

ISSN :2582-6433



INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed 6th Edition

VOLUME 2 ISSUE 6

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume 2 Issue 6 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

IJLRA

EDITORIAL TEAM

EDITORS

Megha Middha



Megha Middha, Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar

Megha Middha, is working as an Assistant Professor of Law in Mody University of Science and Technology, Lakshmangarh, Sikar (Rajasthan). She has an experience in the teaching of almost 3 years. She has completed her graduation in BBA LL.B (H) from Amity University, Rajasthan (Gold Medalist) and did her post-graduation (LL.M in Business Laws) from NLSIU, Bengaluru. Currently, she is enrolled in a Ph.D. course in the Department of Law at Mohanlal Sukhadia University, Udaipur (Rajasthan). She wishes to excel in academics and research and contribute as much as she can to society. Through her interactions with the students, she tries to inculcate a sense of deep thinking power in her students and enlighten and guide them to the fact how they can bring a change to the society

Dr. Samrat Datta

Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board



Dr. Namita Jain



Head & Associate Professor

School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC -NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.

Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi.(2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019

Mrs.S.Kalpana

Assistant professor of Law

Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr. Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr. Ambedkar Law College, Pudupakkam. Published one book. Published 8 Articles in various reputed Law Journals. Conducted 1 Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

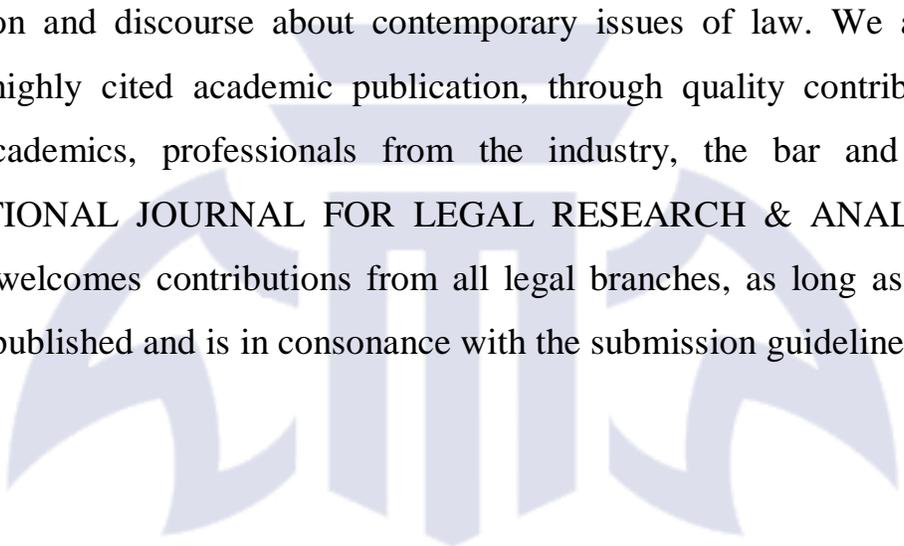
ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN

2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench.

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN

2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

A large, light blue watermark logo is centered on the page. It features a stylized emblem at the top, resembling a shield or a crest with three vertical bars in the center and curved sides. Below the emblem, the letters "IJLRA" are written in a bold, sans-serif font.

IJLRA

PERSECUTION DEVICED WITH INTENTION

OF RELIGIOUS DEGRADATION

AUTHORED BY- 1.RITIK SINHA

2. RISHABH RAJ

3.KUMAR SAURAV

Introduction

Persecution is treating a group or a certain community in a way that they are deprived of the right to life and liberty. There can be various reasons for persecution. For example, a certain religion or caste may be persecuted because they are a minority. It is systematic mistreatment. In the quest for superiority or dominance, the inferior has always been persecuted. The Jews were the first to be persecuted by the Egyptians. In the 1st century A.D., as Christianity expanded, conflict rose to occupy the Holy Land of Jerusalem. The Roman Empire started religious [genocide](#) at its outset in the 1st century AD and stopped in the 4th century AD. A term coined in 1944 by philosopher (polish) [Raphael Lemkin](#) is neither new nor has it ever been.¹

In the medieval period, the migration began and a small group of Islamic believers, i.e., Turkish, Afghani, and other subgroups, migrated to India for the purpose to widespread Islam in the Indian subcontinent. Much more persecution took place in the 16th century. Christians were persecuted based on caste, religion, and other differences. Slavery started in the United States and slowly became popular around the globe. One of them is "[The Holocaust of Europe](#)" by Hitler, where more than 2 million citizens, mainly Jews, were persecuted by the Nazis of Germany.

