Shadow of Religious Extremism in South Asia

"Communalising Covid19 & Role of Civil Society"

Country Studies

Udan Fernando with Editors

"Upholding the Rights of Minorities"
Beyond Borders-South Asia (URBB-SA)

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International Movement Against All Forms of Discrimination and Racism
IMADR- Asia Committee
European Instrument for Democracy and Human Rights
EIDHR

"Upholding the Rights of Minorities: Beyond Borders-South Asia (URBB-SA)"

Action Coordinator: **IMADR.**
Implementing Partners: Centre for Women and development **(CWD)**, Society for Education and Rural Development, **(SERD),** Jangran Nepal **(JN)** and Bangladesh Nari Progathi Sangham **(BNPS)**
Associate Partner: South Asians for Human Rights (**SAHR)**

Colombo,
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PREFACE

The International Movement Against all Forms of Discrimination and Racism (IMADR) is an INGO with UN Special ECOSOC status and is committed to the promoting of minority rights. It was established in 1989 to address the issues of Burakumin people in Japan and empower those discriminated for reasons of caste and social and religious marginalization. In the late nineties the IMADR Asia Committee was established in Sri Lanka to support activities in the South Asia region to promote and facilitate international UN based advocacy for minorities within the framework of the International Convention on the Elimination of all Forms of Discrimination and Racism. IMADR AC has been involved with networks and non-governmental organisations in South Asia since then, supporting and facilitating community based engagement to address issues of discrimination, violence and violations of ethnic, religious and caste based communities, including indigenous persons. It is committed mainly to support voices of victims and strengthen solidarities among those working to eliminate all forms of discrimination.

The emergence of the Bodhu Bala Sena in Sri Lanka and Hindutava politics and Muslim extremist groups in several countries of the region requires deep understanding as well as community based strategies to mitigate their impact on social cohesions and tolerance. Also, the impact of extremism has had serious repercussions on the enjoyment of fundamental rights by citizens. Political forces often use extremism to remain in power or to suppress the rights of citizens. At a workshop held in Colombo, South Asia human rights activists representing several South Asian countries made recommendation to set up a regional dialogue related to extremism and it's impact on human rights and organisations working on minority rights.

The project supported by the European Union titled `Beyond Borders' is an initiative of IMADR AC , JAGARAN Nepal, Bangladesh Nari Progathi Sanagam and SRED–India. It is aimed at strengthening communities to address the challenging issue of the social implications of rising extremism, and to empower communities to build solidarities to mitigate rights violations and promote social harmony. Addressing hate speech, promoting community based strategies to cope with tensions, exploring early warning messages -- are some interventions that action proposed to explore. Laws alone can not address such violations and it requires the mobilization of communities and citizenry to build collective responses. Community participation is extremely important to address the emergence of political and religious based extremism. As these studies were launched during the COVID pandemic, they also explore the impact of the pandemic on minority rights activism.

I wish to thank the project consultant Dr Udan Fernando who has had to face numerous challenges as physical meetings were not possible because of the Covid pandemic . All the writers who contributed to this document also experienced exposure to COVID 19 from time to time.

Also, I am grateful to Ms Rita Manchanda who is our consultant for South Asian Startegy Action plan for taking a final look at these studies with a futuristic vision and supporting the editing of the document for publication.

We hope these reflections will contribute to strengthen sub-regional and regional initiatives to develop strategies for the future as we struggle to uphold minority rights.

Dr Nimalka Fernando

Director, IMADR – AC
Colombo, May 2022

Overview

Udan Fernando & Editors

In contemporary South Asia rising religious intolerance and the resultant widening of divisions between communities has been manipulated, overtly and covertly, as a political tool resulting in violent assaults on minorities as well as the deepening of structural discrimination of marginalised and disadvantaged communities. Discourses and praxis of intolerance and growing state backed discrimination have produced a self-fulfilling cycle of extreme ideologies and violent politics. Importantly, it is not specific to any particular fundamentalism: Hindu, Muslim, Buddhist, Christian or ethnic in the region of South Asia.

These intensifying trends stem from a deeply embedded ideological perception of the supremacy of the religion and culture of the majority community which forms and informs the State as an institution in these multi-religious, multi-ethnic and plural countries. Also there is the presence and proliferation of non-state actors which pose a threat to social peace within the nation state and transnationally in the region. Mainstream media especially social media have amplified the construction of the dangerous 'other', and colluded with global narratives such as that of Islamophobia to collapse specific communities into 'terrorist communities'..

Increasingly, the narrative of growing religious extremism[*] and radicalisation has strengthened political authoritarianism in these states, leading to the undermining of democracy and constitutionally guaranteed freedoms through increased securitization, silencing of dissent, and human rights violations. Invariably, the consequences of securitized state responses motivated by threat narratives of 'suspect communities' has not only degraded the rule of law, but has run the risk of inciting radical political projects. Weakening of the rule of law and the culture of impunity have intensified vigilante assaults in the region.

Religious extremism, or the manipulation of people's sense of religiosity and religious identity for political gain has not only polarised once highly plural societies but also escalated religious or 'communal' violence by both state and non-state actors. The emergence of religious vigilantes as for instance *gauraksha* in India, and the killing of bloggers in Bangladesh, evidences the social contagion of religious extremism which turns private citizens into oppressors committing acts of violence, amounting to even murder, within an expanding culture of social sanction and impunity.

*Webster dictionary defines **Extremism** as "the holding of extreme political or religious views, fanaticism". **Radicalism** gets defined as "advocacy of extreme measures or views". These terms are used interchangeably, and are often contested. **Religious fundamentalism** is used by some scholars to refer to a rigid interpretation of scriptures, in contrast to religious extremism which is often associated with a particular political agenda. ……….[editor's note]

The emergence of both religious radicalism and political authoritarianism in most of the states in South Asia requires a collective response from civil society committed to uphold principles of equality, non-discrimination and universality. In the region religious extremism is at risk of becoming a violent phenomenon that threatens the very fabric of fundamental freedoms including the right to believe or not to believe, which is essential for peace, religious and ethnic co-existence and dignity for all in a democratic polity.

