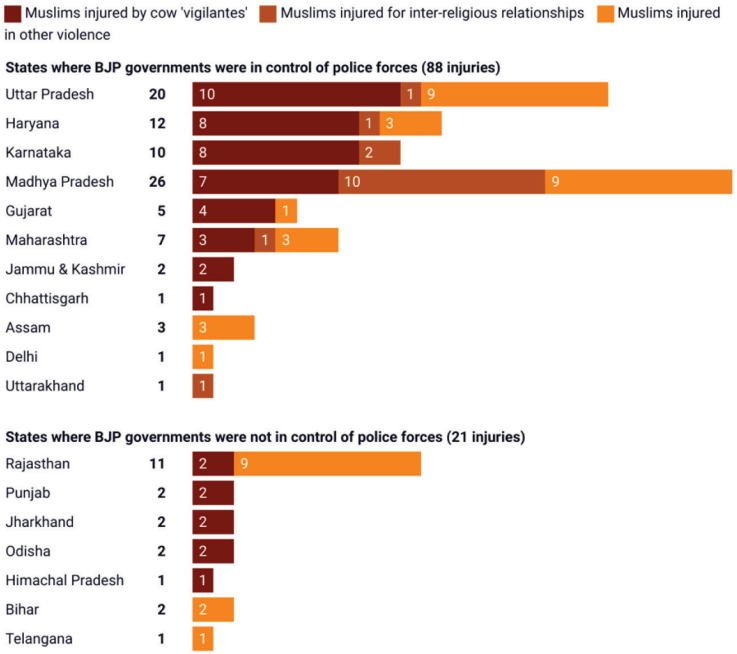
99 South Asia Justice Campaign, '2023 Overview'.

100 Dheeraj Mishra, 'Lesson in hate: In Muzzafarnagar school, teacher gets kids to beat Muslim student one by one', *The Indian Express*, 2023, https://indianexpress.com/article/india/muzaffarnagar-school-teacher-makes-children-slap-muslim-student-class-8909734.

101 Rhea Mogul, Manveena Suri and Irene Nasser, 'Outrage in India as teacher tells student to slap classmate who is Muslim', CNN, 2023, https://edition.cnn.com/2023/08/28/india/india-muslim-student-slapped-teacher-video-intl-hnk/index.html.

102 'Muzzafarnagar school incident: FIR flied against Alt News's Md Zubair for disclosing minor's identity', *The Indian Express*, 2023, https://indianexpress.com/article/cities/delhi/alt-news-founder-mohammed-zubair-fir-allegedly-leaking-details-minor-involved-in-khubbapur-incident-8913023.

**Table 1: 109 Muslims injured by Hindu extremists (2023)**




*Note: This breakdown does not include Muslims injured in episodes of mass violence – as in Haryana (July-August), Uttarakhand (May onwards), and in several states in (March-April) during Ram Navami festivities.*

Source: South Asia Justice Campaign (link to full table)

Indian Christian body, between January and November 2023 there were 687 incidents of violence against Christians, averaging over two incidents per day in the country, with 287 in BJP-ruled Uttar Pradesh alone. The number of attacks has been gradually increasing over the years with 147 attacks in 2014.[103] In Chhattisgarh for example, Hindu extremists assaulted Christians during a prayer meeting at a private residence while police looked on.[104] In August

103 'Two Christians attacked daily in India – 687 incidents of violence recorded in 334 days of 2023', *maktoobmedia.com*, 2023, https://maktoobmedia.com/india/two-christians-attacked-daily-in-india-687-incidents-of-violence-recorded-in-334-days-of-2023.

104 'Chhattisgarh: Bajrang Dal stops Christian prayer meet', Citizens for Justice and Peace, 2023, https://cjp.org.in/chhattisgarh-bajrang-dal-stops-christian-prayer-meet.

around 30 people attacked a church in the Indian capital while people, including women and children, were in the church.[105] The context to much of this targeting is the criminalisation of religious conversion, effective in 11 of India's states, through so-called Freedom of Religion Acts, that are effectively anti-conversion laws, despite India's constitution granting its citizens the right to 'freely profess, practice, and propagate religion subject to public order, morality and health'.[106]

## Arbitrary Detentions

Instances of arbitrary detentions of Muslims continued to be reported throughout the year, and included a 14-year-old boy who was arrested for a social media post in which he allegedly glorified Aurangzeb, a Muslim king who ruled over much of India during the Mughal era.[107] In Assam, the BJP-led state government arrested over 4000 individuals as part of an ongoing crackdown that purports to eradicate child marriage. Critics have alleged that the arrests have disproportionately targeted Muslims.[108] Elsewhere across the country, police authorities also arbitrarily detained dozens of Rohingya Muslim refugees.[109]

There were arbitrary detention of Christian too during the period under review, again in the context of the criminalisation of religious practice in states with anti-conversion laws. In April, two churches in Uttar Pradesh were targeted in attacks by a right-

105 Mithil Aggarwal, 'Religious violence reaches India's capital as Hindu mob swarms church', *NBC News*, 2023, https://www.nbcnews.com/news/world/india-g20-christian-church-attack-rcna103571.

106 '10 people arrested on conversion charges in India', *Union Catholic Asian News*, 2023, https://www.ucanews.com/news/10-people-arrested-on-conversion-charges-in-india/101314.

107 'Maharashtra: 14-year-old booked over social media post on Mughal emperor Aurangzeb', *scroll.in*, 2023, https://scroll.in/latest/1050701/maharashtra-14-year-old-booked-over-social-media-post-on-mughal-emperor-aurangzeb.

108 'Assam govt ensured equal number of Hindus, Muslims arrested for child marriages: Himanta Biswa Sarma', *The Wire*, 2023, https://thewire.in/government/assam-govt-ensured-equal-number-of-hindus-muslims-arrested-for-child-marriages-himanta-biswa-sarma.

109 'India police arrest 74 Rohingya refugees in latest crackdown', *Al Jazeera*, 2023, https://www.aljazeera.com/news/2023/7/25/india-police-arrest-seventy-four-rohingya-in-latest-crackdown-on-refugees.

wing group linked to the Rashtriya Swayamsevak Sangh (RSS) and pastors of both churches detained on charges of unlawful conversion.[110] In May, 10 Christians were arrested as they were praying in a private residence in Madhya Pradesh, alleging 'religious conversion activity'.

## Dangerous Rhetoric and Incitement to Violence

As in past years, the pretext for much of the violence detailed in previous sections was the unfettered proliferation of hate speech and incitement to discrimination, hostility and violence against Muslims and Christians by senior BJP leaders and other influential Hindu religious figures (see Map 2). According to a Washington-based group, anti-Muslim hate speech averaged more than one a day in the first half of 2023 with four-fifths taking place in states governed by the BJP, and spiking around elections that were held in several states in 2023. [111] According to the report, a third of the documented instances of hate speech involved calls for violence against Muslims, 12 per cent included calls to arms, 11 per cent included boycott calls against Muslims, and 4 per cent explicitly targeted Muslim women.[112] Instances of incitement to discrimination, hostility and violence against Muslims also included anti-Muslim rhetoric and polarisation,[113] in violation of election campaign guidelines and a 2017 Supreme Court ruling banning the solicitation of votes based on identity. For instance, ahead of state elections in Karnataka, Prime Minister Narendra Modi called on supporters to chant a Hindu religious slogan (after which Bajrang

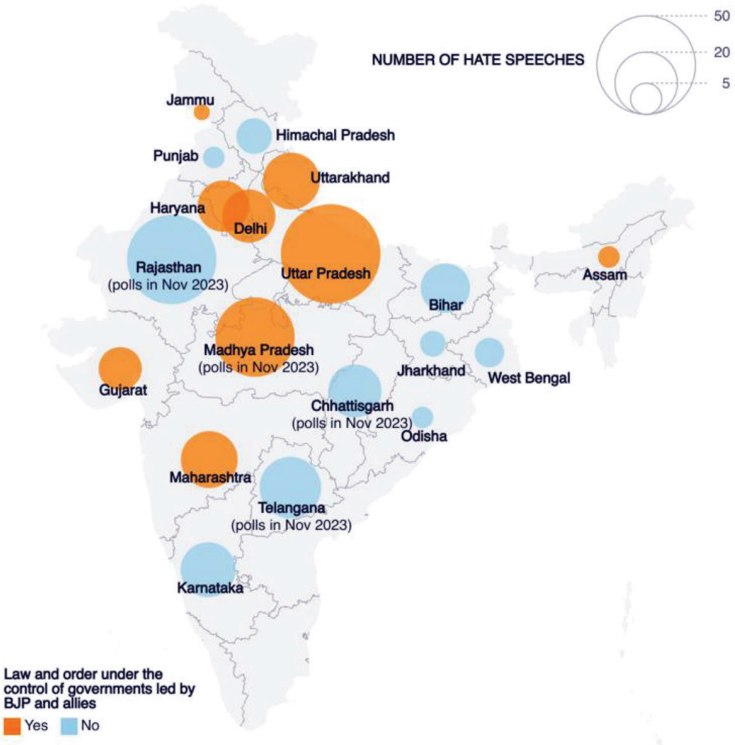
110 Yaqut Ali, 'Watch: Two churches in Uttar Pradesh targeted by right wing group', *The Wire*, 2023, https://thewire.in/video/watch-churches-uttar-pradesh-targeted-right-wing-groups.

111 'Anti-Muslim hate speech in India spikes around elections, report says', *Al Jazeera*, 2023, https://www.aljazeera.com/news/2023/9/26/anti-muslim-hate-speech-in-india-spikes-around-elections-report-says.

112 '80% of anti-Muslim hate speech in 2023 was delivered in BJP ruled states: Report', *The Wire*, 2023, https://thewire.in/communalism/hate-speech-bjp-anti-muslim-2023.

113 '"Don't vote for them": BJP MLA's remarks trigger fresh row', *The Hindustan Times*, 2023, https://www.hindustantimes.com/india-news/dont-vote-for-them-bjp-mla-s-remarks-trigger-fresh-row-%20101677611162180.html.

**Map 2: Instances of top and intermediate-level anti-minority hate speech in public rallies and events across India (since August 2023)**



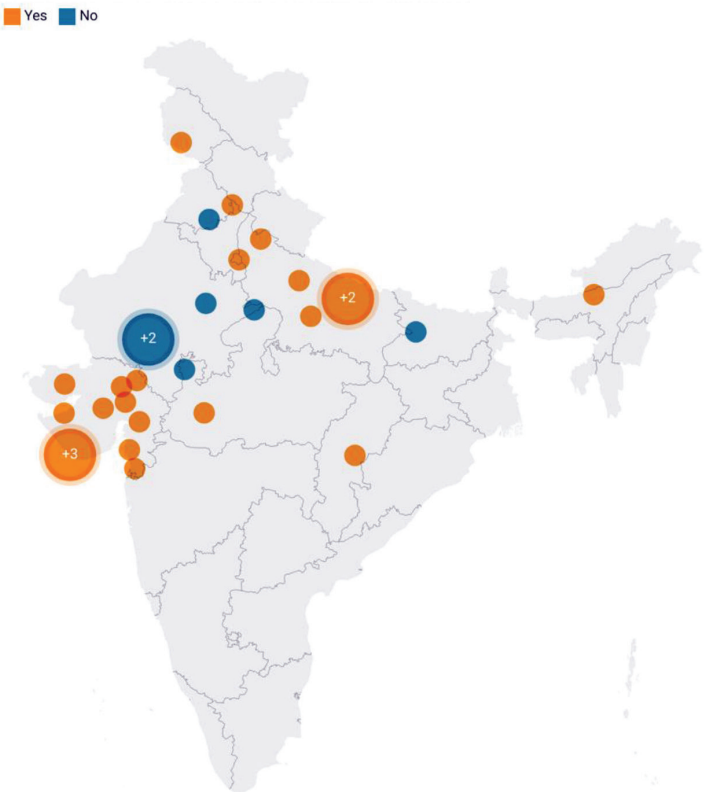

Source: South Asia Justice Campaign (link to full map)

Dal, the Hindu militant group, is named) while casting their vote.[114] Throughout the year, the Bajrang Dal and other BJP-linked groups continued to keep the communal pot boiling, organising over 300 anti-minority hate congregations across the country, and at least 30 events where participants were distributed weapons and trained in their use (see Map 3).[115] Localised anti-Muslim protests by Hindu extremists in Purola, Uttarakhand in late-May escalated

114 'Chant "Jai Bajranga Bali" while casting your vote, Modi says in Karnataka', *The Wire*, 2023, https://thewire.in/politics/chant-jai-bajrang-bali-while-casting-your-votes-modi-says-in-karnataka.

115 South Asia Justice Campaign, '2023 Overview'.

**Map 3: 30 weapons distribution and training events organised by Hindu extremist groups (2023)**




Source: South Asia Justice Campaign (link to full map)

into a state-wide campaign marked by incitement, economic and social boycotts, and targeted physical attacks across at least 10 towns.[116] Maharashtra, another BJP-ruled state, also appeared to be at heightened risk of imminent anti-Muslim mass violence. Over 12 cases of unrest—following social media posts or Hindu religious processions—were reported in the state between March and June leaving two dead and many injured.[117] On 2 August, a series of

116 Gazala Ahmad, '"Pure Hate": Muslims targeted in Uttarakhand town share ordeal', *maktoobmedia.com*, 2023, https://maktoobmedia.com/features/pure-hate-say-muslims-facing-hostilities-in-uttarakhand-town.

117 Mohamed Taver, 'Aurungzeb, Tipu, "love jihad" processions: 12

anti-Muslim hate rallies were organised across northern India, in the wake of the violence in Haryana on 31 July.

