

In The Name of Religion: Barbarism of Past, Hypocrisy of Present

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Abstract

Karl Marx rightly said, “Religion is the opium of masses.” And India seems to be hallucinating in its intoxication for centuries. Empires were built, drawn, destroyed in its name. And even after so much destruction, so much atrocity, we Indians still are unable to overcome our addiction. It was only for a brief moment in history that we realized the futility of our hatred and violence in the aftermath of the revolt of 1857 until the dawn of independence. And so sooner we again started fighting. Mother India who endured the onslaught of 200 years of the British rule was dissected and torn into two halves by its own children in the name of religion. And it did not end there. Our engraved hatred made us murder ‘The Father of Our Nation’. Seventy years later, we are hailing the murderer as a patriot, a champion Hindu and demand a temple dedicated to him. From time to time, every time when we are near peace and the wounds of the past violence start to heal, a fresh cut is made by one or the other fanatic extremist groups and political parties. This chain has been continuing for last 70 years. All in the name of vote-bank politics. The authors have analyzed the pattern of religious violence from ancient times up to its current form and development. We are of the view that only two factors are responsible for all this chaos: Religious Bigotry and Vote-Bank Politics. In the past the former played the major role, but today the latter cause is more prominent. Vote-Bank Politics utilizes the Religious Bigotry to fuel its agenda and gain power. The British Policy of Divide and Rule has solidified into the ‘grundnorm’ of all the agendas of all Indian political parties.

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Introduction

When Frederic Sorrieu painted 'The Dream of Worldwide Democratic and Social Republics- The Pact Between Nations' on 1848 and for the first time gave the concept of nations and nationalism, little did he know how gravely his concept shall be misinterpreted in future. In Sorrieu's utopian vision, the people of the world are grouped as distinct nations, identified through their flags and national costume. His painting was a protest against the absolutist aristocracy who would rule over many regions of Europe often with diametrically opposite culture, tradition and languages together under one single rule. He was like the common European people of that time, in favor that nations should be formed on the basis of 'shared identity' and not on the basis of mere fact that they share a common government. He wanted the will of the people to prevail in the determination of state. He wanted democracy.

Ernst Renan, in a lecture at the University of Sorbonne in 1882, would for the first time give the definition of 'What is a Nation?':

“A nation is the culmination of a long past of endeavours, sacrifice and devotion. A heroic past, great men, glory, that is the social capital upon which one bases a national idea. To have common glories in the past, to have a common will in the present, to have performed great deeds together, to wish to perform still more, these are the essential conditions of being a people. A nation is therefore a large-scale solidarity...Its existence is a daily plebiscite...A province is its inhabitants; if anyone has the right to be consulted, it is the inhabitant. A nation never has any real interest in annexing or holding on to a country against its will. The existence of nations is a good thing, a necessity even. Their existence is a guarantee of liberty, which would be lost if the world had only one law and only one master.”²

His concept deeply inspired the series of nationalist revolutions in Europe starting with the French Revolution. Later his very same concept was exploited by the conservationist aristocracy to reimpose their rule and former laws. The definition of nationalism was turned into a definition of reinstating the traditions, the practices and the law and inhibited any kind of social or intellectual growth. The concept which sought a noble purpose in its inception became the antithesis of globalization in future. The British got their 'Divide and Rule' policy inspired from this idea. And later Mohammad Ali Jinnah would give his infamous and

² Page 4, Chapter 1 "The Rise of Nationalism in Europe", Social Science: India and the Contemporary World-II, NCERT (2013).

