

CRIMES AGAINST RELIGIOUS MINORITIES IN SOUTH ASIA: A SAGACIOUS STUDY OF EACH SOUTH- ASIAN NATION.

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“Religious wars are not caused by the fact that there is more than one religion, but by the spirit of intolerance... the spread of which can only be regarded as the total eclipse of human reason.”

- Montesquieu

Abstract: Minorities around the world are also often the victims of armed conflicts and internal strife. This paper sheds light on the situation of refugees and internally displaced persons from minority backgrounds across South Asia. The paper provides an overview of the persons belonging to national or ethnic, religious and linguistic minorities are often victims of multiple discrimination and they may lack access to, among other things, adequate housing, land and property, and even a nationality. Since country engagement and a human rights-based approach constitute key elements in identifying durable solutions to address the plight of minorities, this paper is prepared to raise additional awareness, of minority rights and the impediments minorities face in the enjoyment of these rights. In practice, under international law, certain minority rights have been made applicable to recently arrived migrants in the sub-continent who share an ethnic, religious, or linguistic identity. Their treatment is to be rooted in the customary international law principle of non-discrimination, which is fundamental in international law and is reflected in all human rights instruments and documents.

Introduction: Do religions justify and cause violence or are they more appropriately seen as forces for peace and tolerance? Featuring contributions from international experts in the field, this paper explores the debate that has emerged in the context of secular modernity about whether religion is a primary cause of social division, conflict, and war, or whether this is simply a distortion of the ‘true’ significance of religion and that if properly followed it promotes peace, harmony, goodwill and social cohesion.

Focusing on how this debate is played out in the South Asian context, the paper engages with issues relating to religion and violence in both its classical and contemporary formations. This paper is amalgamated to look beyond the stereotypical images and idealized portrayals of the peaceful South Asian religious traditions, which can occlude their own violent histories and to analyze the diverse attitudes towards, and manifestations of violence within the major religious traditions of South Asia. This paper has extended this perspective in exploring the nature of crime, criminal justice, and criminology in South Asia.

Internally, crime and justice in South Asia are impacted by religion, population, and poverty. The historical conflict between Hinduism and Islam, started in the eighth century with the

advent of Islam in South Asia, is still the reason for many crimes and violence in this region. The nature of crime and criminal justice in South Asia is also deeply affected by South Asia's pressure of population, messy urbanization, and more than 500 million people living below the level of poverty.

The Impact of Religion and Faith in South Asia: The cultural as well as political dynamics of South Asian countries manifest closely related colonial pasts, postcolonial histories, multiethnic populations and forms of political leadership and governance. These commonalities are also related to political instability, ethnic violence, and a greater role of religion and/or faith in the formation of secular democracies. At the same time, religion in politics does not limit the content of this special issue, which is also deeply invested in examining the politics of religion and faith and the ways in which caste, class, gender, ethnicity, sectarianism, and other divides rupture and reframe sacred spaces, discourses, or performances. This special issue includes six articles on India, Sri Lanka, Bangladesh, Pakistan, and Nepal.

That religion and faith are central to the lives of ordinary people in South Asia is not something that is contested. The tumultuous history of the societies that composes the South Asian region testifies to the fundamental role that religion and particularly the politics of 'majority' and 'minority' religions has played in shaping ideas of nation, state and citizenship. This brings out the distinction of South Asia as a region as well. South Asia is not merely a region in geographical terms but is also historically, socially, and politically deeply interconnected. Not only have boundaries been shifting in the past across the countries that comprise this region, but the boundaries also themselves are recent and migrations have taken place across the centuries. Moreover, the formation of modern states in each of these countries is connected to the history of others. Pakistan, Bangladesh, and India have origin stories that cannot be unlinked from each other.