A Hindi propaganda movie centred around the discredited 'love jihad' conspiracy theory (a supposed plot by Muslims to seduce and convert Hindu and Christian women en masse, and recruit them to Islamic terror groups)[118] also led to violent clashes in at least two locations, leaving one dead and several injured.[119] Another such propaganda movie released last year had also reportedly triggered violence against Muslims.[120]

## Violations of Religious Freedom

In 2023, again as in past years, violations against freedom of religion or belief targeting Muslims were widespread. Three Muslim men—along with 25 other unidentified persons—in Lakhimpur Kheri, Uttar Pradesh were charged for rioting and criminal trespass after they offered prayers in a building allegedly built on government land.[121] Separately, over a thousand Muslims across Uttar Pradesh were booked for damaging public property—or for violating the Epidemic Act—after they offered open congregational prayers to mark Eid.[122] In April on the last Friday of the month of Ramadan authorities in Jammu & Kashmir disallowed, without explanation, congregational noon prayers at Srinagar's historic Jamia Masjid.[123]

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incidents since March, Maharashtra on edge', *The Indian Express*, 2023, https://indianexpress.com/article/cities/mumbai/aurangzeb-tipu-love-jihad-processions-12-incidents-since-march-maharashtra-on-edge-8655084.

118 'NIA finds no evidence of "love jihad" after Kerala probe', *The Wire*, 2023, *https://thewire.in/politics/nia-love-jihad-kerala-hadiya*.

119 Astha Rajvanshi, 'How a low-budget Hindi film ignited deadly religious tension', *Time*, 2023, https://time.com/6280955/kerala-story-movie-india.

120 'Mehbooba Mufti says "The Kashmir Files" responsible for violence in the Valley', *NDTV*, 2023, https://www.ndtv.com/india-news/jammu-and-kashmir-mehbooba-mufti-says-the-kashmir-files-responsible-for-violence-in-valley-2982109.

121 '28 booked for "rioting", "trespass" to offer namaz on govt property in UP', *Muslim Mirror*, 2023, https://muslimmirror.com/eng/28-booked-for-rioting-trespass-to-offer-namaz-on-govt-property-in-up.

122 Abdul Alim Jafri, 'UP: Fear among Muslims after police book over 1,800 people in Kanpur for offering Eid namaz on road', *NewsClick*, 2023, https://www.newsclick.in/fear-among-muslims-after-police-book-over-1800-people-kanpur-offering-eid-namaz-road.

123 'Locked Jama Masjid sparks anger in Kashmir Valley', *The Hindu*, 2023,

Apart from these, state authorities in BJP-ruled states like Uttar Pradesh also continued to abuse provincial anti-conversion laws, often in close coordination with violent Hindu groups, to target and incarcerate Christian preachers as well as Muslim men accused of being in inter-religious relationships with Hindu women.[124]

There were also many instances of desecration of mosques as well as their demolition. A 16th century mosque was demolished in a road widening project in Uttar Pradesh in January despite a court listing.[125] In national capital Delhi, the wall of a 250-year-old mosque was demolished by municipal authorities, reportedly without due process, in a move that authorities claimed was part of an encroachment removal drive.[126] Also in Delhi, the shrine and grave of Sufi saint Syed Nanhe Miyan Chishti, was demolished without notice.[127] Another instance of state-led efforts to target minority manifestations of faith included Indian Railways issuing of 'removal of encroachment' notices to two 250-year-old and 500-year-old mosques managed by the Waqf Board, which has statutory recognition and manages properties deemed by Muslim law as pious, religious or charitable, in New Delhi, but a court order saved the mosques.[128] Instances of attacks on mosques included vandalism and desecration of a mosque in Sonipat,

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https://www.thehindu.com/news/national/locked-jamia-masjid-sparks-anger-in-kashmir-valley/article66738172.ece.

124 Akanksha Kumar, 'Hindutva groups are misusing UP's anti-conversion law, as police register cases with no legal standing', *Article 14*, 2023, https://article-14.com/post/hindutva-groups-are-misusing-up-s-anti-conversion-law-as-police-register-cases-with-no-legal-standing--65260e4c5987e.

125 'UP: 16th century mosque demolished for road widening in Prayaganj', *The Siasat Daily*, 2023, https://www.siasat.com/up-16th-century-mosque-demolished-for-road-widening-in-prayagraj-2503925/amp.

126 'Delhi: Without court order part of 250 YO mosque demolished by NDMC', *Muslim Mirror*, 2023, https://muslimmirror.com/eng/delhi-without-court-order-part-of-mosque-in-bengali-market-demolished-by-ndmc.

127 Mohsina Malik, 'Delhi: Overnight demolition of Sufi shrine leaves caretaker, regular visitors in dismay', *maktoobmedia.com*, 2023, https://maktoobmedia.com/india/delhi-overnight-demolition-of-sufi-shrine-leaves-caretaker-regular-visitors-in-dismay.

128 'Take no action on notice to mosques on encroachment, Delhi HC tells Railways', *The Economic Times*, 2023, https://economictimes.indiatimes.com/industry/transportation/railways/take-no-action-on-notice-to-mosques-for-encroachment-delhi-hc-tells-railways/articleshow/102134132.cms.

Haryana by an armed mob of 30–35 people, who are reportedly being protected by the RSS, the BJP's ideological guardian.[129] During the July–August violence in Haryana Hindu extremists burned down several mosques, including one in Nuh[130] and another in Gurugram in which a Muslim cleric was also killed.[131] In June, a mosque in Rajasthan was similarly attacked and burned down by Hindu extremists. A local BJP leader is among the 14 accused in the case.[132] Another ploy used by Hindu extremists to deny Muslims of their right to practice their religion is to 'reclaim' historical mosques that they claim stand upon the sites of ancient temples, spurred by the Supreme Court's verdict in 2019 handing over the site of the illegally demolished Babri mosque in Ayodhya to Hindu parties. A similarly disputed mosque site in Varanasi, Uttar Pradesh is being surveyed following court orders.[133] A mosque in Jalgaon, Maharashtra is also being similarly challenged.[134]

## Reprisals and Collective Punishment Against Minorities

Besides demolitions of mosques, demolition of private property belonging to Muslims continued during the period under review. In Nuh, following the riots of August, more than a thousand structures belonging to Muslims were razed by the state government.[135]

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129 Sagarika Kissu, 'Day after attack, chaos at mosque in Sonepat village. Allegations of "conspiracy" add to tensions, *The Print*, 2023, https://theprint.in/india/day-after-attack-chaos-at-mosque-in-sonepat-village-allegations-of-conspiracy-add-to-tensions/1509786.

130 'Mosque set on fire in Haryana's Nuh', *The Hindu*, 2023, https://www.thehindu.com/news/national/other-states/mosque-set-on-fire-in-haryanas-nuh/article67153490.ece.

131 Fatima Khan, 'Gurugram mosque set ablaze, imam killed: it had been in line since 2004', *The Quint*, 2023, https://www.thequint.com/news/nuh-haryana-violence-gurugram-mosque-on-fire-mob-attackers.

132 Yaqat Ali, 'Rajasthan: 4 held for setting mosque on fire, among accused is Alwar BJP leader', *The Wire*, 2023, https://thewire.in/communalism/rajasthan-mosque-arson-bjp.

133 'Gyanvapi management opposes plea for more time to complete mosque survey', *NDTV*, 2023, https://www.ndtv.com/india-news/gyanvapi-management-opposes-asi-plea-for-more-time-to-complete-mosque-survey-4361482.

134 Zafar Afaq, '"A mosque for centuries": Muslims in Maharashtra town push back against "temple" claims', *scroll.in*, 2023, https://scroll.in/article/1052932.

135 Leena Dhankar, 'Nuh violence: 1208 structures razed by Haryana govt, mostly of 1 community', *The Hindustan Times*, 2023, https://www.

Similar state-led destruction of residential buildings was also reported from Madhya Pradesh, another BJP-governed state, where the homes of three Muslim teenagers accused of spitting on a Hindu religious procession in Ujjain city were summarily razed by local authorities. The demolitions in Ujjain were carried out amidst DJ and *dhol* (drums) music arranged by the authorities.[136] In Assam, Muslim families continued to be targeted by authorities in eviction drives. In May around 3000 predominantly Muslim families were uprooted from their homes by forest authorities in Darrang district.[137] Since its re-election in May 2019, the BJP-led state government has similarly evicted tens of thousands of Bengali-speaking Muslims from their homes across Assam.[138]

## Socio-economic Discrimination

Muslims in India continue to be disadvantaged in other ways. A research study published in 2023 shed further light on the longstanding practice of denying or restricting public services to Muslims and Dalits in ghettoised localities. The study, based on data from between 2011 and 2013, revealed that Muslims are systematically disadvantaged compared to other communities, and that Muslim localities are less likely to have public schools, clinics, sewerage, water supply and closed drains. The situation is likely to have worsened in the years since.[139] Another analysis

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hindustantimes.com/cities/delhi-news/demolition-of-muslim-owned-properties-in-haryana-raises-concerns-of-religious-discrimination-and-ethnic-cleansing-101691605995392.html.

136 Vishnukant Tiwari, 'Muslim man's house demolished amid DJ, dhol in MP's Ujjain amid "spitting" row', *The Quint*, 2023, https://www.thequint.com/news/india/muslim-man-house-demolished-ujjain-amid-dj-dhol-spitting-controversy; 'Homes of three Muslim partially razed for allegedly spitting water at religious procession in MP', *scroll.in*, 2023, https://scroll.in/latest/1052964/homes-of-three-muslims-partially-razed-for-allegedly-spitting-water-at-religious-procession-in-mp.

137 Mahibul Hoque, 'Expansion of national part in Assam uproots 3000 predominantly Muslim families', *maktoobmedia.com*, 2023, https://maktoobmedia.com/features/expansion-of-national-park-in-assam-uproots-3000-predominantly-muslim-families.

138 Rokibuz Zaman, 'Why eviction drives in Assam are no longer facing resistance', *scroll.in*, 2023, https://scroll.in/article/1040558/why-eviction-drives-in-assam-are-no-longer-facing-resistance.

139 Kavita Iyer, 'Segregated and unequal: New research reveals how public

of government data from 2019 to 2022 revealed that India's Muslims have the lowest asset and consumption levels among all communities, and that they are disproportionately represented among the ranks of India's poor.[140] On the other hand, the number of Muslim students in higher education continues to decline.[141] The hijab ban in Karnataka in 2022, for example, led to more than 1000 Muslim girls dropping out of colleges.[142]

## Continuing Repression in Indian-administered Kashmir

During the period under review, the intensification of 'long-standing repression of Kashmiri civil society continued'.[143] Several Kashmiri journalists continued to be in detention under various draconian laws. Fahad Shah, the editor of a popular online news portal, continued to languish in prison despite receiving bail in multiple cases, and despite charges under a 'preventive' detention law (the Public Safety Act) being quashed.[144] Shah is currently undergoing trial under India's anti-terror law, for an article he published that authorities claim fomented terrorism in the region.[145] Jailed

services are restricted are denied to Muslims, Dalits in ghettoised localities', *Article 14*, 2023, https://article-14.com/post/segregated-unequal-new-research-reveals-how-public-services-are-restricted-denied-to-muslims-dalits-in-ghettoised-localities--64cc7264b3852.

140 Abhisekh Jha and Roshan Kishore, 'Muslims are the poorest religious group in India', *The Hindustan Times*, 2023, https://www.hindustantimes.com/india-news/muslims-in-india-the-poorest-religious-group-with-high-inequality-and-limited-opportunities-data-analysis-reveals-101688097160955.html.

141 'Recent reports suggest that higher education enrolment in Muslims continues to decline', *Sabrang India*, 2023, https://sabrangindia.in/recent-reports-suggest-that-higher-education-enrolment-in-muslims-continues-to-decline.

142 'Over 1,000 Muslim girls dropped out of PU colleges during hijab controversy: PUCL report', *The Hindustan Times*, 2023, https://indianexpress.com/article/cities/bangalore/pucl-releases-report-on-impact-of-hijab-ban-on-muslim-girl-students-in-karnataka-8371485.

143 United Nations, 'India: UN expert demands immediate end to crackdown on Kashmiri human rights defenders', Office of the High Commissioner for Refugees, 2023, https://www.ohchr.org/en/press-releases/2023/03/india-un-expert-demands-immediate-end-crackdown-kashmiri-human-rights.

144 'Court quashes PSA against Kashmiri journalist', *Kashmir Life*, 2023, https://kashmirlife.net/court-quashes-psa-against-kashmiri-journalist-315092.

145 Srishti Jaiswal, 'Monitor reporter trial opens: Why India treats journalists as terrorists', *Christian Science Monitor*, 2023, https://www.csmonitor.com/World/Asia-South-Central/2023/0419/Monitor-reporter-s-trial-opens-Why-India-treats-journalists-as-terrorists.

Kashmiri human rights defender Khurram Parvez was formally arrested for the second time in March in connection with non-governmental organisation (NGO) terror funding case[146] inviting concern over 'repression' in Kashmir.[147]

On 22 December, three civilians were reported killed, and at least five left with severe torture injuries, in Pooch district, after local Indian Army unit picked up civilians from Topa Peer village, for questioning subsequent to the security forces being ambushed by militants, the previous day, six kilometres from the village.[148] Videos shared on social media, showed alleged signs of torture by security forces against those picked up.

