

Human Rights Crisis in India



A report by



Collective Against the Violation and Abuse of Civil and Human Rights

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Human Rights Crisis: INDIA

Overture:

India got its independence in 1947 and even though the word 'secular' was incorporated in its Constitution in 1976, the spirit of the Constitution was always secular. However, a far right paramilitary organisation Rashtriya Swayamsevak Sangh (RSS) (est. 1925) wanted India to be established as a Hindu nation, with no place for minorities. Its founding members were greatly inspired by the idea of **race purity** (by Nazi Germany under Hitler) and compared Indian Muslims to the "**Jews of Germany**", and were extremely **fond of fascist dictators like Hitler and Mussolini**. Though their idea of a Hindu India couldn't materialize at the time of independence, the idea was never abandoned and was tirelessly pursued. **Both the present Prime Minister (Mr. Narendra Modi) and the Home Minister (Mr. Amit Shah) have worked as volunteers in the RSS.**

RSS is the ideological parent of the Bharatiya Janata Party (BJP). Soon after Mr. Modi became Chief Minister of Gujarat, the state burned in riots in February 2002, killing more than 1000 Muslims. A minister in the then Modi's government and other prominent members of RSS have been convicted in court for these riots. Following the riots, **Mr. Modi was denied a travel visa by Washington, on grounds of "religious intolerance"**. A senior Police Officer Mr. Sanjiv Bhatt who claimed that the Police were instructed to let the rioting continue was suspended from duty on spurious grounds and is now sentenced for life in a decades old case. When Mr. Modi was the Chief Minister of Gujarat, his government introduced school textbooks that glorified Hitler by teaching students about the "**internal achievements of Nazism**".

BJP came to power in the Central Government in 2014. Almost 72% of the present BJP ministers in the central government hail from a RSS background, including Prime Minister Mr. Modi and Home Minister Mr. Shah. Since 2014 hate crimes against minorities have continuously increased in India. The central government has allowed such violence with impunity and has also engaged in and tolerated hate speech and incitement to violence. **Mr Shah has compared immigrants to termites and have said that a BJP government will throw them in the sea.** With the building of detention centres to the most recently passed amendment on the Indian citizenship law (which has been compared to the Nuremberg laws) this government under the leadership of Mr. Modi is quite clearly pursuing their agenda of a Hindu nation.

It is this background against which this report presents the gross Human Rights Violations against minorities and every liberal voice brave enough to challenge RSS and Modi government.

1. Introduction

This document provides a brief factual overview of increased human rights violation cases in India in the last few months. Some of the issues covered include

- Passing of the controversial **Citizenship (Amendment) Act (CAA)**, which **violates Article 14** (equality before law) of the Indian Constitution and international human rights law by giving citizenship to refugees based on their religion. The home minister Mr. Amit Shah has said in the Indian Parliament that they wish to implement **Nation Register for Citizens (NRC) nationwide**. NRC, where each resident of the country is required to provide proof of citizenship has already been applied in the **state of Assam**.
 - In **Assam** (state in the North East of India) it led to the construction of **6 detention centres, 970 detainees, 29 deaths in them and 1.9 million people being declared stateless**. It has also **costed** the Indian tax payers **150 Million Euros**.
 - The combination of CAA and NRC have been compared with the **Nuremberg laws** (kindly refer to Annexure CAA-NRC for more details)
- The enactment of CAA and possibility of a nation-wide NRC resulted in nationwide protests. A total of around **31 people have died as a result of police violence** on these protests. **Police have entered university campuses and libraries and attacked students with rods and tear gas. One student lost an eye while another lost his hand after it had to be amputated.** Notably almost all deaths and injuries occurred to minorities.
- **Arrest of PhD student Safoora Zargar.** Mrs Zargar 27-year old and **three months pregnant** at the time of **arrest** has been charged with UAPA (Unlawful Activities Prevention Act) for participating in peaceful protests against CAA-NRC. She has been **denied bail two times since**, even though she also suffers from **PCOD (Polycystic Ovarian Disease)** which combined with her pregnancy puts her and the baby's health at extreme risk. **While she languishes in an overcrowded jail during the Covid-19, ironically the person openly shooting at protestors has been released on bail.**
- Hate speeches by the top leaders of the ruling party (BJP) which preceded the Delhi Riots in February 2020, which in turn resulted in the **death of more than 50 people. Facebook CEO even cited one of these speeches by member of ruling party to define hate speech** in its algorithm.
- **Attack on freedom of the press** – Renowned award winning journalists are facing charges due to their criticism of members of the ruling party.
- **Dip in the independence and credibility of the judiciary.** With failure to take cognisance of effect of laws like CAA; allowing police brutality against protestors, inability to stop unlawful silencing of dissenting voices; allowing a complete lockdown of Kashmir for more than six months; judiciary has been huge disappointing in the wake of gross human right violations across the country.