Policies and politics particularly in relation to minorities in one state tend to have its echoes across boundaries. If Hindu minorities are attacked in Bangladesh or Pakistan, this tends to have reverberations in India. The fact that a minority in one state is a majority in another and that this is not accidental, but a product of definite historical choices has major implications for the way in which the politics of religion has developed over the decades in the countries of this region. Thus, the minorities in one country are related by ethnicity or religion to neighbouring states. This often has an adverse effect on the situation of minorities in these states. In some states, minorities are considered a 'fifth column' and security considerations rather than the concerns of liberal democracy appear to affect the ways these states treat or deal with these

minorities.¹ Global terror discourses have typically constituted the minorities of some of these states as suspect, including, for instance, Tamils of Sri Lanka or Muslims of India.²

As Pfaff-Czarnecka and Rajasingham-Senanayake³ argue, there has been an increasing ethnicization of politics in the South (and Southeast) Asian region as a whole. At the same time, there is something new in recent conflicts and that is the sheer scale on which the processes of globalization and modern state constitution have given rise to local ethnic clashes. Moreover, what is of interest is the fact that in countries such as Sri Lanka, India or Nepal, the dominant ethno-religious group has developed what may be termed as a ‘minority complex’ and is seeking to regain its position of historical supremacy, which is apparently threatened by the numerically smaller religio-cultural groups in these states. All these societies have seen violence, hatred, and bloodshed in the name of religion. Indeed, as we bring these papers together, we are entering into a new period of crisis in which majoritarianism is not just socially but also politically ascendant in several of these societies, particularly India, whose hold on the idea of secularism and the protection of religious minorities seems specially tattered today. Though India always had a fragile hold on secularism, at least one could affirm that the state made efforts to implement secularism as a policy in the past, even if the society was rife with attitudes and actions that smacked of religious hatred, persecution and discrimination. This was even more remarkable in the face of the fact that the states around India did not exemplify state secularism or principled dealing with minority religious groups in quite this way.

Bangladeshi and Bengali Nationalism through the ages - Secularism is one of the fundamental principles of Bangladesh’s constitution while several articles proclaim freedom of religion and belief. Yet discrimination against religious minorities persists in law, policy, and practice. Long-standing issues include those related to the Vested Property Return (Amendment) Act 2011. The slow and cumbersome process for the return of seized property has contributed to the poor socioeconomic conditions facing Hindus in particular, increasingly frustrated on account of these delays. More recently, vaguely worded provisions of the Digital Security Act 2018 make this Act rife for abuse, to justify the targeting of religious minorities and secular bloggers.⁴ This includes Article 28, which prohibits publication of information that “hampers religious sentiment or values” and is in violation of the ICCPR.⁵ These structural conditions lend to societal divisions along religious lines, as well direct targeting of religious

¹ Kymlicka, Will . 2001. ‘Western Political Theory and Ethnic Relations in East Europe’, in Kymlicka, Will, Opalski, Magda Can Liberal Pluralism be Exported? Western Political Theory and Ethnic Relations in Eastern Europe. New York: Oxford University Press, 13–105.

² Manchanda, Rita . 2010. ‘Introduction’, in Manchanda, Rita States in Conflict with Their Minorities: Challenges to Minority Rights in South Asia. New Delhi: SAGE Publications, 1–30.

³ Pfaff-Czarnecka, Joanna, Darini Rajasingham-Senanayake. 1999. ‘Introduction’, in Pfaff-Czarnecka, Joanna, Rajasingham-Senanayake, Darini, Nandy, Ashis, Gomez, Edmund Terence Ethnic Futures: The State and Identity Politics in Asia. New Delhi: SAGE Publications, 9–40.

⁴ Digital Security Act 2018, <https://www.cirt.gov.bd/wp-content/uploads/2018/12/Digital-Security-Act-2018-English-version.pdf>

⁵ Specifically, this is incompatible with the ICCPR on the basis of General Comment no. 34 <https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>

minorities who are subject to hate speech and direct violence. The use of social media in such cases is increasingly common: a pattern is evident, in which incendiary remarks about Islam are falsely posted from alleged Facebook accounts of religious minority individuals. These individuals are subsequently targeted, and this often devolves into wider violence and hostility. Examples include October 2016 in Nasirnagar where Hindu temple and homes were targeted following a defamatory Facebook post allegedly by a Hindu youth.⁶ November 2017 in Rangpur district where homes of Hindus were attacked and looted following a Facebook post from the account of a young Hindu⁷; and in October 2019 in Bhola District where violence between Hindus and Muslims subsequent to a social media post left four Muslims dead.⁸ Members of the Ahmadi community have also been subject to hate speech and violence; for example in February 2019 in Panchagar District⁹ and January 2020 in Brahminbaria district.¹⁰