Minority Hindus have also come under attack from militant groups, as in the case of the killing of a Hindu bank security guard in February prompting protests demanding relocation of Kashmiri Pandits.[149]

On December 11, the Supreme Court passed orders upholding the government's 2019 decision to abrogate Article 370 of the Indian Constitution, which had granted special status to Jammu and Kashmir.[150] Then abrogation came along with the demotion of Jammu and Kashmir from a state to a Union Territory, that is directly controlled by the central government rather than being effectively autonomous as other states. The government had

146 'NIA arrests jailed Kashmir activist Khurram Parvez in NGO terror funding case', *India Today*, 2023, https://www.indiatoday.in/india/story/nia-arrests-jailed-kashmir-activist-khurram-parvez-ngo-terror-funding-case-2350267-2023-03-23.

147 'India intensifying repression in Kashmir: UN Special Rapporteur after Khurram Parvez's second arrest', *The Wire*, 2023, https://thewire.in/rights/india-intensifying-repression-in-kashmir-un-special-rapporteur-after-khurram-parvezs-second-arrest.

148 Safwat Zargar, 'In Poonch, deaths in Army custody leave tribal community with a bitter sense of betrayal', *Scroll.in*, 2023, https://scroll.in/article/1061326/in-poonch-deaths-in-army-custody-leave-tribal-community-with-a-bitter-sense-of-betrayal.

149 Jehangir Ali, 'After latest targeted killing, Kashmiri Pandit employees intensify stir for relocation in Jammu', *The Wire*, 2023, https://thewire.in/rights/kashmiri-pandit-employees-relocation-targeted-killing.

150 Apurva Vishwanath and Rashika Singh, 'SC Verdict on abrogation of Article 370 explained highlights: Everything you need to know about the landmark judgment', *The Indian Express*, 2023, https://indianexpress.com/article/explained/explained-law/article-370-verdict-supreme-court-explained-live-updates-9061383.

abrogated Article 370 through two Presidential orders, rather than seeking parliamentary approval, through a bill, something required for such a momentous act. Whilst the Court, in its order characterised this by-passing of the Parliament, or indeed the state assembly suspended since 2018, as 'backdoor amendment', it still went on to uphold the same amendments, saying the special provision was always temporary. The bench also did not undo the demotion of Jammu and Kashmir from a state to a Union Territory.

## Repression Against Fundamental Freedoms

India's crackdown on journalists critical of the government and the BJP continued during the period under review[151] with India falling in the World Press Freedom Index to 161st from 150th last year. Two cases of attack on media were prominent in 2023. In February, Indian tax authorities raided BBC offices in Delhi and Mumbai, seized documents and phones of journalists and sealed the office premises. The raids were carried out shortly after the BBC aired a two-part documentary highlighting the role of Prime Minister Modi in the anti-Muslim pogrom in Gujarat in 2002, when he was the Chief Minister, where more than 1000 people, mostly Muslims, were killed.[152] In October, police raided the offices of the online news portal NewsClick, questioned and seized laptops and mobile phones of over 88 journalists and columnists associated with the network, and arrested two individuals, including the website's chief editor and its head of human resources, under the anti-terror law, Unlawful Activities Prevention Act (UAPA) alleging that the outlet had carried out anti-India activities.[153] Those arrested continue to be in custody. The targeting of journalists took other sinister forms too, with reports of the spyware, Pegasus being planted on phones

151 'CPJ urges US to press India's Modi on media freedom during visit', *Al Jazeera*, 2023, https://www.aljazeera.com/news/2023/6/15/watchdog-calls-on-us-to-press-modi-on-media-freedom-during-visit.

152 Hannah Ellis-Petersen and Jim Waterson, 'BBC offices in India raided by tax officials amid Modi documentary fallout', *The Guardian*, 2023, https://www.theguardian.com/world/2023/feb/14/bbc-offices-india-raided-tax-officials-modi-documentary-fallout.

153 Zoya Mateen, 'NewsClick: India police arrest journalists over China funding claims', *BBC*, 2023, https://www.bbc.com/news/world-asia-india-66909370.

of those investigating and reporting prominent financial and other fraud cases.[154]

In a blow to sexual minorities in the country, India's Supreme Court in October declined to grant recognition to same-sex marriages but ruled that same-sex relationships should not face discrimination by the state, meaning people can choose to be physically intimate with others of the same sex.[155] The state has to prepare legal provisions that would lift obstructions for same-sex partners but with a right-wing government in place, activists are not very hopeful.[156]

Throughout the year, several international experts continued to raise alarm about the deteriorating situation in India. Among them was the UN Special Rapporteur on Minority Issues, testifying at a US Commission on International Religious Freedom (USCIRF) hearing:

> India risks becoming one of the world's main generators of instability, atrocities and violence, because of the massive scale and gravity of the violations and abuses targeting mainly religious and other minorities such as Muslims, Christians, Sikhs and others. It is not just individual or local, it is systematic and a reflection of religious nationalism.[157]

154 'Pegasus used to target The Wire's founding editor, reporter working on Adani, Amnesty confirms' *The Wire*, 2023, https://thewire.in/rights/pegasus-used-to-target-the-wires-founding-editor-reporter-working-on-adani-amnesty-confirms.

155 Hannah Ellis-Petersen, 'India's Supreme Court declines to legally recognise same-sex marriage', *The Guardian*, 2023, https://www.theguardian.com/world/2023/oct/17/india-same-sex-gay-marriage-supreme-court-decision-verdict.

156 'Unpacking Indian Supreme Court's verdict on same-sex marriage', *Al Jazeera*, 2023, https://www.aljazeera.com/features/2023/10/17/unpacking-indian-supreme-courts-verdict-on-same-sex-marriage.

157 UN Special rapporteur says "India risks becoming one of the main generators of atrocities'", *The Wire*, 2023, https://thewire.in/communalism/un-expert-says-india-risks-becoming-one-of-the-main-generators-of-instability-atrocities.

# Myanmar

The decades-long numerous intermittent and continuous armed ethnic conflicts between the state and various ethnic groups in Myanmar,[158] that have taken a turn for the worst since the military coup in February 2021,[159] continued during the period under review. Since the coup, fighting between the Myanmar's armed forces and numerous armed groups, which want more autonomy, has resulted loss of lives of thousands, displacement of millions, arbitrary arrests, executions and detention, among other rights abuses; and the situation Muslim Rohingyas in the Buddhist majority country continues to be precarious. Gross human rights abuses including mass executions and sexual violence, amounting to war crimes, have increased dramatically, according to the United Nations (UN).[160] A report released in October said senior commanders of the Myanmar military are 'responsible for crimes including rape, torture, killings and forced disappearances'.[161]

Since the coup, both the opposition National Unity Government (NUG) and the military junta have been courting ethnic groups—of which an estimated 20 are armed—who in turn have taken different and varying approaches to these overtures.[162] Besides, the armed groups also fight between themselves. The fighting is expected to be more widespread and intense in the immediate future as an alliance of three ethnic armed groups—Three Brotherhood

158 'Identity Crisis: Ethnicity and Conflict in Myanmar', International Crisis Group, 2020, https://www.crisisgroup.org/asia/south-east-asia/myanmar/312-identity-crisis-ethnicity-and-conflict-myanmar.

159 'Myanmar's coup shakes up ethnic conflicts', International Crisis Group 2022, https://www.crisisgroup.org/asia/south-east-asia/myanmar/myanmars-coup-shakes-its-ethnic-conflicts.

160 '"Dramatic increase" increase in war crimes, UN probe finds', *Al Jazeera*, 2023, https://www.aljazeera.com/news/2023/8/8/dramatic-increase-in-myanmar-war-crimes-un-probe-finds.

161 Thaslima Begum, 'Myanmar's military commanders responsible for rape and torture – war crime report', *The Guardian*, 2023, https://www.theguardian.com/global-development/2023/nov/09/myanmar-war-crimes-most-top-officers-responsible-for-rape-torture-sfm-report.

162 'Myanmar's coup shakes up ethnic conflicts', International Crisis Group 2022, https://www.crisisgroup.org/asia/south-east-asia/myanmar/myanmars-coup-shakes-its-ethnic-conflicts.

Alliance—have launched a new offensive against the military regime.[163] The number of ethnic groups in Myanmar has never been authoritatively ascertained, although 135 has been bandied around since the time of the British colonialists, who left in 1948.[164]

The military, which has ruled the country for five of the last six decades, is fighting at different fronts with the armed ethnic groups and it may look vulnerable but the regime is not likely to collapse soon.[165] As the armed conflict continues, so do civilian casualties. With no independent body within Myanmar keeping track of the number of civilian casualties in the conflict, the numbers reported vary and different organisations reporting have their own interests in reporting figures.[166] Even with these numbers, they are not up to date or periodic. However, an attempt has been made here to present some figures on and incidents that led to civilian casualties due to the fighting during 2023.

According to the Thailand-based Institute of Strategy and Policy - Myanmar, there were 748 reported deaths in the first five months of 2023 which is 60 per cent of the total civilian deaths in 2022.[167] According to the Thailand-based Assistance Association of Political prisoners, 1084 civilians, including 600 women, were killed between January 1, 2023 and August 24, 2023 with the highest number in April when 270 were killed.[168] Since the coup,

163 Richard Horsey, 'A New Escalation of Armed Conflict in Myanmar', International Crisis Group, 2023, https://www.crisisgroup.org/asia/south-east-asia/myanmar/new-escalation-armed-conflict-myanmar.

164 'Identity Crisis: Ethnicity and Conflict in Myanmar', International Crisis Group, 2020, https://www.crisisgroup.org/asia/south-east-asia/myanmar/312-identity-crisis-ethnicity-and-conflict-myanmar.

165 Cordelia Lynch, 'Myanmar's civil war has taken dramatic turn – and never has the ruling military looked so vulnerable', *Skynews*, 2023, https://news.sky.com/story/myanmars-civil-war-has-taken-dramatic-turn-and-never-has-the-ruling-military-looked-so-vulnerable-13030330.

166 Andrew Selth, 'How credible are the casualty figures coming out of Myanmar', Lowry Institute, 2023, https://www.lowyinstitute.org/the-interpreter/how-credible-are-casualty-figures-coming-out-myanmar.

167 'Counting the cost: Civilian deaths reach record high in early 2023', Institute of Strategy and Peace – Myanmar, 2023, https://ispmyanmar.com/community/wp-content/uploads/2023/06/DM-47-7x10-eng.pdf.

168 'Number of civilians killed by Myanmar junta since coup surpasses 4,000', *The Irrawaddy*, 2023, https://www.irrawaddy.com/news/conflicts-in-numbers/number-of-civilians-killed-by-myanmar-junta-since-coup-surpasses-4000.html.

the military junta has been killing 130 civilians on average each month in airstrikes, shelling, gunfire and other methods.[169] In April 186 were killed on a single day in airstrikes in Pazigyi village, in the central Sagaing region, when unarmed civilians were enjoying a community celebration.[170] Soon after, sexual violence was seen to be on an increase in the Sagaing region both by the military as well as the resistance groups.[171] In October, 28 people, including 11 children, were killed in an airstrike at a displacement camp in Mung Lai Hkyet village in Kachin state, which Human Rights Watch labelled as a war crime.[172] According to the United Nations High Commissioner for Refugees (UNHCR) there are 1.95 million people currently internally displaced and thousands have fled the country due to the fighting in Myanmar.[173]

In addition to this, the targeting of activists and rights defenders has escalated in the past year. Lawyers who have attempted to represent the arrested have faced several systematic obstacles, usually imposed by the military authorities along with threats of arbitrary arrests and detention. The creation of 'special courts' to fast-track cases have not only restricted the access of these lawyers to the courts but also raises suspicion regarding the nature of the trial itself.[174] Similarly military tribunals which determine cases for civilians in townships which are under martial law are non-transparent and out of public scrutiny. The release of political prisoners in August was also found to be a political gimmick by

169 Ibid.

170 Helen Regan, Sandi Sidhu, Anna Coren, Salai TZ and Su Chay, '"How many more child more children have to die?" Myanmar airstrike survivors ask what will it take for the world to act', CNN, 2023, https://edition.cnn.com/2023/04/20/asia/myanmar-sagaing-massacre-children-intl-hnk-dst/index.html.

171 'Sexual violence in the fog of war', *Frontier Myanmar*, 2023, https://www.frontiermyanmar.net/en/sexual-violence-in-the-fog-of-war.

172 'Myanmar: Strike on village an apparent war crime', Human Rights Watch, 2023, https://www.hrw.org/news/2023/10/17/myanmar-airstrike-village-apparent-war-crime.

173 'Myanmar situation', UNHCR, 2023, https://reporting.unhcr.org/operational/situations/myanmar-situation#:~:text=Conflict%20triggered%20by%20the%20military,are%20currently%20displaced%20within%20Myanmar.

174 'Myanmar: Events of 2023', Human Rights Watch, 2023, https://www.hrw.org/world-report/2024/country-chapters/myanmar.

the junta to gain credibility and garner support in the international space. It was found that mostly those prisoners who had served their sentences or were due to finish soon were released. Added to this, are the increased air strikes and cluster munitions across the country including areas such as Chin, Kachin, Karen and Karenni States.

The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) documented that almost 18 million people were in need of humanitarian aid as of August 2023. This is due to an alarming increase in the need of humanitarian aid in Myanmar from 380,000 at the start of 2021 to 1.9 million by August 2023.[175] The junta's refusal to grant access to aid workers in such disaster affected regions (both climatic and political) has only aggravated such crises further.