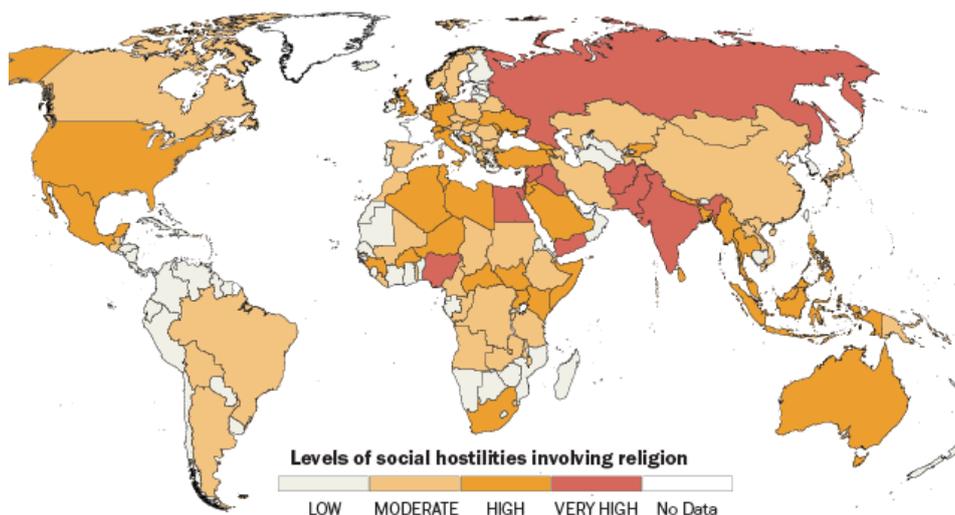
notorious ‘Two Nation Theory’ which tore apart the Indian subcontinent into 2 countries- India and Pakistan. Supporting Jinnah, on August 15, 1943, the Sangh ideologist, Veer Savarkar would say in Nagpur, *“I have no quarrel with Mr Jinnah’s two-nation theory. We, Hindus, are a nation by ourselves and it is a historical fact that Hindus and Muslims are two nations.”*³

Several religious fanatic groups would crop up in our subcontinent claiming to be flagbearers of individual narrow nationalism. Hindus considered themselves into a different nation and Muslims a different.

Although constitutionally, India rejects the two-nation theory and regards Indian Muslims as equal citizens. But till date the Indian subcontinent has not been able to rise above this delusional concept. And 70 years later, in spite of being established a ‘Secular’ state, the ground reality has been different and a sorry affair. India’s identity of a ‘Unity through Diversity’ is now crumbling down. “An April 11, 2017 Pew Research Center analysis of 198 countries ranked India as fourth worst in the world for religious intolerance. In the country of 1.3 billion, the incidence of hostility related to religion trailed only Syria, Nigeria and Iraq, all places where sectarian violence is widespread.”⁴

Social hostilities involving religion around the world

Level of social hostilities involving religion in each country as of December 2015



Source: Pew Research Center analysis of external data. See Methodology for details.
“Global Restrictions on Religion Rise Modestly in 2015, Reversing Downward Trend”

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History of Religious Violence: A Ballad of Hypocrisy

Violence in the name of religion has always been a prominent affair of the Indian subcontinent in the past. Ancient texts *Ashokavadana* mention about the execution of 18,000 followers of the Ajivika sect by King Ashoka after he converted to Buddhism and renounced the world. Their fault was only that one member of their tribe allegedly drew a picture of Lord Buddha bowing down to Lord Mahavira of Jain sect. Sometime later, another Nirgrantha follower in Pataliputra drew a similar picture. Ashoka burnt him and his entire family alive in their house. So much for a renouncer.

Later we had a notorious treacherous selfish invader Mahmud of Ghazni who would made a total of 16 attacks on the Indian subcontinent in 11th century. Each campaign witnessed religious violence, killing of thousands of people, plunder and Mahmud returning with Hindu slaves and loot. In 1024 AD, Mahmud of Ghazni attacked and destroyed the third Somnath temple killing over 50,000 and personally destroying the Shiva lingam after stripping it of its gold.

This legacy of religious violence would continue over the successive centuries. With the Delhi Sultanate and Khilji dynasty sharing contempt for non-Muslim people and temples in India, extreme brutalities became a common practice in those days. Nusrat Khan, a general of Allauddin Khilji, in a mutiny by Hindus against the atrocities would carry out mass-killing of all Hindu men above the age of 8 and seize all women and children of the affected area and place them in prison. In another act, he had the wives of suspects arrested, dishonored and publicly exposed to humiliation. The children were cut into pieces on the heads of their mothers, on the orders of Nusrat Khan.⁵

With the advent of Timur Lane, a major portion of the Hindu people was wiped away. And the tale of hypocrisy would continue till the reigns of Lodhi Dynasty. It wasn't before Akbar that the Indian subcontinent saw a sigh of relief and religious tolerance. Akbar's reign is considered the best by the historians and he is considered the true founder of the Indian spirit of religious tolerance. It was due to his policies and initiatives that the 'Hindustani' culture

⁵ Elliot and Dowson, *The History of India, as Told by Its Own Historians - The Muhammadan Period*, Vol. 3, Trubner & Co, 164-165.

came into existence, and the Hindu and Muslims start seeing each other as brothers rather than enemies in the past.