Persecution is one of the most heinous crimes against humanity because it is based on religion, social, caste, and race.

¹Lemkin R, "Genocide - Wikipedia" (*Genocide - Wikipedia*, February 22, 2017)
<https://en.m.wikipedia.org/wiki/Genocide> accessed June 1, 2022

Hindutva Affected By Invaders

Invaders have had an impact on Hindutva: During the ancient era, the Muslim community migrated for safety. However, gradually, they began to occupy the areas and, hence, started to rule. The Indian subcontinent was ruled by the Slave dynasty for 84 years. This was the first Muslim dynasty that reigned in India. Qutub-ud-din Aibak was the founder of this dynasty. Many temples and colleges were demolished. A "Sanskrit college of Visaladeva" was demolished in Ajmer and a mosque foundation was laid. According to the Nizami records, more than 50,000 people were made slaves. And during the Khijli dynasty, one of the most famous and ancient universities, Nalanda University, was destroyed by an invasion. The Mughal dynasty lasted approximately for 200 years and was composed primarily of Turk and Mongols warriors.

During this regime, many temples were destroyed, and to promote Islam, other communities were made to pay taxes (jizya). According to some famous historians, like Md. Qasim Hindu Shah described how Indians had to go through violence and destruction during Muslim rule. More than 400 million Hindus were slaughtered, and those who survived were oppressed. A book written by K.S. Lal titled "Theory and Practice of Muslim States in India" claims that the population of the Indian subcontinent went from 200 million in 1000 A.D. to 170 million in 1500 A.D. mostly because of killing, violence, dissemination, and war.²

At Mathura, the birthplace of Lord Krishna, a temple was being demolished and an Eidgah mosque was constructed back then in 1670 by Aurangzeb. And later, in 1958, Birla and Dalmia companies constructed a new temple adjacent to the mosque.

Gyanvapi mosque, located in Banaras, Uttar Pradesh, was constructed by Aurangzeb in 1669 upon the demolition of an older Shiva temple.³ Based on further reports, Shiva linga was being used as a stone fountain, which was found in the wazu Khanna (ablution tank) of the mosque. Following such an incident, the local court ordered that a portion of the Gyanvapi mosque premises be sealed.

After Aurangzeb's death, it is said that the fall of Muslim hegemony started and the British, who had just come for trade, started to get involved in politics. It is said that it all started when the Portuguese came to India. during the 16th–19th centuries to popularise Christianity in India. The Hindus, Muslims, and other communities were persecuted by the rulers of the Portuguese government. Most of them were forced to convert.

When the East Indian Company came to India, probably in 1600 AD, and started to rule and colonise India by defeating the Portuguese, The colonial officers started the destruction of culture, language, education, and social reforms. Due to colonization, people had to pay taxes, which caused an unbridgeable gap between the two communities. Many riots occurred, one of them being the partition of Bengal, where many people died in the name of religion, caste, and community. According to data, almost 3,000 Hindus were killed post-independence. During independence, 14.5 million people crossed the border, in which roughly 50,000 people lost their lives because of riots and violence. However, it didn't end here. Even after independence, many riots took place. Many saints are still lynched. The Exodus of Kashmiri Pandits (1990), the Akshardham Temple Attack (2002), and the Godhra Train Burning (2002) are some of the notable incidents.

² Lal KS, *Theory and Practice of Muslim State in India* (1999)

³ Lakshman A, "Gyanvapi, Mathura Case Hearings on May 26 - The Hindu" (*Gyanvapi, Mathura case hearings on May 26 - The Hindu*, May 25, 2022) <https://www.thehindu.com/news/national/gyanvapi-krishna-janmbhoomi-cases-to-be-heard-today/article65460954.ece> accessed June 1, 2022

Exodus of Kashmiri pandits was one of the horrifying incidents in 1990, but its roots go back to the time of independence when Hari Singh, king of Jammu and Kashmir, signed an instrument of accession with the Indian government despite the majority of Kashmir's belonging to the Muslim community.