As of December 15, 2023, there are 19,765 political prisoners under the military regime.[176] As of April 6, 2023, the military junta have also sentenced to death 151 individuals after executing four pro-democracy supporters in July 2022.[177] The military dictatorship in Myanmar also continues to detain journalists and there are now 70 media professional imprisoned (the second most after China), including two that were detained on December 11. Since the coup four journalists have also been killed.[178] In September a journalist was sentenced to 20 years with hard labour, possibly the severest sentence for a journalist in the country, after a day-long trial for 'treason', and 'incitement, for allegedly causing fear, spreading false news and agitating against a government employee, or the

175 OCHA, 'Lack of access and funding hampering aid to 18 million people in Myanmar, UN Humanitarian Chief Martin Griffiths says following visit to the country', United Nations, 2023, https://reliefweb.int/report/myanmar/lack-access-and-funding-hampering-aid-18-million-people-myanmar-un-humanitarian-chief-martin-griffiths-says-following-visit-country.

176 'Political prisoners post-coup', Assistance Association for Political Prisoners (Burma), 2023, https://aappb.org.

177 'Sentenced to death by the junta', Assistance Association for Political Prisoners (Burma), 2023, https://aappb.org/?p=24682.

178 'Myanmar: Two more journalists arrested as junta's crusade against right to information continues', Reporters Without Borders, 2023, https://rsf.org/en/myanmar-two-more-journalists-arrested-juntas-crusade-against-right-information-continues.

military'. According to the media organisation he worked for, he was imprisoned for his coverage of the aftermath of the May 2023 Cyclone Mocha.[179]

The situation of Muslim Rohingyas in Myanmar continues to be precarious. Living conditions of the 120,000 living in displacement camps in Rakhine state have been worsening and rely on international aid for survival.[180] The year-long ceasefire between the Rakhine state-based Arakan Army and the ruling junta ending in October 2023 has meant that the Rohingyas living outside the camps are caught between the warring parties.[181] Given the situation, Rohingyas are keen to get away to Malaysia or Indonesia, both Muslim majority countries, despite the risk they would face in crossing the seas and of imprisonment in Myanmar for trying to leave. In August, 17 Rohingya refugees were killed and 30 went missing after a boat heading to Malaysia capsized. Although it was not immediately clear whether the Rohingyas came from Myanmar or Bangladesh (where nearly a million of them have been living in camps since 2017), the incident nevertheless highlights the life-threatening state they live in.[182] In January, Myanmar sentenced 112 Rohingyas, including children, to two to five years in prison for trying to leave the country.[183] Rohingyas, however, continue to leave the country. In March 184 reached Indonesia by boat.[184]

Meanwhile, since the beginning of the year Myanmar and

179 'Myanmar journalist jailed for 20 years for cyclone coverage', *The Guardian*, 2023, https://www.theguardian.com/world/2023/sep/07/myanmar-journalist-jailed-for-20-years-for-cyclone-coverage.

180 'Rohingya refugees in Bangladesh: Limiting the damage of a protracted crisis', International Crisis Group, 2023, https://www.crisisgroup.org/asia/south-east-asia/myanmar-bangladesh/rohingya-refugees-bangladesh-limiting-damage-protracted.

181 Ibid.

182 'At least 17 dead as boat carrying Rohingya refugees sinks in Bay of Bengal', *Al Jazeera*, 2023, https://www.aljazeera.com/news/2023/8/10/at-least-17-dead-as-boat-carrying-rohingya-sinks-in-bay-of-bengal.

183 'Myanmar jails 112 Rohingya who tried to leave country', *Al Jazeera*, 2023, https://www.aljazeera.com/news/2023/1/10/myanmar-jails-112-rohingya-who-tried-to-leave-country.

184 'More than 180 Rohingya refugees land in western Indonesia', *Al Jazeera*, 2023, https://www.aljazeera.com/news/2023/3/27/more-than-180-rohingya-land-in-western-indonesia.

Bangladesh have been in talks (brokered by China) to repatriate Rohingya refugees living in camps in Bangladesh with a pilot project which would see about 1000 refugees returning; but nothing has so far come of the talks.[185] Rohingya campaigners have condemned the plan saying that it is just a 'PR exercise' and refugees say that it would be pointless to go back without guarantee of citizenship and security. The UNHCR, although it supports the eventual return of the refugees, has said that Myanmar is not safe for Rohingyas.[186] Despite the reluctance on part of the refugees, in May a Rohingya refugee delegation from Bangladesh visited two model villages in Myanmar built for the pilot return project[187] and in October Myanmar officials met refugees in Bangladesh to discuss the repatriation plan.[188] In Bangladesh the situation of refugees in camps has worsened compared to 2022 as there have been aid shortfalls and the UN has slashed food aid by a third. Prospects of the situation improving looks grim.[189]

The UN has warned that Myanmar stands at the 'precipice of humanitarian crisis' with 18.6 million people (a third of its population), 19 times more than before the military coup, in need of humanitarian assistance and millions of lives at risk.[190] Population planning figures for 2024 by the UNHCR show that there are likely to be 1.35 million refugees of people in refugee like situations

185 'Rohingya Refugees in Bangladesh: Limiting the Damage of a Protracted Crisis', International Crisis Group, 2023, https://www.crisisgroup.org/asia/south-east-asia/myanmar-bangladesh/rohingya-refugees-bangladesh-limiting-damage-protracted.

186 'Rohingya campaigners condemn Myanmar's "opaque" repatriation plan', *Al Jazeera*, 2023, https://www.aljazeera.com/news/2023/3/23/rohingya-campaigners-condemn-myanmars-opaque-repatriation-plan.

187 'Rohingya delegation visits Myanmar amid latest repatriation plan', *Al –Jazeera*, 2023, https://www.aljazeera.com/news/2023/5/5/rohingya-delegation-visits-myanmar-amid-latest-repatriation-plans.

188 'Myanmar seeking to repatriate Rohingya refugees from Bangladesh', *Al Jazeera*, 2023, https://www.aljazeera.com/news/2023/10/31/myanmar-176.

189 'Rohingya Refugees in Bangladesh: Limiting the Damage of a Protracted Crisis', International Crisis Group, 2023, https://www.crisisgroup.org/asia/south-east-asia/myanmar-bangladesh/rohingya-refugees-bangladesh-limiting-damage-protracted.

190 'Myanmar on "precipice of humanitarian crisis" after military coup, UN warns', *The Guardian*, 2023, https://www.theguardian.com/world/2023/dec/18/myanmar-on-precipice-of-humanitarian-crisis-after-military-coup-un-warns.

in Myanmar. This estimate alarmingly excludes the 2.3 million internally displaced people (IDPs) and 657,500 stateless persons.[191]

## Nepal

While 2023 saw incidents of discrimination of Dalits in Nepal, as in past years, it also witnessed widespread protests in the newly-named province in the eastern part of the country over recognition of identity of indigenous communities in the province and also clashes over religion.

In March the provincial assembly of Province 1 decided to name the province Koshi, with a two-thirds vote of lawmakers, after the major river in the province following the example of other provinces since the country adopted a federal system of governance in 2015. Critics said that the proposal to name the province was approved in haste with just two hours of discussions. Since then pro-ethnic identity have held protests across the region as well as in Kathmandu demanding that the name be revoked and a new name be adopted reflecting the ethnic, linguistic and cultural characteristics of the province.[192] The unilateral decision has been seen as a majoritarian imposition and a denigration of the historical significance attributed by the protesting indigenous communities to the region. Demonstrations often turned violent with one person killed from injuries suffered in a clash with the police March.[193] In another, 50 were injured, including police officers.[194] The demand

191 'Myanmar Situation', UNHCR, 2023, https://reporting.unhcr.org/operational/situations/myanmar-situation.

192 'Ethnic identity movement after the naming of Koshi province and its potential implications', Democracy Resource Center, 2023, https://www.democracyresource.org/wp-content/uploads/2023/09/DRCN-Emergence-ofIdentity-Movement-after-the-Naming-of-Koshi-Province-and-Its-Potential-Implications-Political-Situation-Update-1_English-Septermber-2023.pdf.

193 Pradep Menyangbo, 'Man injured during Biratnagar protest demanding renaming of Koshi province dies', *The Kathmandu Post*, 2023, https://kathmandupost.com/province-no-1/2023/03/24/man-injured-during-biratnagar-protest-demanding-renaming-of-koshi-province-dies.

194 'Objection in naming Koshi: Clash between protestors and police, 50 injured, 38 rounds of open fire', INSECOnline, 2023, https://inseconline.org/en/news/objection-in-naming-koshi-clash-between-protestors-and-police-50-

for the renaming of the province continues although there have not been violent protests in the latter part of 2023.

There were incidents of disputes between different religious groups in the country during the period under review. Following the circulation of a viral video on social media showing members of an indigenous community consuming beef, which is part of their traditional practice, the nation witnessed a growing wave of unrest. In August prohibitory order had to be imposed in eastern Nepal city of Dharan, fearing ethnic and religious clashes after a group announced a rally in opposition of another group's social media campaign to allow the slaughter of cows.[195] This upheaval affected Christians as well, resulting in a surge of church vandalism incidents nationwide. The most recent incident occurred in September, when two churches in the Nawalparasi district of Lumbini province were attacked.[196] Meanwhile, Nepal's small Christian minority, which has reportedly seen a surge in numbers in recent decades,[197] has complained about the systemic denial of burial spaces, forcing many to travel significant distances for burials.[198]

There were also incidents of clashes between Hindus and Muslims reported during the period under review. For the first time in Nepal, in March, Nepal saw communal tensions in two cities bordering India during Ram Nawami rallies with one taken out by a Vishwa Hindu Parisad. In Janakpur saffron clad people 'created ruckus' near a mosque in a Muslim settlement.[199]

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injured-38-rounds-of-open-fire.

195 Pradeep Menyangbo, 'Dharan peaceful amid ethinc, religious violence', *The Kathmandu Post*, 2023, https://kathmandupost.com/province-no-1/2023/08/27/dharan-peaceful-amid-fear-of-ethnic-religious-violence.

196 'Christians face violence over cow slaughter in Nepal', *Union of Catholic Asian News*, 2023, https://www.ucanews.com/news/christians-face-violence-over-cow-slaughter-in-nepal/102551.

197 Kevin Kim and Rebecca Henschke, 'Christian missionaries target the birthplace of Buddha in Nepal', *BBC*, 2023, https://www.bbc.com/news/world-asia-64235873.

198 Surinder Kaur, 'Why Nepali Christians can't bury their dead', *Christianity Today*, 2023, https://www.christianitytoday.com/news/2023/march/nepal-burial-funeral-christians-cremation-dead-ritual.html.

199 'Nepal sees communal tension at Ram Nawami rallies "for the first time": Report', *The Wire*, 2023, https://thewire.in/communalism/nepal-sees-communal-tensions-at-ram-navami-rallies-for-the-first-time-report.

In September in a backdrop of growing anti-Muslim sentiment in the town of Malangwa, bordering India, a Hindu festival procession went through a Muslim settlement with anti-Muslim songs and speeches playing over loudspeakers. Clashes between the two religions started after rumours spread that Muslims were attacking Hindus.[200] Police dispersed the crowd firing teargas and subsequently curfew was imposed in the town.[201] In the southwestern city of Nepalganj too curfew had to be imposed to prevent Hindu-Muslim clashes after a Hindu group's Facebook post targeting Muslims in October.[202]

The period under review witnessed religious tensions in Nepal as reports say the influence of India's ruling Bharatiya Janata Party (BJP) grows in the formerly Hindu kingdom. A March US Department of State report quoted Nepali civil society leaders as saying 'influence from India's ruling party, the Hindu nationalist Bharatiya Janata Party (BJP), and other Hindu groups in India continued to pressure politicians in Nepal, particularly the RPP [Rastriya Prajatantra Party, the fifth biggest political party in the country, which has been advocating for Nepal reverting to a Hindu state with a monarchy], to support reversion to a Hindu state'. It went on to say, 'right wing religious group associated with the BJP in India continued to provide money to influential politicians of all parties to advocate Hindu statehood'.[203] In May, Nepal objected to the report's findings and sent a diplomatic note to the US government.[204] However, the effects of the rise of the

200 Anvay Kaanishk, 'Explaining the religious violence in Malangwa Sarlahi', *MySansar.com*, 2023, https://en.mysansar.com/explaining-the-religious-violence-in-malangwa-sarlahi.

201 Om Prakash Thakur, 'Curfew enforced in Malangwa following clash', *The Kathmandu Post*, 2023, https://kathmandupost.com/province-no-2/2023/09/09/prohibitory-order-enforced-in-malangawa-following-clash.

202 'Curfew continues in Nepalganj as tension wanes', *Setopati*, 2023, https://en.setopati.com/political/161864.

203 'Nepal 2022 International Religious Freedom Report', 2022 Report on International Religious Freedom: Nepal, US Department of State, 2023, https://www.state.gov/wp-content/uploads/2023/04/441219-NEPAL-2022-INTERNATIONAL-RELIGIOUS-FREEDOM-REPORT.pdf.

204 'Nepal objects to report on religious freedom, sends diplomatic note', *Onlinekhabar*, 2023, https://english.onlinekhabar.com/nepal-us-religion-diplomatic-note.html.

Hindu fundamentalism in India is evident in Nepal. In August, Acharya Dhirendra Shastri, popularly known as Baba Bageshwor, visited Nepal, igniting civil society outrage due to his controversial views on women and marginalised communities.[205] His statements during the visit, in which he said that Nepal should be a Hindu state[206] and claimed that Nepal had been a part of India, exacerbated the situation. Initially, Prime Minister Pushpa Kamal Dahal was slated to meet him, but cancelled the meeting amid backlash. However, Deputy Prime Minister and Home Minister Narayan Kaji Shrestha did meet the controversial figure.[207] Meanwhile, at least one political party has publicly claimed that it is influenced by the ideology of the BJP. The little-known Nepal Janata Party (NJP), influenced by the ideology of 'integral Hinduism' from the BJP, has been promoting Hindu-related activities with the aim of achieving substantial success in the 2027 elections by emphasising Hindu-based agendas.[208]

During the period under review, discrimination against Dalits continued and was manifested in different ways, including the use of violence. In February, police arrested a 65-year-old man who had been absconding since September 2022 after being served a jail sentence for tying a 13-year-old Dalit girl to a pole and subjecting her to physical abuse on accusation of theft.[209] In April, two people, including an elected ward member from the Kaski district

205 Swagat, 'Baba Bageshwar claims Nepal was historically part of India, stirs controversy', *Odisha Bhaskar*, 2023, https://odishabhaskar.in/national/baba-bageshwar-nepal-visit-controversy-50811.