But this era of peace was short lived and soon we had Jahangir, son and the next emperor of the Mughal empire who would go on to execute Guru Arjun Dev of Sikhs in 1606 starting the rift between Muslims and Sikhs. His grandson Aurangzeb would continue his legacy by killing the 9th Sikh Guru, Guru Tegh Bahadur and surpass even those of the past tyrants like Mahmud of Ghazni and Timur lan. He instituted trial against his own father ShahJahanand elder brother Dara Shikoh and his family for their secular beliefs and killing them for same. In his book, Mathew White claims his rule to by one of the 100 most tyrannical in the history of mankind. *The reign of Aurangzeb that followed, witnessed one of the strongest campaign of religious violence in Mughal Empire's history, with an estimated 4.6 million people killed.*⁶ Hindus were reduced to the second class citizenship. Their festivals were banned and they were subject to forced conversions and Jazia and other discriminatory tax.

It is also a little known fact that Tipu Sultan, the hailed champion of the intial freedom struggle phase was also a religious bigot. His hatred for British was driven by hatred for Christianity and he is known to persecute widely Indian origin Christians of Manglore. He was also a known hater of the Hindu culture and religion, and his rule saw plethora of forced religious conversions of Hindus and brutality targeting them.

It was not until post 1857 that we saw the tension between the different communities cool down and a sense of solidarity take form between them. This was mostly the result of resentment against the common enemy, the British Rule in India and the campaign led by Indian national leaders calling for the uniting of Indian people against the British raj.

In 1986–87 DC Comics limited series comics ‘Watchmen’by Alan Moore and Dave Gibbons, and in subsequently the 2009 movie of the same name, this very concept was enunciated by the writers to promulgate world peace. In the movie the antagonist projects the planting of a series of nuclear attacks in different parts of the world with the aim of deluding the Cold War tension between U.S.A and Russia and subsequently unites all the nations of the world to combat against a common enemy and achieves world peace. His concept was very simple ‘My enemy’s enemy is my friend.’ We can attribute the same analogy for the unity of the Indian people against the British.

And it wasn't until we got assurance that we are now getting rid of the British Raj, that we remembered again our past differences and started fighting again. The national leaders now started looking out for their own benefit and power, and started marginalizing the Indian people on the basis of religion and caste. And we self-esteemed foolish Indian people so long have been engaged in this strange ballad of hypocrisy which has never either in the past nor in the present has benefited anyone.

This paper is the authors' medium for showing their contempt and disgust for this whole chain of events which has been going on for centuries, and which seems to never end. The authors are disgusted and enraged over this gene of religious bigotry which has engraved itself in our Indian blood and hope which although seems as a utopian concept as of today, that maybe Tomorrow shall be a better day.

Post Independence era(1947-2015): Subjugation of Minorities

The joke was already upon us at the dawn of 15th August, 1947. We had won against the British Raj but were defeated against our own enshrined communal hatred. An evergreen wound was engraved in the form of LOC between India and Pakistan. We had went out to fight as Indians but returned as Hindus and Muslims. Pakistan went on to became an Islamic autocratic state while we, the remaining Indians pursued to undone what had been done by trying to progress forward as a 'Secular State'.

From incorporation of several secular provisions in the Constitution such as Article 14,15, 16, 25, 26, 27, 28, 29, 30 to Chapter XV ('Of Offences Relating to Religion') of the Indian Penal Code to many laws, policies and schemes for the upliftment of minorities and socially, educationally backward classes, reservation in Government Jobs, India has tried its best to uplift the people of India on equitable basis. However legislative picture which though seems quite beautiful is utterly distorted, much due to the combined action of the executive and the insidious strategy of vote bank politics. From the chameleon type muslim appeasement, anti Sikh and later Hindu appeasement politics of Congress, to aggressive Hindutva nationalist policies of BJP and Sangh parivar to Dalit vote bank politics of Bahujan Samaj party to Yadav caste champions of Samajwadi Party and many such regional associations, the political scenario is a cruel chaotic joke. The triumph of one political party in election often results in the aggressive propagation of one's policy of appeasement of their concerned segment of votebanks and punishment for the rival party's vote bank population.

Almost all riots and cases of religious violence which have happened since independence until now have affiliations from one or the other party. The statement can be deduced by analyzing all the major cases of such sporadic large-scale violence sparked by underlying tensions between sections of communities and their pattern.