As situational reports on religious minorities and marginalised communities like the '*South Asia Status of Minorities'* reports 2016 and 2018 indicate, "what is of importance in fuelling radical political projects is perceived structural oppression, injustice, practices of discrimination and exclusion and particularly state threat narratives that incite rather than stop incitement to violent politics". The narrative of structural grievances of discrimination and disadvantage, of persecution and repression of minorities and marginalised groups needs to be addressed, and the causes of tension and conflict not obscured by pathologies of extremism. As Rita Manchanda in the 2010 study '*States in Conflict with their Minorities'* observed, "The challenge of pluralism in South Asia is enormous and so too is the gap between fundamental rights promised in the various constitutions and the banality of discrimination, violence and inequality that is the everyday experience of persons belonging to (ethno-nationalist and religious) minority communities and indigenous peoples".

Also in South Asia the spread of religious orthodoxy of all faiths and extremist politics has had grave ramifications for women's rights and freedoms. Here, where politics and religion are closely fused, the growing power of religious–political parties and the rise of religious fundamentalist impulses has subverted women's human rights and fuelled misogynist violence against women and third gender. Consequently, civil society analysis and action needs to incorporate gender-based responses to religious-based discrimination and violence

Also, the SA region is marked by regional interdependencies of kin states in which ethnic and social groups spill over political borders, Often, the religious majority of one country is a minority in the neighbouring country. Thus, an act of violence against a minority in one country can have a spill over effect provoking counter violence in a country where the majority-minority position of the two communities is reversed. This is especially so when political violence feeds into the rhetoric of fear and social fragmentation propagated by cross border militant politico-religious groups.

Recognizing this interconnectedness, governments have been known to offer asylum to victims of religious persecution in other South Asian countries. For example, India accepts non-Muslim refugees fleeing Pakistan due to discrimination, while Buddhists and Hindus fleeing Bangladesh find refuge in Sri Lanka and India respectively; Chin-Chakmas fleeing Bangladesh find refuge in India. Recently, India has given legal recognition to this cross border ethno-religious connectedness, in the form of the Citizenship Amendment Act (2019) which formalises the fast tracking of citizenship to persecuted minorities from Pakistan, Bangladesh and Afghanistan. This trans-regional

connectedness also carries over to extremist ideological and terrorist groups who operate regional alliances. Such regional interdependencies call for a regionally responsive civil society analysis and an integrated SA strategic action towards preventing and countering religious intolerance and extremism.

Present day strains in social cohesion, and the deteriorating status of minorities, that is, the everyday practices of discrimination and persecution against targeted minorities was further complicated and compounded by the crisis which followed the emergence of the Covid-19 pandemic in 2020. The panic, disruption and unrest caused by the pandemic further fuelled ethno-religious tensions within many South Asian countries. Mounting predicaments in public health, deepening economic distress, inequality and dispossession, shrinkage of social services in a neo liberal economy, declining legitimacy of governance, and deepening authoritarianism found expression in the search for scapegoats. It was manifest in the curious phenomenon of the stigmatisation of 'Muslim Covid' in Sri Lanka and India.

Religio-ethnic profiling of those who contracted the virus created new forms of stigmatization. Performance of religious and traditional funeral rites became a contentious and highly politicised issue involving the potential for cross-border advocacy. Hate speech, social and economic boycott, forcible quarantining and even criminalization was rampant in a context fuelled by fake news, rumours and even punitive state action. Mainstream and social media was active in promoting the narrative of minority ethno-religious communities being a health threat to majority community.

Moreover, the pandemic situation reinforced existing trends towards authoritarianism. The restructuring of governance under the so-called new-normal created by the Covid 19 crisis further affected the space for civil society, which was already under pressure. Over the last decade, the democratic states of South Asia have seen the space for civil society organisations significantly shrink. The common pattern has been of widespread and arbitrary deployment of security laws with dangerously vague provisions, a highly restrictive regulatory structure governing NGO activity, punitive protocols against CSOs engaged in human rights advocacy, targeting of legal aid support structures and attacks on human rights defenders. Reflecting this crackdown on civic space, the global civil society monitor **Civicus** in its 2020 survey of civil society freedoms ranked Afghanistan, Bangladesh, India and Pakistan as '*repressed*' and Bhutan, Nepal and Sri Lanka as '*obstructed'*. This crackdown on civic and human rights movements has seriously impacted support for marginalised groups.

Given, the interconnected nature of extremism in South Asian countries which has been exacerbated by major transformations and challenges caused by the Covid-19 pandemic, civil society and human rights groups in the region revived and revitalised discussions about the need to develop regional solidarity, regional perspectives and creative counter strategies. It was within this context that IMADR (International Movement Against All Forms of Discrimination and Racism

(IMADR)   initiated a regional Multi-Annual Action Programme supported by EIDHR (the European Instrument for Democracy and Human Rights (EIDHR).

The Action was designed to strengthen responses to mitigate the growth of religious extremism and violence. Taking into consideration that this is a long-term process, this Action was positioned as the first phase of a long-term engagement involving multiple stakeholders -- academics and researchers, Civil Society Organizations (CSOs), religious leaders, human rights defenders (HRDs) and women human rights defenders (WHRDs), media professionals and activists. The multi action process was to contribute towards establishing a South Asian Platform and a South Asia Action Strategy to address the gravity of intolerance, violence, upheavals and the distress caused to individual and communities at personal, community and regional levels.

The overall objective of the action: was 'to promote, enhance and sustain civil society action in South Asia, reinforcing principles of pluralism and multi-culturalism, respecting freedom of religion and or belief based on principles of dignity, equality, non-discrimination and democratic rights'. The specific objectives of the Action were 1) To reinforce capacities and skills of HRDs, organizations and networks in combating discrimination, intolerance and violence on the grounds of religion and belief (or non-belief), 2) To build and strengthen South Asian platforms and networks that are the voices of minorities, 3) **To produce a report on the status of religious minorities**, and 4) To enhance CSO dialogue with the South Asian Association for Regional Cooperation (SAARC) on violations experienced.

Implementing Partners of IMADR are *Centre for Women and Development* (CWD), *Society for Education and Rural Development* (SERD), *Jagran* Nepal (JN) and *Bangladesh Nari Progathi Sangham* (BNPS). Associate Partner of the TProject was the South Asians for Human Rights (SAHR). In addition, Consultants from SA were engaged as and when required. The challenge of working in a transformed Covid 19 environment added to the complexity of work plans already complicated by visa-travel restrictions which reflected the vagaries of diplomatic relations across difficult SA borders.