The non-Bengali hill and plains tribes as well as the Hindus, Christians and Buddhists constitute the main minority groups in Bangladesh. The Bangladeshi Constitution established Bengali as the state language and accepted nationalism and secularism as state principles. However, the Pakistan Enemy Property Order of 1965 which allowed the state appropriation of 'enemy' (i.e., Indian) properties became, in 1972, the Bangladesh Vesting of Property and Assets Order. This Order has been used to dispossess many Hindus of their property, turning them into second-class citizens. In the case of the hill communities, forced settlement of Bengalis in their midst has led to their eviction or further impoverishment. Bengali nationalism was replaced by Bangladeshi nationalism under Ziaur Rahman in 1975. Islamic ideals were incorporated into the Constitution and secularism as a state principle was dropped. In 1988, by the Eighth Amendment, Islam was declared the state religion. These moves strengthened the feelings of insecurity of the minorities.

The first protests of minorities began to be organized, under the banner of Hindu, Buddha, Christian Oikya Parishad. The movement began as a protest against the Eighth Amendment, but later demanded the abolition of all discriminatory laws, such as the Vesting of Property Act. Outmigration to India has been a long-standing response of Bangladeshi minorities to discrimination by the state. This has only reinforced the idea among Muslim Bangladeshis that Hindus have no loyalty to the country. Attacks against Hindus and their places of worship

⁶ 'Investigation into Nasirnagar attack cases yet to complete', Dhaka Tribune, 30 October, 2019. <https://www.dhakatribune.com/bangladesh/nation/2019/10/30/investigation-into-nasirnagar-attack-cases-yet-to-complete>.

⁷ 'Mob sets upon Hindu village in Rangpur over rumoured Facebook post', Dhaka Tribune, 10 November, 2017. <https://www.dhakatribune.com/bangladesh/nation/2017/11/10/one-killed-angry-go-berserk-rangpur-hindu-village-facebookstatus/>

⁸ 'After deadly clashes with police, Muslims also attacked Hindu homes, temple in Bhola', bdnews24.com, 29 October, 2019. <https://bdnews24.com/bangladesh/2019/10/24/after-deadly-clashes-with-police-muslims-also-attacked-hindu-homes-temple-inbhola>

⁹ '50 Ahmadiyyas injured in co-ordinated attack on the community in Panchagarh', Dhaka Tribune, 13 February, 2019, <https://www.dhakatribune.com/bangladesh/nation/2019/02/13/sunnis-attack-ahmadiyyas-in-panchagarh>

¹⁰ 'Ahmadiyya mosque, houses attacked in Brahmanbaria', New Age Bangladesh, 16 January 2020 <https://www.newagebd.net/article/96747/ahmadiyya-mosque-houses-attacked-in-brahmanbaria>

increased after the Babri Masjid demolition. National parties for the most part have sought to consolidate the majority and have failed to incorporate minority needs in party agendas.¹¹

Pakistan: Intolerance, Violence and Economic Boycott- The 1956 Constitution of Pakistan incorporated fundamental rights for all citizens and special rights for minorities (including the right to be governed by their own personal laws) reminiscent of the rights instituted in the Indian Constitution. However, these were rendered problematic when placed alongside the Objective Resolution, which opened the way for the incorporation of Islamic provisions. In particular, the foundation of Pakistan on Islamic principles and the requirement that the Head of State had to be Muslim decisively neutralised any provision of equality for minorities. Later provisions (1973) ensured that both President and Prime Minister had to be Muslim. The stipulation that no law was to be enacted that went against Islamic injunction and that existing laws would be brought into conformity with such injunctions further weakened the legal position of the minorities. The Islamic provisions outlined here were reiterated by the 1973 Constitution, which also declared Islam as the state religion of Pakistan. Though it was stated that these provisions would not affect the personal law of non-Muslims or their status as citizens, the Islamisation of the Constitution had been effectively set in place.