Gujarat Communal Riots (1969)

Considered the most deadly riot after partition, the riot broke out between Hindus and Muslims during September–October 1969, in Gujarat. The rioting started after a scuffle at Jagannath Mandir in Ahmedabad, but rapidly expanded to major cities and towns of Gujarat. The violence included attacks on Muslim chawls by their Dalit Hindu neighbours. The violence continued over a week, then the rioting restarted a month later. Curfew was imposed for 65 days in row. Some 660 people were killed (430 Muslims, rest Hindus), 1074 people were injured and over 48,000 lost their property.

Anti-Sikh Riots (1984)

After independence, Sikhs in Punjab sought autonomy and complained about domination by the Hindu whose demand grew during the 1970s. Indira Gandhi government arrested thousands of Sikhs for their opposition and demands particularly during Indian Emergency.

After the Emergency was lifted, during elections, she supported Jarnail Singh Bhindranwale, a Sikh leader, in an effort to undermine the Akali Dal, the largest Sikh political party. However, Bhindranwale began to oppose the central government and moved his political base to the Darbar Sahib (Golden temple) in Amritsar, demanding creation on Punjab as a new country. In June 1984, Operation Blue Star was ordered by Indira Gandhi, the Indian army attacked the Golden temple with tanks and armoured vehicles. Thousands of Sikhs died during the attack. In retaliation for the storming of the Golden temple, Indira Gandhi was assassinated on 31 October 1984 by two Sikh bodyguards.

The assassination provoked mass rioting against Sikh. During the 1984 anti-Sikh pogroms in Delhi, government and police officials aided Indian National Congress party worker gangs in "methodically and systematically" targeting Sikhs and Sikh homes. As a result of the pogroms 10,000–17,000 were burned alive or otherwise killed, Sikh people suffered massive property damage, and at least 50,000 Sikhs were displaced.

Bhagalpur riots

24 October 1989

During a procession related to Ram Janmbhoomi campaign passing through a muslim dominated area some hindus shouted communal slogans. This instigated some muslim youth to throw crude bombs at the procession. Although nobody was harmed but this incident took a violent move.⁷

The hindu procession turned into mob and countered the other community. The mob on their way looted and damaged muslim shops and properties. Several muslim dominated villages and even hindu dominated villages were attacked during the whole period of riots and muslims were butchered.

In Chanderi village where despite police protection given to around 125 muslims who were seeking refugees in a house were also butchered by hindus.⁸

In another incident of Logain 166 muslims were killed by a 4000 hindu mob and their bodies were buried in the fields and then crops were planted on it to hide evidences.⁹

The riots lasted for 2 months where 1,070 people were killed & 524 injured. 15 out of 21 blocks of Bhagalpur were affected by the riots. 11,500 houses in 195 villages were destroyed, displacing 48,000 people. 600 power looms and 1,700 handlooms were burnt to ashes. 68 mosques and 20 mazaars were destroyed.¹⁰

Many accused were acquitted for lack of evidences. Even Kameshwar Yadav, mastermind of the Bhagalpur riots, was acquitted by Patna High Court.¹¹

Gujarat riots

1985

The riots began in February and lasted till October 1986 causing an estimated death toll of 275. Initially these were an intra Hindu caste issue clashes over the reservations policy of the state government but soon turned into a communal riot between Hindus and Muslims.

According to Asghar Ali Engineer, the riots were organized by the Bharatiya Janata Party (BJP) to cause the downfall of the government of Madhav Singh Solanki.¹² According to testimony from Dalits, members of the BJP legislative assembly who during the riots in 1981 had assaulted them gave them aid during the 1985 violence. The BJP and other Hindu groups provided the Dalits with weapons, legal help and money.¹³

A striking feature of these riots was the mobilisation of upper caste women in support of their men folk. Facing insults and brickbats, the police was effectively prevented by these women from taking any strong action against the mob. In April 1985, the police revolted and participated in the violence. It was under police supervision that 400 Muslim houses were set ablaze and reduced to ashes all over the state.¹⁴

Babri Mosque Demolition and the Chain of Destruction

On 6 December 1992, members of the Vishva Hindu Parishad and the Bajrang Dal destroyed the 430-year-old Babri Mosque in Ayodhya. It was claimed by the Hindus that the mosque was built over the birthplace of the ancient deity Rama. This action allegedly caused humiliation to the Muslim community. The resulting religious riots caused at least 1200 deaths. Since then the Government of India has blocked off or heavily increased security at these disputed sites while encouraging attempts to resolve these disputes through court cases and negotiations.