Country Analyses of Status of Minorities: the process

The country analyses process brought together a few networks, organizations, groups and individuals from India, Bangladesh, Nepal and Sri Lanka with whom IMADR already had a working relationship to identify broad and common parametres. It was recognised that important countries of the region might not be included in time, largely because of the absence of an established trusted IMADR implementing partners there.
A researcher from each country representing or connected to networks of organizations was selected. The selection criteria included recognised the published research work and capacity of the writer in analysing their respective country situation on minority rights and their sensitivity to civil society and human rights perspectives. Accordingly, four researchers from four countries were made responsible for generating a country analysis with substantive inputs from the members of their

networks. Over the four months duration of the actual writing process, the consultant, research coordinator and deputy project director of IMADR hosted regular progress meetings and worked closely with the country researchers. The draft papers were reviewed by the peer researcher collective before finalisation. The country analyses were based on desk based reviews and used qualitative analyses.

The country analyses were developed in accordance with the overall guidelines formulated collectively at an inception workshop that brought together the country researchers and members of the networks. The workshop was expected to take place in Sri Lanka in early April 2020. However, with the onset of Covid-19 and the imposing of travel restrictions, the workshop took place as a virtual meeting in August 2020. A consultant cum inter-country research coordinator facilitated the participatory process of research design, synthesis, quality control and finalization of the analyses.

The over whelming shadow of Covid19 and its disruptions, cast a heavy influence on the conceptual framing of the process and resulted in the inclusion as a sub-theme of the impact of the Covid19 crisis on inter-community relations and the status of minorities. The Sri Lanka and India country analyses stand out in their detailed analyses of the Covid 19 anti-minority fall out, especially the default communal spin given to the pandemic. This was manifest in the highlighting of the ethno-religious identity of patients to further the stigmatising of Muslims as a danger to the health of the majority community.

Also, the IMADR-EIDHR action from its inception had emphasised the importance of the role of civil society in countering and preventing religious extremism and in promoting the values of tolerance and pluralism, essential for the existence of a socially harmonious multi-cultural multi ethno-religious society. In view of the kind of ideologies and interests ascendant in the states of the region especially under conditions of neo-liberal capitalist development and majoritarian populist regimes, it would be unrealistic to expect that state responses would shift away from authoritarian practices and securitized approaches towards countering and preventing religious extremism. Securitized state approaches are likely to intensify alienation and anger as evidenced in the experiences examined in the country studies. It is within this context that some of the country studies develop a detailed sectional analyses on the situation and potential role of civil society. However, the constraints of reliance on desk based source materials has to an extent impoverished the analyses of the role of CSOs making for over reliance on their issuing of statements.

The four country analyses presented in the ensuing sections, to a great extent, follow a common format so that a pattern can be identifies and a certain degree of comparison between the four countries can be made. However, taking into account the specificities of the contexts as well as their diversity, the emphasis of of some country analyses differ from one another.

While most of the country analysis have been circumspect in their treatment of the undeniable role of politic actors and the manipulation of religion for political purposes, especially in the positioning of the governing regime and the naming of political actors, there is a difference with at least one

country analysis. Bangladesh almost overly engages in the presentation of the role of identified political actors as the driving factor in the spread of religious extremism. In contrast while the Sri Lanka country analysis foregrounds in its title the impact of 'regime change' and in the subtitle 'fighting an election' as driving factors in inciting religious tensions and extremist violence, the author chooses to be discreetly allusive to the overt manipulation of anti-Muslim sentiment by political leaders for electoral mobilisation.

A word on Nepal, within the contextual focus on religious minorities and related fusion of religion and politics in producing extremist politics, the country is in many respects an outlier in this programme. This is not to overlook in Nepal the presence of a complex social mosaic of indigenous, ethno religious, caste communities which have made commentators refer to Nepal as a 'land of minorities'. Indeed as the Nepali political scientists Mahenda Lawoti has demonstrated in his writings, extreme ethno-religious, caste and *janajati* 'institutionalised exclusion' was a driving factor of the Maoist 'Peoples War' 1997-2006. At the core of the Maoist conflict was the challenge to the hegemony to the Hindu hill upper castes, and the aim of restructuring inclusively the basis of power. Notwithstanding this, the socio-political trajectory of Nepal's politics does not conveniently lend itself to communal conflict mapping along the pattern of SA states such as India, Sri Lanka or Bangladesh.

Consequently, the author and supporting network Jagran Nepal innovatively focused on the internal aspect of extremist practices within the religion, in this case the gender oppressive and dangerously unhygienic practice of *chaupadi* or sequestering and stigmatisation of menstruating girls and women. This particular emphasis in the country study resonates with the IMADR –EIDHR attention to the foregrounding of gendered oppression within the conceptual framing of religious extremism in the region. In SA deeply entrenched patriarchal and cultural norms are often justified in the name of religion and cultural specificities. Promoting gender-based responses to religious-based discrimination and violence is central to the IMADR-EIDHR Action. It is a pity that the Nepal study did not follow this further by developing the component of caste/Dalit oppression within the framework of intra-religious extremism.

Finally, a concern needs to be expressed. In the global imagination of extremist violence, few other regions of the world have more notoriety (Global Terrorism Index) than SA with its presumed pattern of extreme ethno-nationalism and religious radicalism. Worryingly, it is propped up by state and media driven narratives in which as the UN Special Rapporteur on balancing human rights with CVE strategies Ni Aolain warned, religious orthodoxy gets mixed up with militant extremism; peaceful protest with violent politics and ethno-nationalist and ethno-religious struggles get conflated with 'terrorism'. The risk of religiouss extremism in the region is real but there is need to problematize politicised assumptions about radicalised communities and violent extremism. These often politically driven narratives carry negative securitized policy responses resulting in self fulfilling cycle of alienation and violence.

Above all there is need to move away from CVE strategies centred on state repression and problematic radicalisation: de-radicalisation models. The IMADR-EIDHR Action of which the Country Studies are one component emphasises preventing or countering the conditions conducive to the growth of extremist ideologies and radical political projects.