206 'President and Prime Minister of Nepal decline to meet Pandit Dhirendra Krishna Shastri', *Sanatan Prabhat*, 2023, https://sanatanprabhat.org/english/80989.html.

207 'Baba Bageshwar goes to Nepal, calls Nepal part of India', *The Statesman*, 2023, https://www.thestatesman.com/world/baba-bageshwar-goes-to-nepal-calls-nepal-a-part-of-india-1503214747.html.

208 Amrita Madhukalya, 'Inspired by BJP, NJP looks to make wave in Nepal', *Deccan Herald*, 2023, https://www.deccanherald.com/world/inspired-by-bjp-njp-looks-to-make-waves-in-nepal-2652897.

209 Tika Prasad Bhatta, 'Absconding man, convicted of caste-based discrimination and kidnapping, arrested', *The Kathmandu Post*, https://kathmandupost.com/province-no-3/2023/02/10/man-convicted-of-caste-based-discrimination-and-kidnapping-of-a-13-year-old-girl-arrested.

in central Nepal,[210] were arrested for caste-based discrimination against a Dalit man by barring him from entering the kitchen and then throwing out food he touched for having been 'defiled'. In November, an elected local government official of the tourist city of Pokhara was sentenced to four months imprisonment for caste-based discrimination against an elected Dalit woman representative in January. Another elected Dalit woman representative, in a local government in Banke district, was verbally abused and the abuser arrested for caste-based discrimination in July. As evidenced by the latter two instances, there is a deep-seated prejudice against Dalits in the country even though, to uplift their situation, there is a legal provision that one of the four ward elected members in wards of local governments must be a Dalit woman.

Despite legal and constitutional safeguards designed to preserve Dalit rights, attacks on their economic, social and cultural space continue, as evidenced by the Karnbir Luwar case in Humla. In April, Luwar was barred from transporting his father's deceased body along a public route, prompting him to file a complaint with the National Dalit Commission. Following the complaint, the Commission notified the Humla District Administration Office which in turn directed the Chankheli Rural Municipality (where the incident took place) to investigate the issue.[211] Similarly, in Sarlahi district, a man from the Musahar community committed suicide after being pressured to leave his ancestral home in the village of Kawalasi. The new land owner wanted to evict all Musahars residing on his land, despite the old owner allowing them to live there, although legal ownership had never been officially transferred to them.[212] Non-Dalits refusing to sell milk and provide tenancy to Dalits were reported in Doti district in western Nepal. However, a

210 Deepak Pariyar, 'Dalit man insulted for joining feast for "upper-caste" guests', *The Kathmandu Post*, 2023, https://kathmandupost.com/gandaki-province/2023/04/03/dalit-man-insulted-for-joining-feast-for-upper-caste-guests.

211 'Last rite procession of members of Dalit community obstructed, National Dalit Community recommends an investigation', INSECOnline, 2023, https://inseconline.org/en/news/last-rite-procession-of-members-of-dalit-community-obstructed-national-dalit-commission-recoomends-an-investigation.

212 Om Prakash Thakur, 'Musahar man kills self amid looming eviction', *The Kathmandu Post*, 2023, https://kathmandupost.com/province-no-2/2023/03/31/musahar-man-kills-self-amid-looming-eviction.

woman in Jhapa in eastern Nepal was successful, after much effort, to get a woman who refused to sell her milk detained by the police for caste-based discrimination but more often Dalits are under societal pressure not to seek legal recourse in such cases.[213] A rise in custodial torture, particularly against the Madhesi Dalit minority, has been a cause of grave concern.[214] Discrimination against Dalits in education and health services provided by the state is also rife. A news report revealed the dilapidated condition of community schools in a Dalit community in Kaski district of Gandaki Province, evidencing how Dalit children receive substandard education and are thus unable to compete with children from more privileged backgrounds.[215] Similarly, women from the Musahar community, a Dalit population residing in central and eastern Tarai in southern Nepal, continue to face inequalities in accessing reproductive health services. They have developed reproductive health issues due to early marriage and adolescent pregnancy but are unable to seek medical assistance due to a lack of funds, inadequate facilities and the absence of female medical personnel at the local health centre.[216]

The period under review also saw gains in the protection of minorities in the country. In June Nepal's Supreme Court cleared the way for implementation of the new amendments to the Citizenship Act[217] allowing the distribution of citizenship

213 Parbat Portel, 'Society discourages Dalits from seeking legal recourse in caste-based discrimination', *The Kathmandu Post*, 2023, https://kathmandupost.com/national/2023/12/16/society-discourages-dalits-from-seeking-legal-recourse-against-caste-based-discrimination.

214 Rehej Khatiwada, 'Serial deaths in police custody in Terai raise alarm', *Centre for Investigative Journalism*, 2023, https://cijnepal.org.np/serial-deaths-in-police-custody-in-terai-raise-alarm.

215 Deepak Pariyar, 'Dalit students disadvantaged in under-resourced community schools', *The Kathmandu Post*, 2023, https://kathmandupost.com/gandaki-province/2023/08/10/dalit-students-at-a-disadvantage-in-under-resourced-community-schools.

216 Sunita Baral, 'Poor reproductive health plagues Musahar women', *The Kathmandu Post*, 2023, https://kathmandupost.com/province-no-2/2023/07/03/poor-reproductive-health-plagues-musahar-women.

217 'Top court clears way for implementation of citizenship Act amendments', *The Kathmandu Post*, 2023, https://kathmandupost.com/national/2023/06/22/supreme-court-clears-the-way-for-implementation-of-amendments-to-citizenship-act.

certificates to hundreds of thousands of children of parents who got their citizenship by birth (which could not be passed on to their children) to acquire citizenship by descent as well as to children of mothers who are Nepali but their fathers cannot be traced.[218] Within a couple of weeks of the court decision, more than 10,000 had taken citizenship certificates, the vast majority in southern Nepal, adjoining India, by members of the Madhesi minority community.[219]

In November, the country registered its first same-sex marriage in the central Nepal district of Lamjung after the Supreme Court in June issued an order to register same-sex marriages.[220] Nepal became only the second country in Asia, after Taiwan, to allow such marriages. But the couple's struggle to get their marriage registered had been a difficult one. They had been trying to get their marriage registered for the past six years but in July neither the Kathmandu District Court nor the Patan High Court honoured the Supreme Court's orders. The Kathmandu District Court noted that the law allowed for the registration of marriage between a man and a woman only.[221] In yet another significant development, announcing the final results of the 2021 census, the National Statistics Office for the first time said that there are 2928 persons in the country who belong to 'other gender' or sexual or gender minorities, making up 0.01 per cent of the total population.[222] Although 'other gender' was a category in the 2011 census, no person was recorded in the category then.

In February, the Supreme Court ordered the government to ensure reservation for candidates from the Tharu community

218 Emma Batha 'Nepal citizenship law lifeline to "hundreds of thousands" in limbo', *Context*, 2023, https://www.context.news/socioeconomic-inclusion/nepal-citizenship-law-lifeline-to-hundreds-of-thousands-in-limbo.

219 'Around 11 thousand people took citizenship as per new law', *The Nepal Weekly*, 2023, https://thenepalweekly.com/2023/07/11/16568.

220 Niclolas Yong, 'Nepal registers first same-sex marriage hailed as win for LGBT rights', *BBC*, 2023, https://www.bbc.com/news/world-asia-67574710.

221 'Same sex couple struggling to register their marriage', *The Himalayan Times*, 2023, https://thehimalayantimes.com/kathmandu/same-sex-couple-struggling-to-register-their-marriage.

222 National Statistics Office, National Population and Housing Census 2021–*National Report, Volume 1*, (Kathmandu: National Statistics Office, 2023).

in the public service exams. The indigenous Tharu ethnic group are at present included in the Madhesi group, which has a much larger population than the Tharu ethnic group.[223] The decision, thus, fortified affirmative action's standing within the country as a constitutionally guaranteed fundamental right. According to the 2021 census, there are 142 castes and ethnic groups in Nepal, up from 125 in the 2011 census.[224]

In a much-awaited landmark verdict, in December, the West Rukum District Court gave life sentences to 24 persons for the 2020 murder of six youths. On May 23, 2020 Nawaraj BK along with 18 friends had gone from Bheri Municipality of Jajarkot district to Soti in West Rukum to bring his 17-year-old girlfriend as his bride but were attacked with domestic weapons and stones and chased them towards the Bheri River since he was a Dalit and the girl belonged to 'upper caste'. While 12 escaped, six died in the incident. Reports by rights groups found that all escape routes had been blocked. The girl and her mother were given two-year prison sentences. The decision, the first-ever in which so many had been given life sentences in a single court decision, was hailed by lawyers and Dalit rights activists.[225]

## Pakistan

During the period under review, Pakistan continued to witness atrocities, including arbitrary deprivation of life, against religious minorities and desecration of their places of worship. The persecution of religious minorities in Pakistan is a continuation of a trend that has been termed alarming by the Human Rights

223 'Supreme Court orders reservation for Tharu community in public service exams', *The Kathmandu Post*, 2023, https://kathmandupost.com/national/2023/02/07/supreme-court-orders-reservation-for-tharu-community-in-public-service-exams-with-compensation.

224 'Number of castes, ethnicities in Nepal increases to 142', *The Kathmandu Post*, 2023, https://kathmandupost.com/national/2023/06/03/number-of-caste-ethnicity-in-nepal-increases-to-142.

225 Mahesh KC, 'Life sentences for 24 in 2020 murder of six Dalit youths', *The Kathmandu Post*, 2023, https://kathmandupost.com/national/2023/12/05/24-get-life-sentence-for-rukum-west-massacre.

Commission of Pakistan.[226] Besides, journalists were killed by unidentified assailants which too is part of the trend from previous years. Incidents of enforced disappearances and arbitrary detentions also took place. There was also widespread harassment of Afghans living in the country forcing them to leave for Afghanistan despite risks to their lives they would face if they went back.

Religious minorities, including Christians, Ahmadiyya, Hindus and Sikhs, and their places of worship were particularly targeted for attacks, as in past years. In two separate incidents in January and February, two Christian men were killed in Punjab province. In the first incident a 55-year-old man was gunned down by Muslims when he objected to their stealing fruit from his orchard. In the second incident a Christian farm labourer was beaten to death by a Muslim landlord on accusation of stealing oranges.[227] In April a Christian sanitary worker was killed by assailants in motorcycle while he was returning home from work in Peshawar.[228] Islamic State–Khorsan Province (ISKP) claimed responsibility for the killing.[229] Marginalised and persecuted, Pakistan's Christians have been historically pushed into work in sanitation.[230] Also in April four Christians travelling in a rickshaw were killed by unidentified motorcyclists in Quetta.[231] In February unidentified assailants killed a man in North Waziristan while he was out shopping.[232] In September a Christian pastor was shot at and wounded

226 Abid Hussain, 'Pakistan's top rights group raises "alarm" over religious freedom', *Al Jazeera*, 2023, https://www.aljazeera.com/news/2023/2/8/pakistans-top-rights-group-raises-alarm-on-religious-freedom.

227 'Christian farm laborer beaten to death by landlord in Pakistan, family says', *The Christian Post*, 2023, https://www.christianpost.com/news/christian-farm-laborer-beaten-to-death-by-landlord-in-pakistan.html.

228 'Christian worker shot dead in Peshawar', *The Dawn*, 2023, https://www.dawn.com/news/1745400.

229 'Daesh lay claim to target killing of Christian, Sikh men in Peshawar', *voicepk.net*, 2023, https://voicepk.net/2023/04/daesh-lay-claim-to-target-killing-of-christian-sikh-men-in-peshawar.

230 Saad Zuberi, 'How death and despair haunt Pakistan's Christian minority', *Al Jazeera*, 2023, https://www.aljazeera.com/features/2023/4/9/how-death-and-despair-haunt-pakistans-christian-minority.

231 '4 Christians among 7 killed in different firing incidents in Quetta', *The Dawn*, 2023, https://www.dawn.com/news/1399128.

232 'Christian killed in North Waziristan', *The Dawn*, 2023, https://www.dawn.com/news/1738773.

in Jaranwala (Punjab), after unidentified assailants accosted him and ordered him to chant Islamic verses. When the pastor refused, the attackers shot at him before fleeing the scene. Less than a week before the incident, the church the pastor was serving in had been vandalised.[233] A total of 40 attacks have targeted Ahmadiyya worship places in 2023, including one in November, which took place in the Doliyan Jatan area of Kotli district, Azad Jammu and Kashmir (AJK). In this specific incident, a group of 40 individuals vandalised the worship place, leading to property damage, including the toppling of the building's minarets.[234]

In August mass violence ensued against Christians in Jaranwala, in multiple, glaring, 'co-ordinated and meticulously planned' attacks. Twenty-one churches and hundreds of residential buildings belonging to Christians were reportedly attacked, looted, and burned down, causing thousands of Christians in Jaranwala and in neighbouring villages to flee the area. The violence in Jaranwala has caused an escalation in blasphemy allegations against Christians, who have also reported facing persistent threats, harassment, hate speech, and incitement to discrimination, hostility, and violence.[235] Hardline Islamist groups such as the Tehreek-e-Labbaik Pakistan (TLP), who are accused of inciting the violence in Jaranwala, have reportedly ramped up their anti-Christian rhetoric.[236]

There were several other accusations of blasphemy against Christians often leading to arrests during the period under review.[237] In July a 35-year-old Christian man in Sargodha was arrested on charges of blasphemy, after he shared a social media

233 'Pastor shot after refusing to recite Islamic profession of faith', *The Christian Post*, 2023, https://www.christianpost.com/news/pastor-shot-after-refusing-to-recite-islamic-profession-of-faith.html.