In the aftermath of the destruction of the Babri Mosque in Ayodhya by Hindu nationalists on 6 December 1992, riots took place between Hindus and Muslims in different parts of the country mainly Mumbai. The riots changed the demographics of Mumbai greatly, as Hindus moved to Hindu-majority areas and Muslims moved to Muslim-majority areas. The 1993 Mumbai blasts were a retaliation by the Muslim fanatics.

Gujarat Riots

27 February 2002

¹²Asgharali, *The Gujarat Carnage* Orient Blackswan, 12 (2003).

¹³Shani, Ornit *Communalism, Caste and Hindu Nationalism: The Violence in Gujarat*, 159, Cambridge University Press (2007).

The riots started from the Godhra train incident when 58 Hindu pilgrimskarsevaks were burned to death in the train set on fire by muslims.¹⁵ Attacks against the Muslims community began the next day by men wearing saffron robes and khaki shorts, who drove to the sites of violence in large numbers in trucks. They used swords, guns, petrol bombs and gas cylinders to destroy homes and places of business.

Even police participated in the riots. According to Teesta Setalvad on 28 February in the districts of Morjari Chowk and Charodia Chowk, in Ahmedabad of forty people killed by police shooting, all were Muslim.¹⁶

Muslim women had to face the extreme sexual brutality of hindu mob withforced nudity, mass rapes, gang-rapes, mutilation, insertion of objects into bodies, cutting of breasts, slitting the stomach and reproductive organs, carving of Hindu religious symbols on women's body parts, and beating and killing of pregnant ladies.¹⁷

The riots resulted in the deaths of 790 Muslims and 254 Hindus; 2,500 people were injured non-fatally, and 223 more were reported missing¹⁸.

The violence continued for 3 months with no intervention from the federal government till May.¹⁹The state government was accused of being complicit in the attacks, either in failing to exert any effort to quell the violence or for actively planning and executing the attacks themselves.Narendra Modi, then CM was accused of initiating and condoning the violence, as were police and government officials who allegedly directed the rioters and gave lists of Muslim-owned properties to them²⁰.After the riots the United States Department of State even banned Narendra Modi from traveling to the United States due to his alleged role in the attacks.

BilkisBano, one of the victims of Gujarat riots got justice only in 2017 when 11 convicts who raped her and killed her family were given life imprisonment.

Muzaffarnagar Riots

27 August 2013

¹⁶Teesta Setalvad, "*When guardians betray: The role of the police*",Varadarajan 2002, p. 181.

¹⁷Khanna, Renu"*Communal Violence in Gujarat, India: Impact of Sexual Violence and Responsibilities of the Health Care System*" *Reproductive Health Matters*, 14.

The cause of Muzaffarnagar riots is still disputed and alternates between a minor traffic accident involving some youths which lead to communal clash²¹ and an incident of eve-teasing where a muslim man was killed for harassing a Hindu girl by her brothers and in return they were killed by muslim mob²².

Just 3 days after the incident a muslim gathering was hijacked by BSP and Congress leaders demanding justice for the killings of muslims. On the other hand BJP leaders gave incendiary speeches to Hindu farmer. On their way home the farmers were attacked and killed thus further increasing communal tensions.²³

In the infamous Jauli canal incident the muslims attacked the Jats returning from Mahapanchayat and dumped their bodies into a canal. This aroused the Jats to kill muslims and hence further triggered the riots.²⁴

These riots resulted in deaths of at least 62 including 42 Muslims and 20 Hindus²⁵ and injured 93 and left more than 50,000 displaced²⁶.

The riot has been described as "the worst violence in Uttar Pradesh in recent history", with the army, as a result, being deployed in the state for the first time in last 20 years. 10,000 Provincial Armed Constabulary (PAC) personnel, 1,300 Central Reserve Police Force (CRPF) troopers and 1,200 Rapid Action Force (RAF) personnel were deployed to control the situation.²⁷

In May 2014, the nationalist Bharatiya Janata Party won the parliamentary elections in Muzaffarnagar district, along with all the seats in Uttar Pradesh. Winning BJP MP Sanjeev Balyan, a Jat leader became a Union minister the Narendra Modi government.²⁸

Mob Lynching (2015 onwards)

Noted Hindi writer Harishankar Parsai in 1991 made a prescient warning about the dangers of a restless crowd in an article titled 'Awaarabheedkekhatre.'²⁹ From 2015 onwards, we can witness his warnings in reality. A strange pattern has emerged after the reported lynching and

²¹Raman Kirpal. *How SP, BJP, BSP politicians gave their blessings as Muzaffarnagar burned.*

²² "The Muzaffarnagar aftermath". *India Today*. 13 September 2013.

murder of Mohammad Ikhlq in Dadri, Uttar Pradesh. Incidents of widespread mob lynching by a saffron outfit mob began to be reported throughout the country targeting mainly Muslims and Dalits ever since that event.