Religious Nationalism in India: Ramifications on Human Rights

* The author (name redacted)

Introduction

In contemporary India, nationalism is suffused with religion. India has been a hotbed of religious tensions from the time of independence in 1947. However, the last few years have witnessed a spiraling of horrific forms of religious violence combined with religious nationalism. The threat to peaceful co-existence between different religious communities, the rejection of religious pluralism, the criminalization of dissent and choice, and the manipulation of religion accompanied by violence for political ends and fanatical goals -- are some of the prominent features of India's contemporary context. Ever since 2014, when the Hindu Nationalist Bharatiya Janata Party (BJP) led government came into power, it has been striving to establish a Hindu nation (Hindu *rashtra*), premised on a perceived notion of Hindu superiority. It is argued that religious nationalists have been a driving force behind incidents of violence, as well as discriminatory laws, policies and interventions.

The paper illustrates how the rise of religious nationalism in recent times has posed two distinct, severe and related challenges to civil society: one, the shrinking of democratic spaces with a severe threat to civil liberties, and two, the fast-spreading climate of impunity for violence and violation of human rights both by state and non-state actors and groups, resulting in a weakening of rule of law. The second section examines the Covid 19 pandemic fall out and the exacerbation of religious tensions. The final section focuses on the role of civil society in India.

Demographic Profile

Religious diversity and multi-culturalism are the hallmarks of India. India is home to at least nine recognized religions – Hinduism, Islam, Christianity, Sikhism, Buddhism, Jainism, Zoroastrianism, Judaism and the Baha'i faith. While the Indian population consists of a Hindu majority, other

religious communities comprise of at least 1/5 of the population – which amounts to more than 240 million people. As per the last national census of India, conducted in 2011, the Indian population comprises of 79.8% of Hindus, 14.2% Muslims, 2.3% Christians, 1.72% Sikhs, 0.7% Buddhists, 0.37% Jains, 0.6% Parsis as well as minor groups of Jews and other religions communities, India also has a large tribal community of at least 705 tribes which constitutes about 8.6% of the total population of India.

A large proportion of tribals are animists with their own distinct religious beliefs and practices, but a smaller percentage has adopted Hinduism, Buddhism and Christianity, mainly through cultural assimilation or conversions. In 2020, in response to a proposed move to count all members of tribal communities as Hindus in the next national census (of 2021), many tribal communities resisted the move, and demanded an option of 'other religions' in the census data that would help identify them in relation to 'aboriginal' religions. A significant 2,900,000 fall in the "religion not stated" category in the 2011 census, as compared to less than 700,000 in 2001 census;this connotes a sharp growth of the atheist and agnostic population in India, although it comprises only 0.24% of India's entire population (Daniyal, the *scroll* online 7 September, 2915).

The Constitutional and Legal Framework

India has no state religion, and the Constitution of India, in its preamble, envisions the country tobe secular in nature. The Indian concept of secularism is based, not on separation of state from religion, but on equal respect for all religions, non-discrimination by the state on religious grounds, and non-interference of the state in the religious affairs of the people. Freedom of religion is guaranteed by the Indian Constitution and comprises of the following aspects: freedom of conscience(Article 25), right to freely profess, practice and propagate religion (Article 25), freedom of religious denominations to establish, maintain and manage religious and charitable institutions (Article 26), freedom from paying tax promoting any religion (Article 27), and freedom from religious instruction in state-funded educational institutions (Article 28).

The Constitution envisages freedom of religion, not as an absolute right, but a conditional one, whose limits are circumscribed by equality and non-discrimination, other fundamental rights, public order, moralityand health. It also provides for the right to equality and equal protection of the law (Article 14), prohibition of non-discrimination on grounds including of religion, sex and caste (Article 15) and the fundamental right to life (Articl 21). These are applicable to all Indians irrespective of their religious identity and status.

Acts of targeted violence against persons, based on religious identity (referred to as communal violence in India) are punishable crimes under various sections of the Indian Penal Code, 1860. [i]India is a State Party to most major international human rights conventions.[ii] Additionally, India submits periodic reports to the treaty bodies established under them.[iii] UN Special Rapporteurs have made country visits to India and issued reports and recommendations.[iv] India has also

participated in three cycles of the United Nations Universal Periodic Review (UPR).[v] [5] Global concern about religious extremism in India has been expressed through these processes, highlighted in more detail below.

Political Context

The Indian National Congress has ruled for a substantial part of the post-independent period in India since 1947nonwards. Although the political party declared its commitment to secular nationalism, in actuality, the Congress has often invoked religious sentiments and succumbed to the demands of religious extremists as and when it provided it political mileage (Vaishnav 2019). T h e Bharatiya Janata Party (BJP) – a Hindu nationalist party – witnessed electoral successes under the leadership of the current Prime Ministerin in two successive elections, in 2014 and 2019. The BJP conflates Indian culture with Hindu culture and identity, and aggressively promotes a Hindu nationalism that blends territorial unity with *Hindutva* (Punyani 2013; Heredia 2009). Hindutva, in juxtaposition with Hinduism as a religion, is the political ideology of the Hindu right (Dayal 2014).

Since 2014 Hindu majoritarian politics have intensified, positioning all religious minorities (particularly the Muslims and Christians) as second-class citizens, and damaging the social fabric of the country (Dayal 2014). As observed by the Minority Rights Group, "the BJP's promotion of Hindu nationalism is not only exclusionary towards India's minorities, but has contributed to an overall climate of intolerance in India" (MRG 2017, 3). From 2019 onwards, religious minorities have faced increasingassault from non-state groups that enjoy the political patronage of the current regime.

I

Religious Nationalism – The Contemporary Context

Communal Violence

ndependent India has witnessed cycles of mass communal violence against Christian, Muslim and on one significant occasion against Sikh minorities. Such incidents have involved a range of offences such as brutal killings, torture, rape and other forms of sexual and gender-based violence, arson, destruction to and damage of places of religious worship and destruction of evidence. Consequently, while communal violence is by no means, a new phenomenon, during the rule of the current government, the frequency of such targeted violence against minorities has certainly increased. In 2019, there were, reportedly, 25 incidents of communal violence (Engineer, Dabhade, Nair 2020). Although the incidence of communal violence appears to have decreased in 2019 as compared to 2018, newer issues emerged which were used to ensure polarization of communities based on religion, such as the cow slaughter ban and mob lynching,

the Citizenship Amendment Act, the anti- conversion laws and the demand for the construction of a Ram temple in Ayodhya. These are elaborated below.