This document also attempts an explanation as to why international awareness and independent research on the same is necessary. Yet another objective of this document is to recommend the actions human right bodies can take.

2. Police brutality against Indian citizens on Indian soil

Following the passage of the controversial CAA protests broke out in the whole country. The students of three universities were mainly at the receiving end of police brutality. Police brutality was also especially marked in the BJP ruled states such as Uttar Pradesh and Karnataka. This violence is not limited only against the protestors and dissenters, but shows a general pattern of hatred against [religious minorities](#), poor and other marginalised sections of society:

1. **Jamia Millia Islamia University (JMI):** On the night of 15.12.2019, police entered the campus on the pretext of chasing violent elements and [attacked](#) protesting students with brutal baton charge. The police also **entered their library**, attacking students, vandalizing property and even used tear gas within the confined spaces like the library and reading room. One student who was beaten up by the police in the library has **lost vision in one eye**. JMI students were again brutally attacked on the 10.02.2020, when they tried to march to the Parliament. More than **10 female students** have complained of being **beaten in their private parts**.
2. **Aligarh Muslim University (AMU):** On the same fateful night of 15.12.2019, the police launched a [similar attack](#) on AMU students. Far from media scrutiny, this university witnessed even more brutal assault. More than **70 injured students** were later brought into the hospital. Doctors had to **amputate the hand** of a student who got hit by a smoke shell.
3. **Jawaharlal Nehru University (JNU):** On 05.01.2020, students and teachers of the prestigious Jawaharlal Nehru University were [attacked by a masked mob by hammers and rods](#). The mob was able to enter the university campus, brutally assault the students and leave thereafter, while the police was stationed at the main entrance of the university campus. JNU Student Union (JNUSU) claims that the attack was by members of Akhil Bharatiya Vidyarthi Parishad (ABVP), the student wing of the BJP. Ironically, **FIRs have been lodged against one of the victims of this attack** and not on any ABVP member despite credible evidence against them.
4. **Other parts of the country:** At various places across the country police crackdown on the protestors resulted in the death of more than **30 people**. **28 deaths were due to injuries by bullets fired by Police**. Majority of the deaths came from the state [Uttar Pradesh \(UP\)](#), currently ruled by staunch Hindutva nationalist Yogi Adityanath. In UP alone, out of around 25 deaths, 21 were because of [bullet injuries](#), while one minor was **crushed in stampede during baton-charge** by Police. Almost all of those who died were Muslims.
5. **Delhi Riots, 2020:** During Delhi Riots, police allegedly allowed riots to happen wherever Muslims were at receiving end. **Police was involved directly in the violence against minority community in many cases** as the emerged video evidence showed later. (More in the Annexure – Delhi Riots 2020)