All the events were carried out by men belonging to saffron outfit in the name of cow protection. The mob reportedly took pride in conducting such heinous crimes and would falsely blame the victim of petty allegations of either being a trader, consumer or butcher of cows. They took little interest in as to verification of the fact, and often took video recordings of the whole episode and upload it on social media. Cow Vigilantism is nothing more than a mere façade for hate crime against minorities by Hindutva fanatics.

Such men claiming to be ‘GauRakshaks’ have claimed to be aligned with one or the other wings of the Sangh Parivar. Shockingly their actions have received silent assent by a portion of public. *Cattle slaughter becomes illegal at a time when manslaughter happens in the name of cow.*³⁰

Following is a list of widely known reported cases:

1. Abdul Ghaffar Qureshi

30 May 2015

4 months before the Dadri lynching, in the Rajasthan village of Birloka, an angry mob beat Ghaffar with sticks and iron rod on the pretext that he is selling beef. The lynching took place when a photo of carcasses of 200 cows strewn across a field in the village meant for disposal of cattle carcass went viral along with the rumour that Muslims had killed those cows for a feast.³¹

2. Mohammad Akhlaq, Dadri Mob Lynching

28 September 2015

The mob took out Mohammad Akhlaq and his house and brutally beat and stabbed him to death. The whole episode took place when someone spread rumour and later a priest announced it on loudspeaker of a temple about the family killing a calf³² and consuming beef. The sample of meat in the refrigerator was sent to forensic lab only to be later discovered that it was mutton.³³

3. Rafeeq and Habib

15 October 2015

These two were severely thrashed by a mob of 500 people after they were allegedly caught slaughtering a cow and removing its skin. Later in the post mortem report it was found that the cow died of natural cause which was confirmed even by the cow owner.³⁴

4. Rizwan and Mukhtiar

10 June 2016

Two men, Rizwan and Mukhtiar were forced by gaurakshaks to eat mixture of cow dung, cow urine, milk, curd and ghee in Haryana over suspicion of transporting beef.³⁵ The meat was confirmed to be beef and both were charged the local Prohibition of Cow Slaughter Act.

5. Madhya Pradesh Train Incident

26 July 2016

A mob of Hindu Dal activists in Madhya Pradesh slapped, punched and kicked two Muslim women on suspicion of carrying beef. The lab tests later revealed it to be that of buffalo and not of cow.³⁶

6. Pehlu Khan

1 April 2017

Pehlu Khan, a Muslim man in his 50s, beaten up by cow vigilantes in Rajasthan's Alwar district while transporting cows, died 2 days later. His family was wrongfully implicated and charged to be cow smugglers by cow vigilante groups. However the son of Pehlu Khan was later acquitted of cattle-smuggling charges by two courts.³⁷

7. Junaid Khan

22 June 2017

A 15 year boy, Junaid Khan was stabbed to death on a train in Ballabgarh while returning from Eid shopping from Delhi. He along with his brothers were subjected to communal

taunts calling them “beef-eaters”, throwing their skull caps on the floor and pulling their beards, while they fought over train seats.³⁸

8. Usman Ansari

27 June 2017

A dairy owner, Usman Ansari was attacked by a mob of 1000 people in Giridh area, Ranchi when a cow with its throat slit was found in the area. However the police was able to tackle the mob after 2 hours when many got injured. It was later found that the cow belonged to Usman but died of illness and before he could dispose it of a mischief maker slit its throat making it look like slaughter.³⁹

These incidents which have occurred on the heels of the Dadri lynching of September 30th demonstrate how the Hindutva agenda relies on mob violence. At the same time, the political success of the hate campaign has derived legitimacy from the Prime Minister’s studied silence and been backed by comments such as those by the Union Minister, Mahesh Sharma, who described the Dadri incident as an “accident” or that by Chief Minister of Haryana, Manohar Lal Khattar, who stated, as recently as 15th October, that Muslims can reside in India provided they agree to give up eating beef.⁴⁰

Based on a survey of reports in English-language media that are online since 2010, IndiaSpend claims 86% of those who died in incidents related to cow protectionism are Muslims. In the last 8 years, IndiaSpend found 63 cases that fall under this category, of which a staggering 61 took place after the BJP-led government at the Centre came to power in 2014.