Religious violence and related offences are prosecuted under various sections of the IPC, although they constitute crimes against humanity and genocide. However, there are many contributory factors responsible for the failures of reparations and justice for victims, and the establishment of accountability of perpetrators, such as police complicity in the violence, public officials' dereliction of duties as mandated by law, biased and unprofessionalinvestigation and prosecution, and insensitive, unrealistic judicial analysis during trial (Farasat, Jha 2016; Uma 2010). The absence of justice and the consequent climate of impunity have emboldened non-state groups to escalate attacks against religious minorities. A Delhi High Court judgment 2018 highlighted the absence of domestic laws on the same as a loophole that needs to be addressed urgently.

A vibrant civil society-led advocacy campaign led to the introduction of the Communal and Targeted Violence (Access to Justice and Reparations) Bill 2013 to punish perpetrators and provide justice to victimsof communal violence in the Parliament in 2005 by the previous United Progressive Alliance (UPA) government (Desai 2011). However, after several rounds of amendments to the Bill, in 2014 the passage of the Bill was blocked by the BJP which was then in opposition, on grounds that it was anti-Hindu and pro-minorities, divisive, discriminatory and a "threat to India's communal harmony" (Prabhu NDTV 05/02/ 2014). In the third cycle of the Universal Periodic Review for India, in 2017, several countries recommended the enactment of the Communal Violence Bill. This recommendation is yet to be acted upon by the current administration.

Cow Slaughter Laws and Lynching

On the grounds that Hindus worship cows, 'cow protection' laws have been enacted in at least 22 out of 31 state legislatures in India. Such laws stem from the fundamentalist, communal and caste politics of the Hindu right administrations at the centre and the states of the Union. The laws prohibit the transportation of cows for slaughter, the killing of cows, sale, purchase, storage and consumption of beef, and makes such acts, classified as offences, punishable with varying terms of imprisonment and fines. The definition of 'cattle' in these legislations includes not only cows, but also bulls, bullocks, buffaloes and other bovines.

The laws have created an institutional framework within which cow vigilante groups (referred to as *gau rakshaks*) – in nexus with the local police - operate with impunity and violently attack suspected offenders. States with the strictest laws against cow slaughter have witnessed the horrific lynching and murder of persons involved in the cattle trade and who are suspected or accused of violating the laws. Police response in such incidents of attacks include delayed

registration of criminal complaints, threats to victims' families and filing of criminal complaints against them as a means of silencing them, contravention of legal procedures, shieldingof perpetrators, destruction of evidence and biased investigation (Human Rights Watch 2019). Additionally, political patronage to the perpetrators has fostered further violence and impunity.

In view of the fact that Muslims and Dalits consume beef as an inexpensive source of nutrition, and are involved in business activities that are involved in the trade in bovine animals, the legislations are used to target the lives and livelihoods of Muslims and Dalits predominantly. Additionally, the political discourse around the prohibition of beef eating seems intended to change the dietary habits of Indians, towards vegetarianism as a Justice of the Supreme Court is reported to have ironically observed – "[We] Cannot Direct the Entire Country to Turn Vegetarian" (Rautray *The EconomicTimes*, 13 October 2018)

Anti-Conversion Laws

Although India has no federal anti-conversion law, nine Indian states have enacted what are euphemistically called 'Freedom of Religion' Acts, which ironically, curb the freedom of religion, and make religious conversions difficult and cumbersome through procedural requirements and administrative oversight mechanisms.[30] The content of these state legislations is similar – they seek to prevent religious conversions that take place through force, fraud or inducement/allurement (all of which are broadly defined), and makesuch forced conversions as criminal offences punishable with imprisonment and fine. A person who desires to convert their religion is required, by law, to give a declaration to the district administration several weeks in advance, and obtain a certificate from the same, stating that the conversion is consensual, prior to the conversion. Failure to do so entails imprisonment of varying duration and a fine. More stringent punishments are prescribed for non-consensual conversions of women, tribals and Dalits, thereby infantilizing them. Some state legislations, such as those in Himachal Pradesh, Uttarakhand and Uttar Pradesh, also include prohibition of religious conversion for marriage.

These anti-conversion laws have led to a persecution of Christians based on the the propaganda that the Christian community seeks to forcibly convert Hindus to Christianity (Saiya and Manchanda 2019) They also resulted in a persecution of Muslims on grounds that Muslim men lure Hindu women into marital relationships and thereafter convert them to Islam. The latter phenomenon is referred to as 'love jihad', a term popularised by right wing groups to label a romantic relationship between a naïve Hindu woman and a conspiratorial Muslim zealot. The term 'love jihad' has no constitutional or legal basis or standing.

UN mechanisms have expressed grave concern over the anti-conversion laws and their ramifications on the constitutionally guaranteed fundamental right to freedom of religion. During the United Nations Universal Periodic Review (third cycle) for India (2017), several countries called upon the Indian government to abolish anti-conversion laws, and to protect individuals of religious minority communities from hate speech, violence and discriminatory application of laws pertaining to forcible conversions. However, such recommendations have not been heeded to.

Citizenship Amendment Act (CAA), National Population Register (NPR) and National Registration of Citizens (NRC)

In 2019, the Indian government enacted the Citizenship Amendment Act (CAA) which effectivelyfast-tracked citizenship for non-Muslim migrants from Afghanistan, Bangladesh and Pakistan, who were already residing in India since 2015, and were categorized as 'refugees'. The new citizenship policy blatantly discriminates against Muslims (considered as 'infiltrators') and is in violation of the constitutional guarantee of the fundamental right to equality and non-discrimination (Human Rights Watch 2020).

The government also approved of a National Population Register (NPR) as a preliminary step culminating in the National Registry of Citizens (NRC). The National Population Register (NPR)is a list of all people residing in India, which will be distilled using an ambiguous category of 'doubtful' citizens on the basis of NPR, to form the NRC. Those who are not verified, if non-Muslim, can get citizenship under the CAA 2019, while non-verified Muslims can potentially be stripped of their citizenship and rights associated with it. While the government has played down the link between the three initiatives, civil society groups have explained how they mutually reinforce each other to undermine the citizenship status and rights, particularly of Muslims in India (V Suresh 2020)

The introduction of these initiatives aims at redefining the constitutional basis of both Indian nationhood and citizenship. The Supreme Court-monitored implementation of the NRC in the stateof Assam, purportedly to identify illegal Bangladeshi migrants, has excluded at least 1.9 million persons - a majority of who are Bengali speaking Muslim persons of Indian origin, particularly women who are unable to produce documents to prove their citizenship (Khullar 2020). Many have been placed in detention camps while others seek recourse through courts of law (Siddique, 2020). The botched and discriminating experiences of NRC in Assam is an indicationof the larger implications of the proposed nation-wide NRC.