6. Ironically, **police has named Dr. Anwar, owner of hospital that treated riot victims in its [charge sheet](#)**. Dr. says, "...My name has been dragged in this simply because I treated people in the hospital during the riots. I am being dragged in this case because I showed basic humanity..."
7. **National lockdown amid COVID-19:** During the initial phases of lockdown, police used disproportionate [force](#) and violence against those who tried to go out even for essential items like milk and medics. Thus, a 32-year-old person died in Kolkata allegedly due to [thrashing by Police](#). Even **an ambulance driver died of police beatings**, as he was suspected of illegally transporting people in his vehicle. In Madhya Pradesh (MP), police beat up a lawyer while he was on his way to hospital for treatment. Later, **police admitted that they beat the lawyer thinking that he was a Muslim**.
8. **Migrant workers:** As an ill planned national lockdown left millions of daily wage earners and migrant workers wanting, they started walking back to their hometowns, sometimes hundreds or even thousands of kilometres on foot. Police at many places showed no mercy and [thrashed them brutally](#), made them do sit ups, and in some cases **even forced them to Crawl**.
9. **Continued Police Brutality amid Pandemic:** Police in Southern state of India Tamil Nadu (TN) arrested a father and son for violating the lockdown norms on 19.06.2020. Two days later, both were [dead](#). A preliminary probe found severe injuries in their [private parts](#).
10. A total of **1731 people died in custody** in India during 2019. This works out to **almost five such deaths daily**, according to the report, 'India: Annual Report on Torture 2019'. 1606 of the deaths happened in judicial custody and 125 in police custody.

These are few of very many incidents that happened over the course of last one year, and are in no way exhaustive.

3. Suppression of dissent and arbitrary arrests

Authorities have used draconian laws such as the Unlawful Activities (Prevention) Act (UAPA) and sedition to deter peaceful protestors and human right defenders. During the national lockdown due to pandemic COVID-19, the state took advantage of curtailed rights and arrested many students and activists:

1. The following **students have been arrested** for protesting against the CAA: [Sharjeel Imam](#) (JNU), [Meeran Haider](#) (JMI), [Safoora Zargar](#) (JMI), [Amir Mintoe](#) (AMU), [Asif Iqbal Tanha](#) (JMI), [Gulifsha Fathima](#), [Devangana Kalita](#) (JNU), and [Natasha Narwal](#) (JNU). In addition, a German student who participated in anti-CAA protests in India was [deported](#) back to Germany.
2. Apart from them, **other activists also arrested or booked under draconian laws include:** [Dr. Kafeel Khan](#), [Shifa -ur- Rahman](#), [Ishrat Jahan](#), [Umar Khalid](#), [Anand Teltumbe](#), [Gautam Navlakha](#), [Varavara Rao](#), [Sudha Bharadwaj](#), [Shoma Sen](#), [Tahir Madani](#), and [Luvpreet Singh](#).

3. On 17.02.2020, **British MP Debbie Abrahams**, who chairs UK Kashmir panel was denied entry into India and [deported](#). Abrahams has been an outspoken critic of the abrogation of Article 370 in Kashmir by the Indian government in August last year.
4. In the state of Karnataka, **10 to 15 year-old children** of a school have been repeatedly [questioned](#) by the police, regarding a play staged against CAA. **The principal of the school and mother of one child**, have been charged with [sedition](#) for organizing the play against CAA.
5. In the end, **thousands of protestors** have been slapped with sedition charges — 3000 in [Jharkhand](#) and 135 in [a city in UP](#) alone.

This curtailment has not been limited to only against anti-CAA protestors, **any dissenting voice faces the threat of arbitrary arrests and slapping of sedition and other draconian charges.**

6. On 04.06.2020, Delhi Police registered a [case](#) against **journalist Vinod Dua** for allegedly making statements to incite trouble through his YouTube channel. It was based on the complaint of Naveen Kumar, the BJP's Delhi unit spokesperson. Mr. Dua has been a renowned critic of current government's anti-minority stance.
7. UP government and police under Yogi Adityanath recently filed criminal charges against non-profit online news outlet The Wire and one of its founding editors, **Siddharth Varadarajan**, for an entirely factual story on COVID-19 and religious events. It is worth mentioning that Mr. Varadarajan is a recipient of the Freedom of Speech [Award](#) presented by German public news outlet **Deutsche Welle**.
8. Already one of the most heavily [militarised](#) place on this planet, ever since government stripped it of its special status by abrogating the article 370 of Constitution of India, all fundamental rights have been under suspension in this state. Internet has been [down](#) for more than six months. Normal life has been deeply affected in the state. All political leadership of the state has been put under house [arrest](#) and slapped with National Security Act.