The numbers have escalated since the government under Prime Minister Narendra Modi came into power in 2014. In the last three years alone, 97% of these incidents took place, with 20 "cow-terror attacks" reported in the first six months of 2017, a 75% jump over the total number of such incidents in 2016.⁴¹

The BJP led government has so far failed to bring these men to justice. Their reluctant condemnation of such episodes and imposition of beef ban in all states and stringent reinforcement of laws related to sale and manufacture of meat raises suspicion about their

role. Their attempts to ban beef in the North Eastern state was met out with mass protest by the public. One BJP MLA also resigned from the issue and joined the protests. BJP was to later reiterate their statement by claiming that they won't be imposing beef ban if voted to power. Similar statements were made by Goa Chief Minister Manohar Parrikar later in July,2017.

The Centre however has resorted to other measures to indirectly impose a ban on the meat industry by imposing several draconian animal market restrictions in its notification titled the Prevention of Cruelty to Animals (Regulation of Livestock Markets) Rules, 2017 in the name of protection of cattles.⁴² This move by the government has received massive protest by the states and the general public. Such an attempt is being seen by them as an uncalled interference with their 'Right to Choice of Food.' The Muslim community sees such a threat as an attack on their culture and an attempt to cripple them financially as they are the majority shareholder of the meat industry.

Dawn of a Public Revolt

1. Not In My Name campaign

In 1970s Americans began "Not in My Name" protests against the invasion of Vietnam. The slogan has since been used to counter many other militant actions.

The slogan saw its revival in India catalysed by the mob murder of a 16 year old teenager, Junaid in India on June 24, followed by a Facebook post on June 24 by filmmaker Saba Dewan.

Lynching of the minorities in the name of religion took centre stage again after reports of 16-year-old Junaid's cold blood murder hit the headlines.

The #NotInMyName campaign took off across India with simultaneous protests in several cities on June 28, 2017 against the ongoing mob lynchings and vigilante violence targeting Muslims and Dalits.⁴³

Thousands of people across the country on 28th June took to the streets in a citizens' protest named '*Not in My Name*' against the recent incidents of mob killings. Holding placards that read: "*Break the Silence,*" "*No Place for Islamophobia*" and "*Shed Hate not Blood*" among

others, the protesters said they had gathered to send out a message that there was a need to unite for a cause.⁴⁴

2. Manav Suraksha Kanoon (MaSuKa)

Following the "Not In My Name" protest marches across the nation to protest against mass lynching, another demand was raised to quell the rising trend of such crimes. The National Campaign Against Mob Lynching drafted a bill known as the Manav Suraksha Kanoon (MASUKA) to begin a legal conversation against lynch mobs.

*News18 reports Tehseen Poonawalla (member of the drafting committee) as saying, "We have proposed to make lynching a non-bailable offence and the punishment for the ones convicted under it would be life imprisonment. It also mandates that the concerned SHO (Station House Officer) of the area would have to be suspended forthwith until a time-bound judicial probe absolves him of charges. This provision has been laid out because if a mob of 100 people is entering an area and lynching someone, it cannot be without the consent of the concerned police officer of the area."*⁴⁵

Conclusion

Authors' take on the current development and MaSuKa.

With regards to the past history of India in terms of religious violence, there can be nothing done about it. The only appropriate resort can be to learn from the mistakes of our forefathers and not to repeat the same. After Independence, India has been trying its very best to overcome the shadow of its past. But the whole state of affair seems to be never ending. It just seems to transit its form from the past large scale bloodshed wars to riots and now to a ruthless innovative concept of Mass Lynching.

No doubt the current atmosphere of the country has become more explosive than the recent past. The audacity of the common men to gather in shape of a mob and wreck havoc on grounds of hate crime is an extremely troublesome affair. Such a pattern demonstrates two possible analogies: either they are granted immunity from repercussions of their actions by the law enforcing authorities or the government of the day is too inefficient to prosecute them

for lawlessness and inspire fear in them. Both the analogies are jointly true for the current situation.