234 'Another attack on Ahmadi Worship Place', *voicepk.net*, 2023, https://voicepk.net/2023/11/another-attack-on-ahmadi-worship-place.

235 Abid Hussain, 'Pakistan Christians in fear after blasphemy allegations trigger violence', *Al Jazeera*, 2023, https://www.aljazeera.com/news/2023/8/23/pakistan-christians-in-fear-after-blasphemy-allegations-trigger-violence.

236 'Who are the Pakistani Islamists vowing "death to blasphemers"?', *Reuters*, 2023, https://www.reuters.com/world/asia-pacific/who-are-pakistani-islamists-vowing-death-blasphemers-2023-08-21.

237 Xari Jalil, 'Case studies of religion based violence which call the attention of the admin and public', voicepk.net, 2023, https://voicepk.net/2023/09/21130.

post emphasising the prohibition of corruption as per the teachings of Islam. According to the arrested man's family, local Muslims including the village's Islamic cleric had denied that the post amounted to blasphemy.[238] In August, a Christian man in Sahiwal, Punjab was arrested under blasphemy and terrorism charges following protests led by the TLP. The protestors had alleged that a TikTok video shared by the accused was blasphemous. The video in question was of the violence in Jaranwala.[239] Even children are not free of accusations of blasphemy. In September, a six-year-old was severely beaten by a teacher and had to be hospitalised after being accused of blasphemy.[240] In May, two Christian teenagers in Lahore, including a minor, were arrested on blasphemy charges after a police official claimed he overheard the boys insult Islam's Prophet Mohammed.[241] Pakistan's poorly defined blasphemy laws require low standards of evidence, and have long been weaponised against religious minorities. The abuse of blasphemy laws could worsen further, with the National Assembly unanimously voting in January 2023 to increase the punishment for using derogatory remarks against religious figures.[242]

Foreign nationals are not free of accusations of blasphemy either. In April, a Chinese national working at a hydropower project was arrested on charges of blasphemy after he reportedly complained of too much time being wasted due to prayer breaks.[243]

A Sikh businessman was killed in Peshawar in March by

238 'Arrested Christian in Pakistan denies sharing Facebook post', *Morning Star News*, 2023, https://morningstarnews.org/2023/07/arrested-christian-in-pakistan-denies-sharing-facebook-post.

239 'Christian youth arrested over blasphemy charges in Sahiwal', *The Friday Times*, 2023, https://thefridaytimes.com/21-Aug-2023/christian-youth-arrested-over-blasphemy-charges-in-sahiwal.

240 Tony Davenport, 'Teacher beats boy aged 6 for blasphemy', *Vision Christian Media*, 2023, https://vision.org.au/news/teacher-beats-boy-aged-6-for-blasphemy.

241 'Two Christian teenagers arrested on blasphemy charges', *CSW*, 2023, https://www.csw.org.uk/2023/05/22/press/6003/article.htm.

242 'Amendments to blasphemy laws create further room for persecution', Human Rights Commission of Pakistan, 2023, https://hrcp-web.org/hrcpweb/amendments-to-blasphemy-laws-create-further-room-for-persecution.

243 Nisar Ahmad Khan, 'Chinese worker in custody after mob accuses him of blasphemy', *The Dawn*, 2023, https://www.dawn.com/news/1748277.

unidentified gunmen in motorcycle[244] for which ISKP claimed responsibility.[245] Despite the killings of members of the Sikh community in Pakistan (two others were killed in 2022) there have not been any arrests.

Hindus and their places of worship also came under attack during the period under review. In the first two months of 2023 alone, there were 42 instances of atrocities against Hindus including abduction, gang rape, forced conversions, among others.[246] Minor Hindu girls too continue to face such forced conversions: in January reported instances include abduction of an 11-year-old girl in Sindh's Sanghar district[247] and a 14-year-old girl in Sindh's Tando Allahyar district.[248]Also in January 2023, a married Hindu woman, also in Sindh, was abducted and reportedly gang-raped for three days after she refused to convert to Islam.[249] In June, a Hindu girl who had been allegedly kidnapped and forced to convert and marry a Muslim man was rescued.[250]

In March, 15 Hindu students were injured when an Islamist group attacked them while they were celebrating Holi festival with the permission of the administration of Punjab University. The group, Islami Jamiat Tulba, however, denied the accusation.[251]

In July, a Hindu businessman's house and the next-door place of worship were fired at in Sindh province. A notorious local dacoit

244 Ehtesham Khan, 'Sikh shopkeeper gunned down in Pakistan', *The Express Tribune*, 2023, https://tribune.com.pk/story/2409233/sikh-shopkeeper-gunned-down-in-peshawar.

245 'Daesh lay claim to target killing of Christian, Sikh men in Peshawar', *voicepk.net*, 2023, https://voicepk.net/2023/04/daesh-lay-claim-to-target-killing-of-christian-sikh-men-in-peshawar.

246 'Atrocities against Hindus continue in Pakistan as over 40 cases reported in the first two months of 2023', *First Post*, 2023, https://www.firstpost.com/world/atrocities-against-hindus-continue-in-pakistan-as-over-40-cases-reported-in-first-two-months-of-2023-12430512.html.

247 Tushar Ranjan Mohanty, 'Pakistan: Stifling minorities in Sindh province –Analysis', *Eurasia Review*, 2023, https://www.eurasiareview.com/14022023-pakistan-stifling-minorities-in-sindh-analysis.

248 Ibid.

249 Ibid.

250 'Hindu girl recovered in Sindh, sent to Darul Aman', *The Dawn*, 2023, https://www.dawn.com/news/1758943.

251 Imran Gabol, '15 injured in IJT attack on Holi event at Punjab University', *The Dawn*, 2023, https://www.dawn.com/news/1740781.

purportedly claimed responsibility and threatened more attacks unless a Pakistani woman who had crossed over to India to live with an Indian man she met online was brought back to Pakistan.[252] Days after the attack, dacoits attacked a small Hindu temple with rocket launchers in the same district and were again linked to the Pakistani woman, Seema Haider, who left Pakistan in 2019 along with her four children because she had been married 'forcibly' by her parents.[253] The incident came to light only in 2023 and she was subsequently arrested for illegal entry to India (through Nepal) and along with her beau for harbouring an illegal.[254] Also in July, a 150-year-old temple was demolished in Karachi reportedly because some people wanted to build a commercial building in the area.[255]

The most widespread attacks in Pakistan are against the Ahmadiyya community, which identifies itself as Muslims but the Pakistan state considers them as heretics and does not allow them to label their place of worship as *masjid* (mosque). The period under review saw this trend continue. In January 2023 activists of the militant right-wing group TLP desecrated an Ahmadiyya mosque in Karachi.[256] Also in January, district authorities in Wazirabad district authorities desecrated a historically significant Ahmadiyya mosque dating back to 1905, reportedly upon a complaint lodged

252 Sameer Mandhro, 'Attack on Hindu businessman's house, worship place sparks panic in Sindh', *The Express Tribune*, 2023, https://tribune.com.pk/story/2426555/attack-on-hindu-businessmans-house-worship-place-sparks-panic-in-sindh.

253 Arvind Ojha, 'When Seema Haider fled to marry Ghulam, called parents "greedy"', *India Today*, 2023, https://www.indiatoday.in/india/story/seema-haider-ghulam-affidavit-sachin-meena-greater-noida-pakistan-love-pubg-2408416-2023-07-18.

254 Abhisekh Awasthi, 'Pak human rights activist says violence against Hindus escalated in Sindh following Seema Haider's arrival in India', *First Post*, 2023, https://www.firstpost.com/india/pak-human-rights-activist-says-violence-against-hindus-escalated-in-sindh-following-seema-haiders-arrival-in-india-12878972.html.

255 Shazia Hasan, '"Over 150-year-old" Hindu temple demolished in Karachi's Soldier Bazaar', *The Dawn*, 2023, https://www.dawn.com/news/1764986.

256 Sammer Mandhro, 'Unidentified miscreants vandalise Ahmadi worship place in Karachi', *The Express Tribune*, 2023, https://tribune.com.pk/story/2399175/unidentified-miscreants-vandalise-ahmadi-worship-place-in-karachi.

by a local TLP leader.[257] In February two more Ahmadiyya mosques were attacked including the removal of a minaret of one of them in Sindh province.[258] In August another mosque was vandalised in Karachi when about a dozen people entered the mosque and destroyed its minarets with hammers.[259] In July, a mob halted the construction of an Ahmadiyya mosque in Sangahar district because it included a minaret and the police subsequently sealed it.[260]

The attacks on Ahmadiyya mosques, including the removal of minarets, continued even after the Lahore High Court ruling in August that barred the changing of the structure of those Ahmadiyya places of worship built before 1984.[261] In September, three mosques were attacked, including removal of minarets, in Punjab province which was condemned by the Human Rights Commission of Pakistan (HRCP) as it was against the court ruling.[262] According to the HRCP, there were 34 incidents of attacks on Ahmadiyya places of worship between January and the end of September.[263] This number was more than 40 by mid-October, according to members of the Ahmadi community;[264] and attacks

257 Muhammad Shehzad, 'Police accused of "desecration" of Ahmadi worship place in Wazirabad', *The Express Tribune*, 2023, https://tribune.com.pk/story/2395315/police-accused-of-desecration-of-ahmadi-worship-place-in-wazirabad.

258 'Two more Ahmadiyya worship places defiled in Sindh', *Aaj News*, 2023, https://www.aajenglish.tv/news/30311547.

259 Imtiaz Ali, 'Ahmadi place of worship vandalized in Karachi', *The Dawn*, 2023, https://www.dawn.com/news/1766743.

260 'Ahmadiyya place of worship forcibly sealed in Sanghar', *voicepk.net*, 2023, https://voicepk.net/2023/07/ahmadiyya-place-of-worship-forcibly-sealed-in-sanghar.

261 'Structure of Ahmadi places of worship built before 1984 cannot be demolished: LHC', *voicepk.net*, 2023, https://voicepk.net/2023/09/20995.

262 'In another attack on Ahmadis radical Islamists demolish minarets of worship places in Pakistan', *Outlook India*, 2023, https://www.outlookindia.com/international/in-another-attack-on-ahmadis-radical-islamists-demolish-minarets-of-worship-places-in-pakistan-news-318883.

263 Abid Hussain, 'Pakistan's Ahmadis live in fear as graves, religious sites attacked', *Al Jazeera*, 2023, https://www.aljazeera.com/news/2023/9/27/pakistans-ahmadis-living-in-fear-as-graves-religious-sites-attacked.

264 M Zulqernain, '40 places of worship of Ahmadis attacked and destroyed in 2023 in Pakistan, say community members', *The Times of India*, 2023, https://timesofindia.indiatimes.com/world/pakistan/40-places-of-worship-of-ahmadis-attacked-and-destroyed-in-2023-in-pakisktan-say-community-members/articleshow/104497769.cms?from=mdr.

continued in November.[265] These numbers are much higher than in 2022 when 14 mosques were attacked.[266]

Ahmadiyya graves were also desecrated during the period under review. Five Ahmadiyya graves were desecrated in Gujranwala district in February.[267] In September, 74 graves were vandalised in Daska city of Punjab province.[268]

Ahmadiyyas were also attacked for their religious practices during the period under review. According to a July news report, five charges were made against members of the Ahmadiyya community and two persons were arrested for 'slaughtering or attempting to slaughter sacrificial animals on the occasion of Eid-ul-Azha'.[269] The police charges were made despite a 2022 Pakistan Supreme Court ruling which read, 'To deprive a non-Muslim (minority) of our country from holding his religious beliefs, to obstruct him from professing and practicing his religion within the four walls of his place of worship is against the grain of Constitution and repugnant to the spirit and character of Islamic Republic'.[270]

There were also instances of Ahmadis being arrested for using Islamic signs and words. A senior Ahmadi lawyer in Karachi, was arrested and sent to jail on judicial remand after he added the Muslim title 'Syed' before his name on legal papers. He was arrested under Section 298(B) of the Pakistan Penal Code, which criminalises

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265 'Ahmadi place of worship attacked minarets destroyed in Pakistan-occupied Kashmir', *The Times of India*, 2023, https://timesofindia.indiatimes.com/world/pakistan/ahmadi-place-of-worship-attacked-minarets-demolished-in-pakistan-occupied-kashmir/articleshow/105495289.cms?from=mdr.

266 Abid Hussain, 'Pakistan's Ahmadis live in fear as graves, religious sites attacked', *Al Jazeera*, 2023, https://www.aljazeera.com/news/2023/9/27/pakistans-ahmadis-living-in-fear-as-graves-religious-sites-attacked.

267 'Ahmadiyya graves desecrated, shop defaced in Gujranwala', *The Friday Times*, 2023, https://thefridaytimes.com/12-Feb-2023/ahmadiyya-graves-desecrated-shop-defaced-in-gujranwala.

268 Abid Hussain, 'Pakistan's Ahmadis live in fear as graves, religious sites attacked', *Al Jazeera*, 2023, https://www.aljazeera.com/news/2023/9/27/pakistans-ahmadis-living-in-fear-as-graves-religious-sites-attacked.