For a more detailed list kindly refer to Annexure – Unlawful Arrests.

In addition, National Human Rights Commission (NHRC) recently released a report on [police atrocities](#) on the students of Jamia Millia Islamia. Instead of talking about the Human rights violation and atrocities on students, the report blames students for the violence and questions their motive behind protesting. Almost all institutions in India have bowed down to Authoritarian regime.

4. Affiliation of ruling party with RSS (an organisation whose founders were fond of Hitler)

BJP (the ruling party) is the political wing of the far right paramilitary organisation, **RSS** (Rashtriya Swayamsevak Sangh). **Here are some quotations from the founders of RSS whose fondness for Hitler and Nazism is no secret**

- i. "Ever since that evil day, when Moslems [Muslims] first landed in Hindustan, right up to the present moment, the Hindu Nation has been gallantly fighting to take on

these despoilers. The Race Spirit has been awakening. **In Hindustan, land of the Hindus, lives and should live the Hindu Nation...** All others are traitors and enemies to the National Cause, or, to take a charitable view, idiots." — M. S. Golwalker, the supreme leader of the RSS in 1940 wrote in his book '[We, or Our Nationhood Defined](#)'.

- ii. "To keep up the purity of its race and culture, **Germany shocked the world by her purging the country of the Semitic races — the Jews. Race pride at its highest has been manifested here, a good lesson for us in Hindustan to learn and profit by.**" — M. S. Golwalker, '[We, or Our Nationhood Defined](#)'.
- iii. "**The foreign races in Hindustan [non-Hindus]... may stay in the country, wholly subordinated to the Hindu Nation, claiming nothing, deserving no privileges, far less any preferential treatment-not even citizen's rights.**"— M. S. Golwalker, '[We, or Our Nationhood Defined](#)'.
- iv. "The idea of fascism vividly brings out the conception of unity amongst people...India and particularly Hindu India need some such institution for the military regeneration of the Hindus... Our institution of Rashtriya Swayamsewak Sangh of Nagpur under Dr Hedgewar is of this kind, though quite independently conceived", B.S. Moonje, [in his diary](#), after meeting Mussolini, Italy.
- v. V.D. Savarkar, leader of Hindu Mahasabha, in one of his books '[Six Glorious Epochs of Indian History](#)' clearly **justifies rape as a political tool**, He articulated it as a wish, through a question: "**What if Hindu kings, who occasionally defeated their Muslim counterparts, had also raped their women?**"

Both the Prime Minister Mr. Modi and the home minister Mr. Amit Shah have worked as volunteers in the RSS. In 2014, when Modi came to power, **41 of 66 BJP ministers who had taken oath in 2014 were from RSS.** As of January 2020, out of 53 BJP ministers in Modi government, **38 were from RSS background**, including Prime Minister Narendra Modi and Home Minister Amit Shah.

RSS has been a vocal critic of father of nation, Mahatma Gandhi, and other such leaders who have been advocates of non-violence and unity in diversity. On 30.01.1948, Mahatma Gandhi was [murdered](#) by Nathuram Godse. Godse and his mentor V.D. Savarkar (also arrested for murder of Gandhi), had been a member of RSS and leading members of BJP have [praised Godse](#) on record.