In his 1991 article, HarishankarParsai rightfully said, “-A crowd made up of aimless, frustrated, nihilistic, destructive and jobless youths is dangerous. They can be mobilised by people or groups sworn to dangerous ideologies. Napoleon, Hitler, Mussolini – they all made use of this crowd.

This crowd starts following religious fanatics. It is prone to becoming part of any organisation that whips up fundamentalism and discord. Then this crowd can be made to indulge in all kinds of destructive acts.

*This crowd can easily become the weapon of fascists. It is this very crowd which is on the rise in our country. It is being readied as well. In the times ahead, this crowd could be marshalled to crush and destroy all national, humane and democratic values.”*⁴⁶

In the words of Salil Tripathi in response to the public petitions for MaSuKa, “Any government should feel outraged and humiliated when its citizens demand such a law.”⁴⁷

The authors while fully in support of #NotInMyName campaign and the good intention of the drafters behind the MaSuKa cannot find reasonable assent to the full support of the MASUKA law. The existing provisions in the Indian Penal Code are not inadequate to deal with such offences. There are no gaps in the law. There is only a problem of implementation, an issue common in India. Having more laws does more damage than good. The inefficiency and incapability of the executive authorities cannot be curbed by a legislative process. The outcry for the protection of women after the Delhi Gang Rape case of 2012 which resulted in the 2013 Criminal Law amendment saw gross misuse of the newly introduced provisions. Laws alone do not ensure tranquility, the enforcement mechanism does.

Lynching cases currently get covered under Section 302 (murder), 307 (attempt to murder), 323 (causing voluntary hurt), 34 (common intention), 120B (criminal conspiracy), 147 (rioting), 148 (rioting armed with deadly weapons) and 149 (unlawful assembly) of the Indian Penal Code.

Under Section 34 of the IPC, all members of a group which was gathered for a common intention will be liable for any crime committed in furtherance of that intention. A group of

five or more people also becomes an “unlawful assembly” under the IPC where the common objective of the persons in it is to commit an offence (Section 141). Every member of an unlawful assembly is guilty of any crime committed pursuant to the common object of the assembly, or any crime they knew was likely to be committed for the common object (Section 149).

If an unlawful assembly commits any violence, the matter escalates into one of rioting (Sections 147 and 148).

While all these provisions deal with people present in the mob, a charge of criminal conspiracy (Section 120B) can attach to those involved in planning and instigating the mob. This could apply to those spreading the word in person or on forums like Whatsapp.

Though the draft has some positive points such as:

1. Addresses police inaction and complicity.
2. Special courts for speedy justice.
3. Rehabilitation and compensation for victims’ families.
4. Witness protection.

Its shortcomings regarding ambiguities and vagueness in definition of lynching, potential for misuse and procedural issues cannot be ignored. The positive points of the bill can be fruitful amendments but the overall bill does not seem to be a wise option *prima facie*.

On another note, such initiatives are also very much necessary as when the Government of the day neglects and refuses to acknowledge the existence of such issues and give silent consent to the perpetrators of crime. *The state’s response has been equivocal and its representatives are sending the wrong signal. After Mohammad Akhlaq was murdered in Dadri, a minister attended the funeral of one of the alleged assailants who later died naturally, and the casket containing the alleged assailant’s body was draped with the tricolour. Rajasthan’s chief minister, Vasundhara Raje, waited three weeks before warning cow vigilantes after Pehlu Khan’s murder in Alwar.*⁴⁸ And such affairs are not uncommon.

The political masters have shown their utter disregard for such issues. From turning a blind eye to all the questions regarding Congress sponsored 1984 Sikh Riots and The Emergency

by the Congress to the failure to acknowledge the current hostile situation by the BJP, the cards are very much on the table. We Indians cannot possibly afford such perpetrators and destroyers of the spirit of Constitutionalism. And it is only upon us to make things right. The recent Not In My Name and MaSuKa campaign are footsteps in the right direction. But still a lot needs to be done. The current national debate is being framed as Secularism vs Hinduism, where each is viewed as antithetical to the other. Secularists are uninterested in debating the merits of Hinduism, while Hindutva supporters view secularism as a spurious ideology.

The least we can do is speak up about such atrocities irrespective of whom they are targeted against. It is our silence and sheer ridiculing of these unsound issues of religious hue by considering them unworthy of our attention which has given the fanatics and extremists strength.