269 '5 FIRs against Ahmadiyya community for sacrificing animals on Eid', *voicepk.net*, 2023, https://voicepk.net/2023/07/5-firs-against-ahmadiyya-community-for-sacrificing-animals-on-eid.

270 Imran Gabol, 'Cases filed against Ahmadis for sacrificing animals on Eid', *The Dawn*, 2023, https://www.dawn.com/news/1762677.

Ahmadis if they refer to themselves as Muslims.[271] According to a May news report, since 2018, over 200 Ahmadis have been arrested for using Islamic signs and words.[272]

During the period under review, journalists were also killed by unidentified assailants. In August, a senior journalist Jan Mohammad Mahar was shot several times by assailants in a motorcycle in the city of Sukkur in Sindh province and died of wounds in hospital.[273] Also in August, journalist Ghulam Asghar Khand was shot dead by unknown assailants in motorcycles while he was at his guest house in the northern Sindhi city Khaipur. He received nine gunshot wounds and was declared dead on arrival at the hospital he was rushed to.[274]

In 2023, Pakistan decided to expel 'illegal' Afghans living in the country. This was often done by detaining them en masse, seizing their property and livestock and destroying their identity documents to compel them to return to Afghanistan despite fears of persecution there.[275] In October, Pakistan ordered unauthorised asylum seekers to leave by 1 November as the country saw a spike in attacks along the two countries' border. Such illegal refugees in the country numbered 1.7 million in addition to the 2.1 million who have legal status in the country. Afghanistan has objected to the eviction.[276] There were a series of suicide bombings in Pakistan in 2023 in which hundreds were killed. Islamist militants have been

271 'Pakistan: Senior Ahmadiyya lawyer arrested over use of "Syed" in name', *The Wire*, 2023, https://thewire.in/communalism/pakistan-senior-ahmadiyya-lawyer-arrested-over-use-of-syed-in-name.

272 'Over 325 Ahmadis booked for using Islamic signs & words since 2018', *voicepk.net*, 2023, https://voicepk.net/2023/05/over-325-ahmadis-booked-for-using-islamic-signs-words-since-2018.

273 'Senior journalist Jan Mohammad Mahar shot dead in Sukkur', *The Dawn*, 2023, https://www.dawn.com/news/1769990.

274 Hanif Samoon, 'Sindhi daily journalist Ghulam Asghar Khand brutally murdered by unknown assailants in Khairpur', *Minute Mirror*, 2023, https://minutemirror.com.pk/sindhi-daily-journalist-ghulam-asghar-khand-brutally-nurdered-by-unknown-assailants-in-khairpur-121000.

275 'Pakistan: Widespread abuses force Afghans to leave', *Human Rights Watch*, 2023, https://www.hrw.org/news/2023/11/28/pakistan-widespread-abuses-force-afghans-leave.

276 Frances Mao, 'Pakistan orders Afghan asylum seekers out of the country by November', *BBC*, 2023, https://www.bbc.com/news/world-asia-67002834.

behind a number of them after the ceasefire between the Pakistani Taliban (Tehreek-e-Taliban Pakistan or TTP), which aims to impose Islamic religious law in Pakistan as in neighbouring Afghanistan, broke down in 2022.[277] As of the end of November 375,000 Afghans had been forced out.[278] In Afghanistan the returnees face a precarious situation.[279] Religious minorities like Shia Hazaras fear for their lives if they return and live in fear of being deported.[280] Reacting to Pakistan's decision to expel the undocumented Afghan refugees the United States Commission on International Religious Freedom said, 'We are particularly concerned that the Pakistani government may forcibly return to Afghanistan religious minorities who fled persecution', adding, 'Under Taliban rule, Christians, Shi'a Muslims, Ahmadiyya Muslims, and Sikhs cannot freely practice their religious beliefs in Afghanistan. The US government must continue to engage with Pakistani officials to press them to reconsider this policy decision'.[281] Pakistan, however, has defended its expulsion policy.[282]

One positive development in Pakistan in 2023 was the passing of a bill by the National Assembly in August for the establishment of the National Commission of Minorities, with representation of minority communities. It is hoped that the bill will be 'a formidable instrumentality for ensuring the protection, advancement, and holistic development of non-Muslim communities across

277 Abira Shahid, 'Major attacks in Pakistan during 2023', *Reuters*, 2023, https://www.reuters.com/world/asia-pacific/major-attacks-pakistan-during-2023-2023-09-29.

278 'Pakistan: Widespread abuses force Afghans to leave', Human Rights Watch, 2023, https://www.hrw.org/news/2023/11/28/pakistan-widespread-abuses-force-afghans-leave.

279 'Hundreds of thousands of Afghans face harsh return after expulsion from Pakistan', UN Women, 2023, https://www.unwomen.org/en/news-stories/feature-story/2023/12/hundreds-of-thousands-of-afghans-face-harsh-return-after-expulsion-from-pakistan.

280 Caroline Davies, 'Afghan Hazara refugees live in fear of being deported by Pakistan', *BBC*, 2023, https://www.bbc.com/news/world-asia-67474187.

281 'USCIRF Concerned by Pakistan's Expulsion of Refugees and attacks on Ahmidyya Muslims', United States Commission on International Religious Freedom, 2023, https://www.uscirf.gov/news-room/releases-statements/uscirf-concerned-pakistans-expulsion-refugees-and-attacks-against.

282 Atika Rehman, 'Caretaker PM defends Afghan expulsion policy', *The Dawn*, 2023, https://www.dawn.com/news/1799086.

Pakistan'.[283] However, there is also an argument that the bill does not go far enough for the protection of minority rights and is not sufficiently in line with United Nations Paris Principles; therefore its revision is essential for the improvement of lives of marginalised communities.[284]

## Sri Lanka

During the period under review rights of minorities in Sri Lanka continued to be of concern and the fallout of the 25-year-long civil war continued to be felt. During this period the judiciary was also active in protecting the rights of minorities.

In March the Human Rights Committee of the United Nations raised concern over the release of individuals who have been accused of serious human rights transgressions and violations. The committee also expressed its regret over what it perceives as a serious culture of impunity including the promotion of military officers previously accused of human rights violations to senior ranking positions. Certain officers who had recently been promoted were responsible for troops that faced serious accusations of human rights violations, crimes against humanity and war crimes.[285]

In March the International Federation for Human Rights (FIDH) briefed the members of the United Nations Human Rights Committee, ahead of the CCPR review of the civil and political rights scenario in Sri Lanka. FIDH raised the issue of violations

283 Manoj Kumar Lohana, 'National Commission for Minorities: An Attempt for Harmonious Coexistence', *The Friday Times*, 2023, https://thefridaytimes.com/24-Aug-2023/national-commission-for-minorities-an-attempt-for-harmonious-coexistence.

284 Nabila Feroz Bhatti, 'Fault-lines in the Minorities Commission Bill', *The Express Tribune*, 2023, https://tribune.com.pk/story/2432281/fault-lines-in-the-minorities-commission-bill.

285 United Nations, 'In Dialogue with Sri Lanka, Experts of Human Rights Committee Comment Settlement of Internally Displaced Persons, Raise Issues Concerning Constitutional Reform and Impunity for Military Officers' Alleged Human Rights Violations', Office of the Commissioner for Human Rights, 2023, https://www.ohchr.org/en/news/2023/03/dialogue-sri-lanka-experts-human-rights-committee-commend-settlement-internally.

of Article 21 (right of peaceful assembly) of the International Covenant on Civil and Political Rights (ICCPR) by the authorities[286] in the context of the 2022 protest movement.[287] In particular, the report observed a series of violent crackdowns on protests in Sri Lanka in which members of the Sri Lankan public were killed. The report observed this same pattern of violation of rights in relation to freedoms of assembly, expression and association. Analysis of the report pointed to a complex political and legal situation with the incumbent administration being intolerant of freedom of assembly and noted its clear concerns that these freedoms are yet being trampled upon.

The 2022 report of the United States Commission on International Religious Freedom (USCIRF) included Sri Lanka on a special watch list. It noted: 'At the end of the year, approximately 70 Muslims, including 25 who were indicted on various charges and whose court cases were ongoing, remained in custody in connection with the 2019 Easter Sunday attacks that targeted Christian churches and luxury hotels, killing 268 persons, including 46 foreign citizens, and injuring more than 500. Religious rights groups reported instances in which police continued to prohibit, impede, or attempt to close Christian and Muslim places of worship, citing government regulations. In April, the government widened the scope of regulations requiring approval for construction of places of worship.[288]

There is also a general pressing concern in Sri Lanka about the trend in the activities of extremist Buddhist groups**.** These groups were particularly potent during the presidency of Mahinda Rajapaksa (2005–2015) with the group styling itself the Bodu Bala Sena (BBS) being the most prominent. This group in particular has

286 'Sri Lanka: FIDH briefs UN Human Rights Committee on violations on freedom of Assembly', International Federation for Human Rights, 2023, https://www.fidh.org/en/region/asia/sri-lanka/sri-lanka-fidh-brief-un-human-rights-committee-on-violations-of.

287 'Sri Lanka: Anatomy of a crackdown', International Federation for Human Rights, 2023, https://www.fidh.org/en/region/asia/sri-lanka/sri-lanka-anatomy-of-a-crackdown.

288 '2022 Report on International Religious Freedom: Sri Lanka', United States Department of State, 2022, https://www.state.gov/reports/2022-report-on-international-religious-freedom/sri-lanka.

been considered to be sanctioned by former Sri Lankan President Gotabaya Rajapaksa who acted as Sri Lanka's Defense Secretary during Mahinda Rajapaksa's presidency. Since the Rajapaksa dynasty has been toppled out of power, the prominence of these right-wing Buddhist groups has been reduced. However, the sentiments and the ideas of such groups are embryonic in Sri Lanka's political architecture and these sentiments if leveraged and reinforced may develop further. In its 2023 report, the USCIRF recommended Sri Lanka for a special watch list.[289] As evidence of this threat was the arrest in April of a Buddhist monk for disrupting religious harmony.[290]

Another instance of the past minority rights abuses continuing to haunt the country was the discovery, in June, of a mass grave in the Mullaitivu Kokkuthoduvai area in northeastern Sri Lanka[291] igniting concerns and unease within the Tamil community amid suspicion that the remains may be of female cadres of the Liberation Tigers of Tamil Eelam (LTTE). The new mass grave is one of around 32 that have been identified across the country over the past 30 years. Family members of suspected victims of enforced disappearance organised protests and observances in multiple districts.[292] A local court has allowed international organisations to observe the exhumation of the mass grave site, which began in early September.[293] The discovery of the new site came on the heels of a damning report in June by a civil society coalition detailing Sri Lanka's troubling history of mass graves, and the lack of accountability for them.[294]

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289 'Sri Lanka: USCIRF – Recommended for a Special Watch List', United States Depart of State, 2023, https://www.uscirf.gov/sites/default/files/2023-05/Sri%20Lanka_0.pdf.

290 'Custody of Sri Lankan Buddhist monk extended', *Union of Catholic Asian News*, 2023, https://www.ucanews.com/news/custody-of-sri-lankan-buddhist-monk-extended/101589.

291 'Human remains found in Mullaitivu', *Tamil Guardian*, 2023, https://www.tamilguardian.com/content/human-remains-found-mullaitivu.

292 'Recovery of skeletal remains: Hartal in North', *Daily Mirror Online*, 2023, https://www.dailymirror.lk/breaking_news/Recovery-of-skeletal-remains-Hartal-in-North/108-264119Q.

293 'We want nothing by justice say family of forcibly disappeared', *Groundviews*, 2023, https://groundviews.org/2023/09/02/we-want-nothing-but-justice-say-families-of-the-forcibly-disappeared.

294 'Mass Graves and Failed Exhumations', International Truth and Justice

The simmering religious tensions in the country was evidenced by Pastor Jerome Fernando, a self-styled 'prophet', filing in May a fundamental rights petition before the Supreme Court, seeking an order preventing his arrest by the Criminal Investigations Department (CID) upon his return to the country.[295] Fernando had raised the ire of many Buddhists with his allegedly derogatory remarks about the Buddha in a video of a sermon that had gone viral on social media, prompting Sri Lanka's President to order a CID probe.[296] Fernando had also allegedly insulted Islam and Hinduism in the same sermon. The controversy around Fernando is seen by some as a reactivation of Sri Lanka's blasphemy-related legal provisions. He was taken into custody in December after he returned to Sri Lanka.[297]

Meanwhile, Catholic leaders have cautioned against religious polarisation in the country ahead of the presidential election in 2024.[298] Sri Lankan Christians were also unhappy over President Ranil Wickremesinghe making a 'political speech' announcing a slew of development projects at a Christian religious festival.[299]

In another related development, the Ministry of Buddhasasana, Religious, and Cultural Affairs, the Cabinet ministry responsible for oversight of Sri Lanka's *de facto* state religion, announced that it is in the process of drawing up a new legislation to deal with 'threats posed to religious unity'. While the contours of the law remain

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Project, 2023, https://itjpsl.com/assets/ITJP_MassGraves_report_v5.1.pdf.

295 Leonard Jayawardena '"Prophet" Jerome controversial sermon & the issues it raises', *Colombo Telegraph*, 2023, https://www.colombotelegraph.com/index.php/prophet-jeromes-controversial-sermon-the-issues-it-raises.

296 Jamila Husain, 'Insulting the Buddha – RW asks CID to probe Pastor Jerome Fernando', *Sri Lanka Mirror Online*, https://www.dailymirror.lk/top_story/President-RW-acts-against-Pastor-Jerome-Fernando-calls-for-immediate-probe-against-his-church/155-259232.