Large scale protests erupted all over the country against this initiative, leading to the arrest of the protesters and state repression. At least three United Nations Special Rapporteurs have

expressed grave concern, and warned that the NRC could lead to large-scale "statelessness,

deportation and prolonged detention". [vi]In October 2020, the United Nations urged India to better protect human rights defenders, and cited three laws, one of which discriminates against the Muslims in India - the Citizenship (Amendment) Act 2019 (Kenny 2020)

Destruction of Babri Masjid and Construction of the Temple in Ayodhya

The Babri Masjid was an ancient mosque and monument, built in 1528 on the instructions of the Muslim Moghul ruler Babur, in Ayodhya, presently in the state of Uttar Pradesh. On 6 December 1992, it was destroyed by *kar sevaks* – workers of Hindutva groups – who claimed that a Ram (Hindu) temple had stood in the same place and had been destroyed by the Muslim ruler to build Babri Masjid. The destruction of the Babri Masjid in 1992 is a watershed moment in Indian political history, as it was a blow to secular values and signified the triumph of religious fanaticism, triggering large-scale anti-Muslim violence in many parts of the country. In November 2019, a five judge constitutional bench of the Supreme Court of India in a judgment of over 1000 pages, ordered the disputed land to be handed over to a trust formed by the Indian government, for building the Ram temple.

In October 2020, a special court, in a 2300 paged judgment, acquitted all 32 persons (many of whom are current BJP leaders) accused of destroying the Babri Masjid, thereby vindicating their argument that destruction of the monument was not a premeditated plan of Hindutva forces. Critics of the judgment indicate serious lapses in investigation, prosecution and appreciation of evidence by the judiciary (Mathur *The Leaflet* 2020). Given that the Ram temple issue was a major political plank of the BJP and the Hindutva groups for several decades, the two judgments, viewed together, potentially deepen the polarisation between Hindu and Muslim communities, increase the insecurity of Muslims and relegate them to a status of secondary citizenship in India.

II

Religious Tensions in the Context of the Covid-19 Pandemic

Christian and Muslim communities have been the targets of religious extremism, and attacks against them increased during the Covid 19 pandemic and the consequent lockdown

Hate Crimes against the Christian Community

The Christian community and institutions have often been accused of forcible conversion of

Hindus. It is a fact that many Dalits convert to Christianity to escape from the caste system prevalent in the Hindu community, or in pursuit of better health and education facilities which Catholic charitable institutions offer. The bogey of proselytisation is used to justify horrific crimes against Christians. During the Covid 19 crisis and prolonged lockdown, there is evidence of intensification of such attacks in 2020. Christian institutions reported being targeted, harassed, attacked, threatened, intimidated and in some cases, fatal assaults against Christians.

A report released by the Religious Liberty Commission of the *Evangelical Fellowship of India* (EFI) – an umbrella body of more than 65,000 churches in India - has documented 135 cases of attacks against Christians, their houses and places of worship in June 2020 alone. The attacks include lynching, social boycott and attempts to obstruct worship. The reports suggest that crimes against Christians are under-reported due to the unwillingness of the police to register criminal complaints. Also, with courts being virtually closed during the pandemic, affected Christians have had little access to justice.[51] The report notes that the near collapse of the media, the absence of journalists on the ground, and the inability of civil society activists to assist affected persons in the villages. This has resulted in severely constraining the accurate collection of data on the persecution of Christians and affected capacity to provide them with socio-legal assistance. The Report attributes these developments to the lockdown and the severe restrictions n mobility.

A half-yearly report of 2020, prepared by an organization - *Persecution Relief* – records 293 incidents of hate crimes against Christians, including six murders, as compared with 208 incidents for the whole of 2019. It also documents 51 hate crimes of a heinous nature against women and children, including five incidents of rape. The third quarter report (August to October 2020) by the same organization recorded 157 cases of such hate crimes, including murders, crimes against women, attacks on churches and unjust arrests. The two reports discussed above indicate the alarming increase of hate crimes against Christians, growing hostility and hatred towards Christians and the absolute sense of impunity generated by the administrative apparatus in India in the context of the Covid 19 pandemic and the lockdown.

Tablighi Jamaat **and the Pandemic**

In the context of the Covid-19 pandemic, the right-wing forces in India found one more opportunity to target the Muslim community in India for hate propaganda. The community was blamed for the outbreak of the pandemic in India. The propaganda stemmed from an event organized by the *Tablighi Jamaat* (a religious congregation of a conservative transnational sect of Muslims). The event was held in mid-March 2020 and more than 4500 Muslims participated who came from all over the world (Trivedi, *The Hindu* 11 April 2020). A large number of Corona positive cases were reported from the congregation, which were blamed as precipitating a surge in cases in India. The hate propaganda trolls projected all Muslims as carriers of the virus. Meanwhile, the Tablighi Jamaat event organisers and participants were targeted. There were police raids, bank accounts of the organizers of the congregation were frozen, and members were subject to forced institutionalization (Rajput,*The Economic Times* 17 April 2020).

It is pertinent to note that the call for banning Tablighi Jamaat and freezing its accounts was raised by Vishwa Hindu Parishad – a Hindutva organization affiliated to the RSS cultural nationalist family. The Supreme Court of India directed the Delhi government to ensure that the incident was not communalised. The Delhi Minorities Commission took strong objection to the Delhi government issuing a separate count of Covid-19 cases related to 'Markaz Masjid' in its daily health bulletin, and expressed its concern that such an act could potentially feed into the anti-Muslim agenda of Hindutva forces (*The Wire* 9 April 2020).

Such distorted officially presentation of facts, distorted the reality that between January and March 2020 the government of India allowed 1.5 million people to enter the country without any proper screening, and the *Tablighi Jamaat* members were only a small fraction of the same. The pandemic-related hate propaganda against Muslims further marginalized the community. A partial redeeming factor was the Bombay High Court (Aurangabad Bench) judgment, that quashed criminal complaints filed against 29 foreigners and six Indians (who were Tablighi Jamaat members), for spreading the Covid-19 virus through their participation in the congregation in March 2020. The Court observed that they were made "scapegoats" and highlighted the "big propaganda" by the media and resultant persecution of Muslims in the context of the congregation.