As Haq shows in her opinion piece in this issue, President Zia introduced the Hudud Ordinances prescribing Islamic law punishments for different offences. The incorporation in the 1980s of the Blasphemy laws in the Pakistan Penal Code radically widened the scope for the targeting of minorities, including Ahmedis who were prohibited from calling themselves Muslim, from describing their places of worship as mosques and from preaching or propagating their faith.¹² The Pakistan judiciary has not effectively protected minority rights, and the electoral system successfully denies minorities meaningful political representation. Hindus, particularly, are viewed as a fifth column and become a target whenever there is violence against Muslims in India. Christians too have suffered several attacks following the US-led war in Afghanistan. The smallest communities such as the Bahais or Parsis are affluent and well-connected and so protected to a degree against the majority. However, Ahmedis are severely restricted in their enjoyment of religious and political rights.¹³

Violence against minorities in Pakistan is therefore enabled by this backdrop of discrimination at the legal and institutional level, as well as widespread impunity. There have been over 1,000 cases registered under blasphemy laws since the late 1980s. Some of these accusations have led to direct violence against minorities (e.g. Gojra 2009; Josphe Colony in 2013). Contributing

¹¹ Mohsin, Amena . 1999. ' National Security and the Minorities: The Bangladesh Case', in Sheth, D. L., Mahajan, G. *Minority Identities and the Nation-state*. New Delhi: Oxford University Press, 312–32.

¹² Zia, Shahla . 2010. 'Discrimination in Pakistan Against Religious Minorities: Constitutional Aspects', in Manchanda, Rita *States in Conflict with Their Minorities: Challenges to Minority Rights in South Asia*. New Delhi: SAGE Publications, 143–72.

¹³ Hussain, Ishtiaq . 2010. 'Religious Minorities in Pakistan: Mapping Sind and Baluchistan', in Manchanda, Rita *States in Conflict with Their Minorities: Challenges to Minority Rights in South Asia*. New Delhi: SAGE Publications, 173–203.

to this is institutionalized discrimination coupled with social intolerance, which has meant that efforts to address the implications of Pakistan's blasphemy and anti-Ahmadi laws have themselves been met with violence, leading to appeasement of influential religious leaders who stoke anti-minority sentiments. Intolerance against religious minorities also manifests in economic, social, and cultural realms, which reinforces social divisions, as well as contributes to the advancement of extremist ideology and insecurity for minorities. Discrimination against minorities in the educational system has been well documented and is exacerbated by hate speech against minorities in public space, as well as in mainstream journalism and increasingly on social media. Measures to address these issues, such as the National Action Plan or the establishment and operation of a National Commission for Minorities, lack adequate implementation, reflecting fundamental lapses in governance which lend to minority distrust in state institutions. Meanwhile, measures continue to be introduced which escalate intolerance through the promotion of exclusionary nationalism and the privileging of a narrow understanding of Islam; for example, recent efforts in June 2020 to ban books in Punjab deemed derogatory to Islam.¹⁴

Economic boycotts of some religious minorities have led to forms of segregation, as well as contributed to poor socio-economic outcomes. The COVID-19 response has also widely brought to the surface the worsening marginalization of religious minorities by making apparent their lack of equal access to services; for example, many members of minority communities are not registered with the National Database Registration. This restricts their access to social security and welfare, which threatens to exacerbate instability and exclusion.

The Protracted Civil War in Sri Lanka: In Sri Lanka, all discussions of minority groups and their relationship with the state has been dominated by the Tamil conflict. Indeed, the Tamils of the northern and eastern provinces consider themselves a nationality rather than a minority. Sri Lanka does not have a glowing record when it comes to institutionalizing minority rights. There is no affirmative action for the ethnic and social minorities. The Sinhala majority has an almost exclusive monopoly on state power, and Sri Lanka is effectively a majoritarian democracy. The Constitution does ensure that no citizen shall be discriminated against on grounds of race, religion, language, caste, sex and other grounds. Further, though Sinhalese is the official language of the state, both Sinhalese and Tamil are designated national languages and persons can be educated in either of these languages.¹⁵ An Official Languages Commission was set up in 1991 to provide institutional support for the implementation of language legislation. However, officials of the state rarely transact in Tamil and the Commission is only a recommendatory body. The protracted civil war in Sri Lanka between the LTTE, fighting for