5. Hate Speeches from those in power

The number of reported hate crimes in India has risen steadily in India since 2014, when the BJP came to power with Mr. Narendra Modi as the Prime Minister and Mr. Amit Shah as the BJP president (**9 in 2013, 13 in 2014, 30 in 2015, 41 in 2015, 74 in 2016, 69 in 2017, as of October**). Majority of the victims of these crimes are Muslims and majority of the perpetrators are Hindus. **Under this government, VIP (Very Important Person) hate speech has increased by 500% and 90% of them are by members of the BJP.**

Therefore, it should not be surprising when the Prime Minister, Home Minister, and other leading BJP members engage in speech such as

- i. "The miscreants can be identified by their [clothes](#)" – **Narendra Modi**, Prime Minister, India. (Talking about anti-CAA protesters and referring to the clothes worn by Muslims)
- ii. "Infiltrators are like [termites](#) in the soil of Bengal", "A Bharatiya Janata Party government will pick up infiltrators one by one and throw them into the Bay of Bengal" – **Amit Shah**, Home Minister and former president of BJP
- iii. "[Muslims](#) did no favour to India by staying here" – **Yogi Adityanath**, Chief Minister of Uttar Pradesh (UP)
- iv. "Mother Teresa was part of a [conspiracy](#) to convert Hindus to Christianity. Hindus were targeted in the name of doing service and then converted by her." – **Yogi Adityanath**
- v. "You will take tax money for your university and raise slogans against Chief Minister Yogi Adityanath and Prime Minister Narendra Modi? I will [bury](#) you alive" – Raghuraj Singh, UP Minister and BJP leader
- vi. "In Assam and Uttar Pradesh, our government has [shot](#) these people like dogs" – Dilip Ghosh, president of the BJP in the state of West Bengal referring to anti-CAA protesters.
- vii. "Desh ke gaddaron ko, goli maaro saalon ko [[shoot the traitors of our country](#)]," – Anurag Thakur, **Minister of State for Finance and Corporate Affairs**. He was referring to anti-CAA protesters as traitors. Unsurprisingly, few days later, on the 30.01.2020, a **gunman opened [fire](#) at a peaceful protest march by students of the JMI protesting against the CAA, wounding a student.**
- viii. In a rally, with police present, BJP leader Kapil warned police that the demonstration is causing public inconvenience. He openly said that if the demonstration was not removed/stopped ... they [Kapil Mishra and his supporters] won't listen to even police, and would take matter in their hands. **Facebook CEO Mark Zuckerberg used this particular speech as an [example](#) of hate speech that incites violence.** Delhi police has refused to act against the likes of Kapil Mishra.

None of the perpetrators of hate speeches above and countless other such incidents have been brought to justice till today.

6. Deteriorating Independence of the Judiciary

The constitution of India has enshrined a separate judiciary from the virtually collaborating legislative and executive. To enforce a check and balance system on executive and legislature, the constitution has several articles that emphasise on this theory. For example, [Article 50 of the](#)

[Indian constitution](#) puts an obligation over the state to separate judiciary from executive. It's part of directive principles of the state policy.

But last few years have put a question marks on the infallibility of the constitutional provision to safeguard judiciary- here we cite some examples of the same:

- i. Judge Loya, who was hearing a case, in which Home Minister Mr.Amit Shah, was accused, had issued an order for Mr. Shah to appear personally in his court. Judge Loya [died](#) in suspicious circumstances before hearing and Amit Shah was acquitted in the case.
- ii. Four senior Indian supreme court judges went public for the first time in the Indian history, with an [extraordinary warning](#) that India's chief justice is mishandling sensitive cases and endangering the court's integrity and the country's democracy.
- iii. Recently during anti CAA protests, Supreme Court refused to interfere actively. It gave time to the government to respond to the petitions filed against the act but [refused](#) to apply a formal stay on the act which could have doused the protests across India. These protests resulted into an orchestrated pogrom of Muslim community in the national capital, Delhi (details and ref. in the Annexure Delhi Riots 2020). When a Judge of Delhi High Court took suo-moto cognisance of the matter, it lasted only few hours till the **transfer of the Delhi high court judge** Justice Murlidhar. The new Justice who took over the case delayed it to suit a particular agenda.
- iv. During the migrant crisis as a result of National lockdown, on 31.03.2020, against a PIL (Public Interest Litigation) seeking measures to help migrant workers, Solicitor General Tushar Mehta said there were no migrant workers on the roads anymore as governments had ensured that they were being housed and fed, Supreme Court [accepted](#) this without any further questioning. That these submissions were untrue is borne out by the fact that lakhs have continued to walk home since.
- v. In another PIL in case of migrant workers [crisis](#), Supreme Court observed, "If they are being provided meals, then why do they need money for meals?"
- vi. Safoora Zargar, arrested on 10.04.2020, on charges of blocking a road and obstructing traffic, have been repeatedly denied bail and slapped under the draconian provisions of the UAPA. She was implicated in a conspiracy that allegedly sparked the violence that engulfed Delhi at the end of February. Ms Zargar was in fact, a part of peaceful [resistance](#) against CAA. She has been denied bail since, even though she suffers from PCOD and UT. (Added 22.07.2020: She was released on [bail](#) on humanitarian grounds on 24.06.2020).

7. International reaction

Various international bodies have already reacted to the situation. Briefly following table lists down major reactions of international human right bodies with hyperlinks:

Human Rights Watch	<ol style="list-style-type: none"> 1. Humans Rights Watch: India 2. CoronaJihad is Only the Latest Manifestation: Islamophobia in India has Been Years in the Making 3. India: Activists Detained for Peaceful Dissent 4. India's Steps to Contain Covid-19 Have Failed to Curb Anti-Muslim Rhetoric
Amnesty International	<ol style="list-style-type: none"> 1. India: joint open letter to the Indian government calling for the release of human rights defenders at risk 2. India: protestors arrested for opposing bigoted law 3. India: Government must immediately stop intimidation of journalists in Jammu and Kashmir 4. India: crackdown on dissent continues during covid-19 5. Covid-19 Pandemic: Crackdown On Dissent Putting Lives At Immediate Risk In India
U.S. Commission of International Religious Freedom	<ol style="list-style-type: none"> 1. INDIA: USCIRF—Recommended for countries of particular concern (CPC) 2. News Analysis U.S. Commission of International Religious Freedom's report may prompt concerns
UN High Commissioner for Human Rights	<ol style="list-style-type: none"> 1. India: Terrorism charges are pretext to silence human rights defenders, say UN experts 2. India: UN experts alarmed by alleged police killings in Uttar Pradesh 3. UN experts: Risk of statelessness for millions and instability in Assam, India 4. COVID-19: Urgent help for India's forgotten migrant workers must follow Supreme Court ruling, say UN experts <p>Also,</p> <ol style="list-style-type: none"> 5. India defends CAA after UN rights chief approaches Supreme Court 6. UN voices concern over violence in India against CAA, urges respect for freedom of expression
EU parliament (Draft Resolution: vote postponed)	<ol style="list-style-type: none"> 1. 154 European Union lawmakers draft stunning anti-CAA resolution 2. European Parliament resolution on India's Citizenship (Amendment) Act, 2019
European Parliament Subcommittee on Human Rights (Maria Arena)	<ol style="list-style-type: none"> 1. European Parliament slams Modi govt for silencing activists & portraying protesters as terrorists 2. European Parliament sub-committee urges India to release Navlakha and Teltumbde immediately 3. European Parliament's panel on human rights expresses concern at arrest of Indian activists 4. Terror charges being used to target human rights advocates: European body writes to Amit Shah

8. Conclusion

The issues touched upon in this document - throttling of freedom of speech, attacking educational institutions, attacking the press and interfering with the judiciary, are issues that should concern the whole world. What is happening in India now is not an internal matter, it is a

question of basic human and civil rights. We implore the German Parliament, especially the committee on human rights to take notice of the requests we have made in the document.

We are willing to collaborate in the process and lend our support should the German Parliament need that.