Making an appeal for religious tolerance, and for the unity and integrity of India, the High Court further stated as follows:

> *"It can be said that due to the present action taken, fear was created in the minds of those Muslims.This action indirectly gave warning to Indian Muslims that action in any form and for anything can be taken against Muslims".* (cited by F. Naqvi, *The Wire* 26, August 2020)

III

Role and Responses of Civil Society

Civil society organizations in India arose from the twin processes of resistance to colonialism, and policies and practices related to liberal ideologies (Chandhoek 2011) Today, India has a vibrant civil society, consisting of pressure groups, informal networks and alliances engaged on specific social issues, community-based organizations, non-governmental organizations and international /regional human rights organizations. Civil society in India plays an important role in protecting freedom of religion, defending rights of religious minorities, and as a check on the administration in relation to discriminatory laws and policies. Civic spaces for dissent, freedom of association and expression have shrunk further since 2014, and continue to diminish, with the increasing onslaught on criticism against the current establishment, and an intensification of the crackdown

on dissent.

These constricting developments have led to a transformation in the terms of engagement between the government and the people, heightened the regulatory control of government agencies and encouraged the tendency to take intimidating and punitive action. Civil society activists, particularly human rights defenders and advocates are vulnerable to attacks and arrests and incarceration based on false or trumped-up charges. Such developments have crimped civil society activism, diminishing its power and effectiveness, especially with the strength of civil society being in its spontaneity and collective mobilization (Chandhoke 2020).

Acts of Resistance

Various sections of civil society have raised their voices against growing religious tensions in the country. For instance, in 2018, some 67 retired civil servants wrote to the Prime Minister of India requesting him to take "firm action" against perpetrators of hate crimes directed at religious minority communities and citing several incidents of attacks including the lynching of Muslims on suspicion of slaughtering cows. The letter also drew attention to the discrimination against Muslim tenants by homeowners, and the targeting of Christians in the weeks leading up to Christmas (*The Scroll*, 28January 2018). Similarly, in 2019, prominent members of the Hindi film industry (Bollywood) joined civil society members to write an open letter to Prime Minister Narendra Modi, expressing grave concern about violence in the name of religion, especially the growing number of hate crimes and mob violence against religious minorities stemming from religious extremism. The letter took note of the prevailing climate of impunity for such crimes, and against the deteriorating law and order situation in the country. It stated that slogans hailing Hindu gods have become a "provocative war cry with many a lynching taking place in their name" (*Hindustan Times,* 24 July 2019).

A case of sedition was filed against 49 signatories of the letter, but was withdrawn after three days following widespread condemnation of the same. In February 2020, some 175 activists, and women's organizations wrote an open letter to the Prime Minister, expressing horror at hate speeches by BJP leaders which were directed at women who were protesting against the Citizenship (Amendment) Act, National Register of Citizens and the National Population Register. The BJP leaders were accused of using the threat of rape as a campaign message during election rallies in Delhi (*The Tribune*, 3 February 2020).

Civil society groups and individuals also actively participated in campaigns for justice and accountability in response the growing number of attacks against Christians and Muslims in recent years. Civil society initiatives included '*Karwan-e-Mohabbat', a* journey of love undertaken in 2017 to the sites of violence, in which 50 civil society organizations came together for a month-long peace walk in support of the victims of lynching (Mander, *The Wire*,

8 September 2017). In March 2019, as a prelude to the forthcoming Parliamentary elections in May, over 600 civil society organizations launched '*Desh Mera, Vote Mera, Mudda Mera*' campaign (literally translated as 'My Country, My Vote, My Issues'). The objective was to highlight the failures of the present government, including on communal violence and attacks against religious minorities (*Business Standard*, 18 March 2019). In 2019, there were nation-wide protests against the Citizenship (Amendment) Act, National Population Register (NPR) and the National Registry of Citizens (NRC), many of which were led by students and women. Notable among them are the Muslim women-led protests at Shaheen Bagh in Delhi, replicated thereafter across the country (Mustafa 2020)

Arrest and Incarceration of Human Rights Defenders

In 2020, many civil rights activists who led the campaign and peaceful protest against the Citizenship (Amendment) Act 2019 were arrested under draconian laws such as the Unlawful Assemblies (Prevention) Act (UAPA) and on charges including of rioting and unlawful assembly, and imprisoned (*The Wire*, 1 May 2020). More than 1500 people are reported to have been arrested in relation to their participation in the protests, with many charged under the UAPA. This included a pregnant Muslim student – Safoora Zargar – as well as other prominent Muslim student leaders such as Meeran Haider, Shifa-Ur-Rehman, Sharjeel Imam and Umar Khalid. In October 2020, civil society in India and globally, condemned the imprisonment of 83 year old Father Stan Swamy [vii] – a Catholic priest, tribal rights activist and one of the oldest human rights defenders - on charges of terrorism. 2000 Signatories & Jharkhand state Chief Minister Shibu Soren condemned the NIA's arrest of Fr. Stan Swamy (*The Quint*, 10 October 2020).

In the context of the COVID-19 pandemic, the continued incarceration of human rights defenders in India's crowded prisons, particularly senior citizens, pregnant women, and persons with disabilities and co-morbidities, placed their lives and health at serious and imminent risk. The gravity and inhumanity of the situation moved the UN HighCommissioner for Human Rights, Michelle Bachelet to state,

> *"India has long had a strong civil society, which has been at the forefront of groundbreaking human rights advocacy within the country and globally. But I am concerned that vaguely defined laws are increasingly being used to stifle these voices".* (Quoted In *The Telegraph* 20 October 2020).

In June 2020, UN experts urged India to releaseactivists who were arrested for protesting against the anti-Muslim Citizenship (Amendment) Act.

Regulation of Foreign Funding to Civil Society Organizations

Civil Society organization in India which want to receive foreign funding must register under the provisions of the Foreign Contribution Regulation Act (FCRA) 2010. (Organisations which want to receive government funds must register with the Niti Aayog portal, Darpan). Multiple regulatory laws (pertaining to income tax, provident fund and gratuity), and tedious and cumbersome procedures for registration and reporting of the activities of NGOs receiving foreign funds constrains them in their activities pertaining to empowering marginalized communities and raising their voices against violations of human rights.