¹⁴ 'PA speaker for banning books with derogatory remarks related to companions of Prophet (PBUH)', Daily Times, 6 June 2020, <https://dailytimes.com.pk/622488/pa-speaker-for-banning-books-with-derogatory-remarks-related-to-companions-of-prophetpbuh/>

¹⁵ Uyangoda, Jayadeva . 2010. 'Sri Lanka: Recent Shifts in the Minority Rights Debate', in Manchanda, Rita States in Conflict with Their Minorities: Challenges to Minority Rights in South Asia. New Delhi: SAGE Publications, 224-59.

a Tamil nation, and the state altered the discussion on minority rights considerably. The authoritarian Tamil Tigers unwilling to concede internal democracy brought into focus the limits for emancipation of projects of self-determination. Moreover, Muslims and Upcountry Tamils, considered as Tamils of recent Indian origin, have kept away from the LTTE. They have been more pragmatic in trying to enter into coalition alliances with the main parties. The military defeat of the LTTE has thrown doubt on the political survival of minority rights campaigns. If regional autonomy is considered at all it would involve only minimum devolution. Minority political parties appear to have accepted their second-class status, on the grounds that war with the state has brought them nothing.

The Ancient Atrocities from Nepal: Nepal is an untried democracy with continuing difficulties of power-sharing and over-centralization. The political sphere sees the domination of the caste hill Hindu elite males (CHHEM) compose mainly of the Chhetri, Bahun, Thakuri and Sanyasi castes, and other ethnic and caste groups are disadvantaged and marginalized. Linguistically too, the policy of instruction in Khas-Nepali in schools has disadvantaged non-native Nepali speakers.¹⁶ Though protection of the rights of minorities has now become a part of the Constitution, some judicial rulings in the recent past have tended to go against the interests of marginalized groups.

Article 4 of the Constitution of Nepal 2015 describes Nepal as secular but defines secularism partly as the protection of traditional religions and customs ‘practiced from ancient times’, a shorthand for Hinduism, the country’s dominant religion (81.3% of the population).¹⁷ Contradictory laws that disadvantage certain communities over others also still exist in Nepal such as the criminalization of slaughtering of cows. In 2018/19, 34 such cases were registered in the Supreme Court.¹⁸ Acts of religious conversion are prohibited by the Constitution as a criminal offence. In 2019, there were two separate instances of Christians being arrested under the suspicion of converting people to Christianity.¹⁹ Furthermore, Nepal’s criminal code that came into effect in August 2018 imposed punishments on those ‘harming the religious sentiment’ of any caste, ethnic community, or class²⁰ which is open to broad and potentially harmful interpretations to the detriment of religious minorities, particularly, Muslims (4.4%)

¹⁶ Lawoti, Mahendra . 2010. ‘ Inclusion and Accountability in a “New” Democratic Nepal’, in Manchanda, Rita States in Conflict with Their Minorities: Challenges to Minority Rights in South Asia. New Delhi: SAGE Publications, 279–306.

¹⁷ Chiara Letizia, “Secularism and statebuilding in Nepal,” in Two steps forward, one step back: The Nepal peace process, ed. Deepak Thapa and Alexander Ramsbotham (London: Conciliation Resources, 2017), 109-111

¹⁸ 2018/19 spans the Nepali fiscal year 2075 BS. See: Shiva Hari Gyawali, ‘Criminalization of cow-slaughter is a tool of caste terror’, The Record, June 14, 2019, <https://www.recordnepal.com/podcast/criminalization-of-cow-slaughter-is-a-tool-of-caste-terror>.

¹⁹ ‘Christians seized by police while training pastors in Nepal’, Barnabas Fund, April 24, 2019, <https://barnabasfund.org/en/news/christians-seized-by-police-while-training-pastors-in-nepal>; ‘Three Foreigners Arrested Over

Religious Conversion Accusations In Nepal’, New Spotlight Online, July 24, 2019, h

²⁰ United States Department of State Bureau of Democracy, International Religious Freedom Report for 2018 (Washington D.C.: Bureau of Democracy, Human Rights, and Labor, 2018).

and Christians (1.4%). Other religious minorities such as Kirat (3%) also face obstruction in observing the last rites for their deceased, specifically in the urban areas of the country.²¹