297 'Sri Lanka detains Christian 'prophet' for hurtful sermon', *Union of Catholic Asian News*, 2023, https://www.ucanews.com/news/sri-lanka-detains-christian-prophet-for-hurtful-sermon/103451.

298 'Church cautions against poliarization attempts in Sri Lanka', *Union of Catholic Asian News*, 2023, https://www.ucanews.com/news/church-cautions-against-polarization-attempts-in-sri-lanka/101505.

299 'Catholics slam Sri Lankan prez for political speech at shrine', *Union Catholic Asian News*, 2023, https://www.ucanews.com/news/catholics-slam-sri-lanka-prez-for-political-speech-at-shrine/102327.

unknown so far, the minister warned: 'Due to the prioritization of money, some people are even tempted to condemn other religions under the pretense of religious freedom. No one has the right to oppress any religion or endanger religious harmony under the guise of religious freedom. We seek to implement a new legal structure that will allow us to take legal action in this regard'.[300]

In another instance of the issue of the impact on policy due to religion came to the fore in June when Ali Sabry, Sri Lanka's foreign minister, acknowledged that the previous government's decision to prohibit burials for Muslim victims of Covid-19 had caused pain to Sri Lanka's Muslim community and affected its ties with the Middle East.[301] The Sri Lankan government's decision to force Muslims to cremate those who had died in the pandemic had been criticised by the United Nations High Commissioner for Refugees (UNHRC) and the Organisation of Islamic Cooperation (OIC). Rauff Hakeem, an opposition parliamentarian and leader of the Sri Lanka Muslim Congress, called for officials who had advised the previous government to be prosecuted for hateful conduct.[302]

In July, the Ministry of Buddhasana, Religious, and Cultural Affairs announced that it would conduct a census of the assets and properties belonging to all religious denominations, including Buddhist temples.[303] Many senior Buddhist monks supported the move, but warned the government to refrain from interfering in their administration.[304]

In another development regarding Sri Lanka's religious minorities during the period under review, the review process of the Muslim

300 Sahan Tennekoon, 'Religious harmony laws being drafted', *The Daily Morning*, 2023, https://www.themorning.lk/articles/9mZT81KTPW2ghIgXwDDD.

301 Kelum Bandara, 'Muslim burial issue really affected SL ties with the Arab World – Ali Sabry', *Daily Mirror*, 2023, https://www.dailymirror.lk/print/hard-talk/Muslim-burial-issue-really-affected-SL-ties-with-the-Arab-world-Ali-Sabry/334-261555.

302 'Burying the "resurrection" of Covid-19 cremations', *The Daily Morning*, 2023, https://www.themorning.lk/articles/6Atl0SQhePsDtsnDdhpZ.

303 'The government decides to conduct a census of temples, churches and kovils' property and assets', *Mawrata News*, 2023, https://mawratanews.lk/news/the-government-decides-to-conduct-a-census-of-temples-churches-and-kovils-property-and-assets-i-sri-lanka-latest-news.

304 'Top monks support religious property census', *The Daily Morning*, 2023, https://www.themorning.lk/articles/xH5dGtfXBdff8aEXyLY5.

Marriage and Divorce Act (MMDA) Amendment Bill encountered a significant roadblock as Muslim MPs found themselves at odds over the inclusion of female *quazis* (Islamic judge). Some Members of Parliament (MPs) opposed appointing female *quazis*, while others advocated for gender-neutral qualifications, highlighting a critical debate on gender equality and the interpretation of Islamic law within the Bill's context.[305] Civil society members condemned the attempts to derail the reform.[306] The MMDA in its current form is criticised for being disproportionately male-biassed and was passed in 1951 by a legislature dominated by men.

One issue related to the religious tensions in the country is related to land ownership of religious institutions. In this context, in June, President Ranil Wickremesinghe appointed a committee to investigate land ownership claims concerning two Buddhist temples—Kurundi Vihara in Mullathivu and Thiriyaya Vihara in Trincomalee.[307] These temples purportedly possessed large tracts of land, raising questions about historical land distribution compared to the well-established Mahavira, a central Buddhist institution in Sri Lanka. The President also ordered the cessation of land acquisitions and the construction of new Buddhist shrines in the Northern and Eastern provinces.[308] These directives aimed to address disputes over land ownership, particularly near Kurundi Vihara, where resettled farmers faced challenges from the Archaeology Department.[309] The land disputes have generated

305 Skandha Gunasekara, 'Amending MMDA: Disagreement among MPs hinder finalisation', *The Sunday Morning*, 2023, https://www.themorning.lk/articles/WgR2M5RRK825OkPx3eof.

306 'Civil societies condemn Muslim MP's attempt to derail MMDA reforms', *Daily Mirror Online*, 2023, https://www.dailymirror.lk/opinion/Civil-societies-condemn-Muslim-MPs-attempt-to-derail-MMDA-reforms/172-263979.

307 'President appoints Expert Committee to settle land issues in Kurundi, Thiriyaya Temples', *Daily News*, 2023, https://archives1.dailynews.lk/2023/06/16/local/305752/president-appoints-expert-committee-settle-land-issues-kurundi-thiriyaya.

308 Buddhika Samaraweera, 'Prez, ordering halt of new N-E land acquisitions: Wiggy says only Archaeology Dept. adhering', *The Daily Morning*, 2023, https://www.themorning.lk/articles/9u26JdbeMO7qiI31Zw7o.

309 Sandun Jayawardana and S.Rubatheesan, 'Heat over archaeological site or peoples', *The Sunday Times*, 2023, https://www.sundaytimes.lk/230618/news/heat-over-archaeological-site-or-peoples-523242.html.

inter-communal tensions. In August, the Eastern Province Governor suspended the construction of a Buddhist temple on state-owned land within a Tamil village to prevent potential communal conflicts.[310] The entry of Tamil National People's Front (TNFP) leader Gajendrakumar Ponnambalam into the Kurundi temple added to the unrest.[311] Furthermore, controversial statements by former minister Mervyn Silva raised further worries about inter-community discord.[312] The Tamil National Alliance (TNA) expressed alarm over the turmoil in Trincomalee, cautioning that persistent tensions could imperil foreign investments in the region.[313] TNA leader R Sampanthan stressed the need to preserve the social environment while maintaining Buddhist monuments at the site.[314]

Besides religion, issues of livelihoods also plague minorities in Sri Lanka. In August, President Wickremesinghe agreed to establish a Presidential Task Force to address the challenges faced by Sri Lanka's plantation communities, and to use an Indian grant of Sri Lankan Rupee (SLR) 3 billion (around USD 9.3 million) towards bettering their livelihoods.[315]

During the period under review, there were also cases of arbitrary detention. In May, Jayani Natasha Edirisooriya, a stand-up comedian, was arrested for a comedy performance that

310 Sahan Tennekoon, 'Boralukanda Viharaya: Buddhasasana Ministry calls for report', *The Daily Morning*, 2023, https://www.themorning.lk/articles/31NLTL8Q3e5OG1FZdtHH.

311 Romesh Madusanka, 'Tense situation reported at Kurundhi temple', *Daily Mirror Online*, 2023, https://www.dailymirror.lk/breaking_news/Tense-situation-reported-at-Kurundi-temple/108-265559.

312 'Religion as last refuge of scoundrel', *The Island*, 2023, https://island.lk/religion-as-last-refuge-of-scoundrel.

313 'Sri Lanka: TNA warns of "undesirable consequences" of building Buddhist temple in Trincomalee', *ANI*, 2023, https://www.aninews.in/news/world/asia/sri-lanka-tna-warns-of-undesirable-consequences-of-building-buddhist-temple-in-trincomalee20230904034346.

314 'Sampathan warns of consequences of building Buddhist temple in Trinco', *The Sunday Times*, 2023, https://www.sundaytimes.lk/230903/columns/sampanthan-warns-of-consequences-of-building-buddhist-temple-in-trinco-531376.html.

315 'Plantation community's plight: Presidential Task Force to be established to address challenges', *The Daily Morning*, 2023, https://www.themorning.lk/articles/LSmBGSH8qM0Sn8yk4myg.

allegedly defamed and insulted Buddhism.[316] Also arrested in the same case was Bruno Divakara for sharing the video footage of her show in his YouTube channel. The arrests sparked criticism from civil society and were seen by many as an attack on democratic rights and an attempt to divert public anger from the government's austerity policies. The duo was eventually released on bail—in Edirisooriya's case, over a month later.[317]

As further evidence of Sri Lankan authorities to stifle freedom of speech, the Online Safety Bill was tabled in parliament in October[318] but following a petition in the Supreme Court questioning the constitutionality of the bill, the Supreme Court ruled that it has to be in line with constitutional provisions. The government, however, is determined to pass the bill with the necessary amendments despite civil society apprehensions about restrictions on freedom of expression.[319]

During the period under review there were also positive developments for minorities in Sri Lanka. In May the country's Supreme Court ruled that decriminalising homosexuality is constitutional. At present same-sex intimate relationships are still punishable by prison sentence. However, parliament now needs to enact a law to make homosexuality legal.

Sri Lanka is in the process of replacing the draconian and much reviled Prevention of Terrorism Act.[320] But the new Anti-terrorism Bill has also invited concerns with the Supreme Court ruling in November that provisions of the new bill violated constitutional provisions and therefore has to go back to parliament.[321]

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316 'Sri Lanka arrests stand-up comedian for insulting Buddhism', *Union of Catholic Asian News*, 2023, https://www.ucanews.com/news/sri-lanka-arrests-stand-up-comedian-for-insulting-buddhism/101462.

317 '"SL-Vlogs" owner Divakara remanded', *Newswire*, 2023, https://www.newswire.lk/2023/06/01/sl-vlogs-owner-bruno-divakara-remanded.

318 Yohan Parera and Ajith Siriwardana, 'Online Safety Bill presented to parliament', *Daily Mirror Online*, 2023, https://www.dailymirror.lk/breaking-news/Online-Safety-Bill-tabled-in-Parliament/108-268412.

319 Maneesha Dullewe, 'Online Safety Bill: Not out of the woods?', *The Sunday* Morning, 2023, https://www.themorning.lk/articles/PhpqK2qdoIpRefZMjhmf.

320 Skanda Gunasekera, 'Anti-Terrorism Bill: Concerns continue with calls for further review', *The Daily Morning*, 2023, https://www.themorning.lk/articles/tBSwkK1fBdHfglZcj7t5.

321 'Sri Lankan court rejects notification targeting minorities', *Union of*

In what is seen as a measure to heal the scars of Sri Lanka's civil war, ferry service between Sri Lanka and India was resumed in October. Meanwhile, President Wickremesinghe has vowed to strengthen provincial governments to give more power to ethnic Hindu Tamil minority in the country.[322]

In March, the Human Rights Committee of the United Nations lauded Sri Lanka noting that 92 per cent of the private lands occupied by the military during the civil war had been released to civilian owners. On internally displaced persons, it noted that 2324 internally displaced persons were being housed in welfare centres and 13.3 acres of state land were allocated to those families.[323]

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*Catholic Asian News*, 2023, https://www.ucanews.com/news/sri-lankan-court-rejects-notification-targeting-minorities/103261.

322 Krishan Francis, 'Sri Lankan President vows to strengthen provincial governments to share power with Tamil minority', *The Associated Press*, 2023, https://apnews.com/article/sri-lanka-tamils-provincial-councils-civil-war-c2cce12d83d28bba2c94674d5241b890.

323 United Nations, 'In Dialogue with Sri Lanka, Experts of Human Rights Committee Comment Settlement of Internally Displaced Persons, Raise Issues Concerning Constitutional Reform and Impunity for Military Officers' Alleged Human Rights Violations', Office of the Commissioner for Human Rights, 2023, https://www.ohchr.org/en/news/2023/03/dialogue-sri-lanka-experts-human-rights-committee-commend-settlement-internally.

South Asia, and the world in general, has witnessed strong political polarisations in recent years driven mainly by longstanding identity differences. Unlike in the past, when the state had accommodated and sometimes even embraced heterogeneity, identity is increasingly being weaponised by governments in South Asia. In a clear shift towards majoritarianism, the region has seen the introduction of overtly pro-majority laws and policies along with the othering of minorities and subjecting them to violence.

*The South Asia State of Minorities Report 2023: Majoritarianism and Its Impact on Minorities* presents overviews from Afghanistan, Bangladesh, India, Myanmar, Nepal, Pakistan and Sri Lanka on the drivers and manifestations of majoritarianism in the respective countries, and their impact on minorities.

This volume is planned as a tool for advocacy. It is hoped that these annual reports on outcomes for minorities and the quality of state provisioning will spur public debate in the region and create the conditions for state parties, and regional and international mechanisms to give serious consideration to issues of minorities. The purpose of the initiative is to promote equal citizenship and equal rights for all citizens, a central challenge of the 'deepening democracy' agenda in the region, and to highlight the alarmingly narrow civic space for minorities, including human rights defenders, journalists and activists.

This publication is the seventh in the series, following the earlier *South Asia State of Minorities Reports: Mapping the Terrain* (2016), *Exploring the Roots* (2018), *Refugees, Migrants and the Stateless* (2019), *Minorities and Shrinking Civic Space* (2020), *Hate Speech Against Minorities* (2021), and *Weakening Human Rights Commitments and Its Impact on Minorities* (2022). These reports are put together by the South Asia Collective, consisting of organisations and human rights activists that dream of a just, caring and peaceful South Asia by documenting the condition of the region's minorities—religious, linguistic, ethnic, caste, and gender, among others—hoping it will contribute to better outcomes for South Asia's many marginalised groups.

The South Asia Collective

Norad