Everything was stable until the 1980s when Sheikh Abdullah's communal speech gave rise to Kashmir. He called Kashmir Hindu "Sukhbir", an informer of the Indian government and also the state government changed the names of about 2500 villages from their original names to new Islamic names, i.e., Anantnag was to be known as Islamabad.

Faith conflict has now been started with minority community confronted and threatened by the majority. At that time, if the Indian cricket team beat Pakistan in cricket, its consequences stood up against Kashmiri Hindus. In the first communal violence in south Kashmir in 1986, many Hindu families were killed and robbed. Women were raped, gang-raped, and then killed brutally by the majority community. After this phenomenon, Hindus made it clear they were a minority in Kashmir.

In 1987 state election held and after that, the national conference was won by Farooq Abdullah's takeover of the throne of Kashmir politics. However, this election was seen as a medium through which the Indian government was trying to impede Muslim community rights.

Kashmiri Hindus had no role in this political turmoil, yet they faced worsened consequences of the riot. Their shops were looted, women were raped, children were killed, and many Hindus were burned alive.

Few such cases are:

Girija, who by profession a teacher, was brutally raped and killed by a carpenter machine.

Sarala Bhatt, who was a nurse, was gang-raped until her death by some jihadists.

Young militants called themselves 'Allah tiger', published a hit list of Kashmiri Hindus, resulting some prominent figures got killed on the street by jihadists.

Pandit Neelkanth Manjoo, a retired judge, was assassinated. Same happened with Tikka laal taploo, a BJP politician.

On Jan 19, 1990, five lakh people gathered on the road in Jammu and Kashmir to shout a slogan "Kashmir Banega Pakistan Hindu aurto ke saath Hindu mard ke Bina". All Kashmiri Hindus escaped from Kashmir. Many Hindus were brutally killed and raped by mobs. No government or international organisation intervened in this circumstance.⁴

The Hindu thought it as a matter of few days, but the sad reality is that in 30 years of this event, not even a single arrest or apprehension was made, not a single person was held responsible for this brutal, inhumane exodus of an indigenous community from their homeland.⁵

⁴"Exodus of Kashmiri Hindus - Wikipedia" (*Exodus of Kashmiri Hindus - Wikipedia*, August 15, 2019)

https://en.m.wikipedia.org/wiki/Exodus_of_Kashmiri_Hindus accessed June 1, 2022

⁵Thakar H and Mishra V, "The Kashmiri Pandit Exodus: An Obliterated Chronicle - International Journal of Law Management & Humanities" (*International Journal of Law Management & Humanities*, November 4, 2020)

<https://www.ijlmh.com/the-kashmiri-pandit-exodus-an-obliterated-chronicle/> accessed June 1, 2022

Recently, director Vivek Agnihotri released the film ‘Kashmir Files’, which was a commercial and social success, but it was too late for Kashmiri pandit. Because “justice is denied if it is delayed, but justice is elusive because it took 31 years to reveal the true truth to society.”

Even now, Hindu persecution is nothing new in the modern era. Last year it was reported that the desecrated images of Goddess Durga and pandals were destroyed in Bangladesh. In Pakistan, Hindu families were forced to abandon their houses and take refuge in mosques. Mostly women were targeted and forcefully married to convert to their religion. In common words, known as ‘Jihad’. Rinkle Kumari, a village girl abducted from her home was forced to marry and convert to Islam, was one of the victims of this jihad, which caused many families to flee Pakistan.

According to the database, nearly 1,301,185 Hindu lives were lost in 2020. 48% in India, 23% in Pakistan, 24% in Bangladesh, and 5% in Afghanistan. Most of them are in Meghalaya, India. According to data collected by Christian evangelical groups, about 1,237,863 illegal conversions took place, 95% in India and 5% in Nepal.