Contributing to this shaky foundation of secularism has been the electoral victory of Hindu nationalist BJP in India in 2014, which has enabled the growth of strong anti-secular forces in Nepal²² - mostly targeting Muslims and Christians. The 2017 and 2018 Pew Research Center reports on freedom of religion indicate that 'levels of social hostilities towards religious minorities in Nepal rose from moderate levels in 2014 to high levels in 2015 and 2016'.²³ The pattern has continued over the years. In 2019, elements of Hindutva made religious minorities in Janakpur, mostly Muslims, feel a heightened sense of insecurity as saffron, 'a color associated with Hindu nationalism', was distributed for free by the local government to paint public and private properties in the city.²⁴ Negative public sentiments have also become visible against Muslim Rohingya refugees, including online comments following news reports routinely depicting them as 'locusts', 'terrorists' and 'ISIS'.²⁵ In April 2018, a Catholic church in Banke District was arsoned, while 'members of Hindu Jagaran Nepal, reportedly a small pro-Hindu group trying to make a name for itself, threatened to bring it down altogether.'²⁶

The adoption of Hindu symbolic and ritual apparatus by government leaders has not fundamentally impacted religious harmony in Nepal at this stage, and dissent to discriminatory characterization of religious minorities can be seen in national media.²⁷ Yet it remains an alarming trend which threatens to harm the country's social fabric.

Structural Inequality and Discriminatory Laws in India: Religious minorities in India, particularly Muslims and Christians, have been targeted with increasing frequency since 2014 when the BJP government came to power. This has accelerated since its reelection in 2019, with increased anti-minority provocations, hate mongering and violence by majoritarian groups, and authorities' failures of omissions and commissions, denying minorities equal protection of the law.

²¹ Ibid.

²² Chiara Letizia, 'Secularism and statebuilding in Nepal,' in *Two steps forward, one step back: The Nepal peace process*, ed. Deepak Thapa and Alexander Ramsbotham (London: Conciliation Resources, 2017), 109-111

²³ United States Department of State Bureau of Democracy, International Religious Freedom Report for 2018 (Washington D.C.: Bureau of Democracy, Human Rights, and Labor, 2018).

²⁴ Sweksha Karna, 'Janakpur is decked out in saffron, and not everyone is thrilled', *The Kathmandu Post*, September 28, 2019, <https://kathmandupost.com/province-no-2/2019/09/28/janakpur-is-decked-out-in-saffron-and-not-everyone-is-thrilled>.

²⁵ Sagar Budhathoki, 'Rohingya refugees say: either give us Nepali citizenship, or send us to a third-country,' [Rohingya saranartha bhanchan, ki Nepalko nagarikta deu, ki tesro muluk pathau] *Onlinekhabar*, June 05, 2019.

²⁶ United States Department of State Bureau of Democracy, International Religious Freedom Report for 2018 (Washington D.C.: Bureau of Democracy, Human Rights, and Labor, 2018).

²⁷ Chiara Letizia, 'Secularism and statebuilding in Nepal,' in *Two steps forward, one step back: The Nepal peace process*, ed. Deepak Thapa and Alexander Ramsbotham (London: Conciliation Resources, 2017), 109-111; Mohammad Ayub, 'Tablighi Jamaat and the precarity of global governance,' *The Record*, April 12, 2020. <https://www.recordnepal.com/covid19/tablighijamaat-and-the-precarity-of-global-governance>

This situation is enabled by discriminatory laws and measures, including but not limited to: (a) tightening cow protection laws (in 24 of 29 states) that create criminal offences against slaughter, trade consumption of beef; (b) Anti-conversion laws (in 7 states) that restrict the right to practice and profess the religion of one's choice; (c) Citizenship Amendment Act 2019 along with all-India Nation Register of Citizens to 'detect, and detain 'infiltrators', a dog whistle description for Muslims, while opening a pathway to Indian citizenship for non-Muslim "illegal immigrants", the two thus being patently discriminatory against Muslims; (d) Jammu & Kashmir Reorganisation Act 2019, which enabled the abrogation of Article 370 and Art 35A of the constitution that had provided limited autonomy for the Muslim-majority state and protection for its residents; and (e) Unlawful Activities (Prevention) Amendment (UAPA) Act 2019 which empowers authorities to declare individuals as terrorists before they have been convicted of a crime, used as a tool by authorities to target dissent, mostly used against minorities and other targeted groups.²⁸

Religious minorities also face structural inequalities linked to economic, social and cultural discrimination. Contributing to this is legislation including the Constitutional (SC) Order, 1950 which deprives adherents of 'non-indigenous faiths' – particularly Muslims and Christians – of Scheduled Caste status and therefore access to benefits of affirmative action. Despite the degree of exclusion being well-documented – for example, in the Sachar Commission Report 2006 – poor outcomes for religious minorities persist, exacerbating marginalization and socio-economic divisions.