Laws-Related To Religious Persecution

In India, there was no law related to prosecution based on religion, but after the utter Pradesh

Government’s initiative regarding love jihad (Hindu girl religion conversion by marrying her) Uttar Pradesh Odisha and Madhya Pradesh followed the Vidhi Virudh Dharma Samparivartan Pratishh Adhyadhesh, 2020 ordinance, but it was not new as it existed prior to independence.⁶

Before Independence

Raigarh State Conversion Act, 1936
Surguja State Apostasy Act, 1942
Udaipur State Anti-Conversion Act, 1946

After independence,

The Freedom of Religion Act 2006 was unanimously passed by Himachal legislation.

The bill was intended to prevent forcible conversions.⁷

These conversion bills, acts, and ordinances are effective against unlawful conversion, unlawful inter-faith marriages, allurement, convincing for conversion, force, fraudulent, coercion, undue influence, minors, religion, mass conversion, and religion convertors. [Article 25 \(b\)](#) uses the term "Hindus" for all classes and sections of Hindus, Jains, Buddhists, and Sikhs. Many Sikhs and Buddhists objected to this wording because it makes many Hindu personal laws applicable to them.⁸

Now let's discuss about our neighbour Muslim nations, i.e. Bangladesh, Afghanistan, and Pakistan.

Bangladesh came into existence in 1971 after its independence from Pakistan. Later, after 1971, approximately 4 lakh women were raped in refugee camps due to west Pakistan. Hindu women

⁶[UP Ordinance No.21 of 2020](#)

⁷"Freedom of Religion Bill passed". www.tribuneindia.com. 29 December 2006. Retrieved 26 November 2020

⁸Constitution of India 1950, Art 25 (b)

who were raped forcefully got converted into Muslims.

War victims' children, who were war children, were not accepted after independence, neither in Pakistan nor in Bangladesh. Sheikh Mujibur Rahman honoured war victims women as Birangonas (war heroines) but didn't accepted at all.

In 2013, ten temples were destroyed. From 1971 till today, approx 800 temples have been demolished. The Hindu community in Pakistan that is in the minority is being forced to get converted and is facing atrocities. Pakistan declared itself an Islamic country, whereas India remained a secular country rather than a Hindu country. In Afghanistan, minorities are being treated as refugees, whereas the truth is that they are natives.

Conclusion

India is a secular country and is considered supreme because of the diversity in its nature, culture, ethics, linguistics, and religion. When there is a secular country, it is treated as supreme. But that wasn't how it started. Many great people have played with blood and also lost their lives to preserve the glory of this country. They didn't look for Hindus, Muslims, or Sikhs. They looked for only a religion known as "India".

Then why today? Why so many atrocities against Hindus? Why are there so many differences among religions? And why only Hindus? They have been facing issues worldwide. Isn't it against the natural justice?

We have experienced riots between Hindus and Muslims. The Ayodhya dispute, where in 1992, the Babri masjid was destroyed on the basis of claim that the same was built after demolishing the Lord Ram temple. "[M Siddiq v. Suresh Das & Ors, Shri Ram Janmabhoomi](#), is the birthplace of Lord Ram. According to Hindu mythology, an ancient Ram temple was also said to be located near the birthplace.⁹ However, in 1528, the first Mughal Emperor, Babur, demolished the Lord Ram temple and erected the Babri Masjid mosque on the site. It was afterwards demolished by the kar savaks in the year 1992. The construction and dismantling of religious structures has resulted in a dispute between Hindus and Muslims, with each community claiming ownership of the contested location. The final judgement in 2019 of the five judge supreme court bench headed by chief justice Ranjan Gogoi announced that the land would be handed over to build the Hindu temple. In addition, the Uttar Pradesh Sunni Central Waqf Board will be given an additional five acres of land on which to build the mosque.¹⁰

"For the creation to run smoothly, there is a need to adopt a society and understanding based on brotherhood rather than religion".

⁹M. Siddiq v. Suresh Das, (2019) 4 SCC 641

¹⁰ "Ram Mandi Verdict: Supreme Court Verdict on Ram Janmabhoomi-Babri Masjid Case: Highlights | India News - Times of India" (*The Times of India*, November 9, 2019) <https://m.timesofindia.com/india/ayodhya-babri-masjid-ram-mandir-case-verdict-highlights-supreme-court-declared-verdict-on-ram-janmabhoomi-case/articleshow/71978918.cms> accessed June 1, 2022