Hindu vigilante groups invoke cow-protection and anti-conversion laws to target primarily Muslims and Dalits, but also Christians. Lynching of minorities has become increasingly common in several northern states. Perpetrators operate with impunity and frequently degrees of state collusion, further alienating minorities. Authorities have also enabled violence through hate speech; recently, incendiary remarks by a BJP official regarding anti-CAA protesters were directly followed with violence in North East Delhi resulting in the death of over 50 people, widespread destruction of property, and displacement (all primarily affecting Muslims).²⁹ This is part of wider systematic targeting by authorities against those speaking against CAA 2019, resulting in large numbers of killings, injuries, destruction of property (including places of worship), and mass detentions, particularly in Uttar Pradesh and Delhi.³⁰

In Kashmir, the scale and degree of human rights violations have worsened since mid-2016, characterized by internet shutdown, curfews, use of pellet shotguns, arbitrary detentions, custodial torture, and violence against children. This has the potential to fuel further violence both within Kashmir and the wider region. In Assam, the NRC process has called into question

²⁸ 'South Asia State of Minorities 2019' in South Asia State of Minorities Report 2019: Migrants, Refugees, and the Stateless (2020)

²⁹ 'Why was Delhi Police unprepared for violence even after BJP leader Kapil Mishra's threats?', Scroll.in, 25 February 2020

³⁰ 'Everyone has been silenced: Police excesses against Anti-CAA Protesters in Uttar Pradesh, and the Post-violence Reprisal', Citizens Against Hate, March 2020

the citizenship status of 1.9 million people, and with the CAA now in place concerns Muslims will be rendered stateless. Continued targeting of minorities in India is the outcome of a permissive environment for antiminority hate mongering, nurtured by senior politicians, working in sync with mainstream and social media, that act as amplifiers of hate. This has been fed by the hollowing out of institutional safeguards, resulting in weak rule of law, poor working of the criminal justice system, and a culture of impunity against atrocity crimes.

That the judiciary has an important place in defining the role that religion will play in politics in the countries of this region is also evidenced by a recent judgement of the Supreme Court of India. In an important judgement, a divided court decided that in a secular democratic polity, appeals to religion or caste and the like need to be kept out of the electoral process. These are divisive markers of identity that threaten the basic consensus necessary for the survival of democracy in complex societies. On the other hand, the minority judgement held that religion, language, caste and other identities are part of the social life of the nation and are also associated with particular histories of discrimination, disadvantage and marginalization. Governance itself is a mechanism for the amelioration of such injustices, and thus if calls in election for votes on the grounds of caste or religion are prohibited, this amounts to reducing democracy to an abstraction and suppressing the voicing of the legitimate concerns of citizens.

Conclusion: In the face of all this tumult, what is clear is that ‘religion’ is hardly disappearing from the countries of South Asia. At least, the ethnicization of religious boundaries in the political domain remains extremely significant, even if within the communities themselves, fluidity of faith and practice are tolerated. The limit of that tolerance is itself questionable as groups come into conflict over the purity of faith and there are sectarian as well as other differences that emerge. All the while, religious boundaries are sharpened and become the basis for struggling against or making claims on the state. Yet, faith as a personal project of spirituality and salvation should not be completely effaced as some of the voices in this issue, particularly of the khana badosh and hijras of Lahore, manifest. The papers and opinion pieces in this issue cover a range of interesting ideas under the overall theme of ‘Politics of religion and faith’ and are located in the different countries and societies of South Asia such as Nepal, Pakistan, Bangladesh, Sri Lanka and India, including their borderland regions.

“All religions teach people to be good people”

(A Thai Saying)