It is reported that between2014 (when the present government came into power) and 2016, the FCRA licenses of at least 20,000 organizations were cancelled, curbing and in many cases, ending, their human rights activities (Bhattacharya, *The First Post* 30 December 2016). In September 2020, Amnesty International was forced to halt its human rights work in India after the Enforcement Directorate froze its accounts on charges of violation of the FCRA. In 2015, the UN Special Rapporteur on Freedom of Peaceful Assembly and Association analyzed the FCRA law and observed that the provisions were "not in conformity with international law, principles and standards" and contravened the right to freedom of association guaranteed by the International Covenant on Civil and Political Rights, to which India is a party (*Amnesty International* 29 September 2020).

In the third cycle of the United Nations Universal Periodic Review for India in 2017, several countries such as Czechia, Germany, Norway and the United States of America, recommended that the FCRA be amended to ensure the right to freedom of association, which includes the ability of civil society organizations to access foreign funding, and to protect human rights defenders effectively against harassment and intimidation. The countries also expressed concern that the restricted access of NGOs to foreign financial assistance may lead to their arbitrary shut-down (A/HRC/36/10, 17 July 2017). However, the Indian government paid no heed to the concerns and recommendations made both by international and domestic actors.

In September 2020, amidst the Covid-19 pandemic, further amendments were made to the FCRA law through the Foreign Contribution (Regulation) Amendment Act 2020, with a view of making the eligibility and procedures for receiving foreignfunding more stringent, and severe consequences of non-compliance with the same.

As a leading civil society commentator Amitabh Behar observed, the latest amendments, made without any real deliberations in the Parliament, reflect a deeply flawed understanding of democracy (Times of India 1, October 2020. One justification given for these amendments pertains to propaganda against church-based and Christian organizations, that they receive foreign funds and misuse the same for proselytisation and religious conversions. However, no official data exists to substantiate such an allegation. The timing of these amendments in the midst of an unprecedented pandemic, in which civil society played a major role in providing relief,

rehabilitation and socio-economic assistance to millions of Indians, is puzzling and deeply disappointing.

Conclusion

Since 2014, when a majoritarian Hindu nationalist government was voted into power, India has been spiraling downwards in terms of religious persecution and violent attacks, leading to extreme forms of insecurity and secondary status among religious minorities, particularly for Christians and Muslims. Given its majority in both Houses of the Parliament, various anti-minority laws have been passed, which the judiciary has failed to declare unconstitutional. In the quest for the creation of a Hindu nation, the government, backed by extremist non-state groups and with tacit   support to vigilante groups, has weakened the rule of law, and eroded secular and democratic principles guaranteed by the Indian constitution. The ramifications of these actions are faced by religious minority communities, as well as women and Dalits (oppressed castes). The Covid-19 pandemic has provided a new opportunity to the government to consolidate and centralize all power, and make further repressive inroads into the few civic and democratic spaces that are left in Indian society.

Endnotes

i These include unlawful assembly (Ss. 141-145), rioting (Ss.146-148), promoting enmity between different groups on grounds including of religion, and doing acts prejudicial to maintenance of harmony (S. 153A), defilement of places of worship with intent to insult the religion of any class (S. 295), trespassing on burial places (S. 297), outraging or wounding religious feelings (S. 295A) and disturbing religious assembly (S. 296).

ii These include the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on Elimination of Discrimination Against Women (CEDAW), Convention on the Rights of the Child (CRC), Convention on Elimination of Racial Discrimination (CERD) and the International Convention on the Prevention and Punishment of the Crime of Genocide, 1948. It is yet to ratify The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and The International Convention for the Protection of All Persons from Enforced Disappearance. More details about India's status of ratification of human rights treaties is available at
https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=79&Lang=EN, accessed on 16December 2020

iii More details and documents related to periodic reports are available at
https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=IND&Lang=EN, accessed on 16 December 2020.

iv Details of the recent UN Special Rapporteurs' reports based on country visits to India, are available athttps://www.ohchr.org/EN/countries/AsiaRegion/Pages/INIndex.aspx, accessed on 16 December 2020.

v Details of the three cycles of UPR and documents related to the same are available at
https://www.ohchr.org/EN/HRBodies/UPR/Pages/INIndex.aspx, accessed on 16 December 2020.

vi These are the UN Special Rapporteurs on Freedom of Religion, Racism and Minority Issues, along with the Vice-chair of the UN Working Group on Arbitrary Detention, who reportedly wrote twice to the Indian

government – in June and December 2018 respectively. See 'UN Special Rapporteurs Re- Emphasise Concern Over NRC in Second Letter to Indian Govt', *The Wire*, 17 December 2018.

vii Father Stan Swamy who was 83 years old, and suffering from advanced Parkinson disease and had just contracted Covid 19 , died in Taloja jail in Mumbai in July 2021. Despite his deteriorating health and the continued lack of medical attention and support from the authorities, and the prevailing Covid 19 risk conditions, the highly revered Catholic preist was not released on bail, and died in what many have claimed was a 'custodial death. The United Nations Working Group on Arbitrary Detention has called it the "failure of the Government" to heed these prescient warnings on conditions that led to Father Stan Swamy's "avoidable death in custody." See *newsclick*.in 19 March 2022

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Religious Tensions in Sri Lanka amidst Regime Change and a Pandemic

Udan Fernando

Introduction

The onset of the Covid 19 pandemic in Sri Lanka coincided with the immediate aftermath of a political regime change. In November 2019, a new President was elected in the country and general elections were scheduled to be held in early 2020. Mitigating the spread of the virus and the exigencies of holding an election to further consolidate power at the level of legislature became competing interests. The nationalist fervour with which the new President came to power was mobilised by a hyper- narrative of an alleged threat to national security. This whipping of emotional sentiment around national (in) security continued to remain a key driver within the political sphere. Invariably, the pandemic too became politicized. In particular, the growing populist sentiments against the Muslims, which had been exacerbated following the Easter Sunday bomb explosions of April 2019, re-emerged during the pandemic. As this paper argues, religious tensions surfaced following the end of the war in 2009, displacing the centrality of ethnic conflict which had driven three decades of war in the island state.

The paper interweaves these contemporary historical narratives, also bringing in the role of civil society, to position the specific religious tensions which became manifest during the so called first wave of the pandemic, namely from February to June 2020.

The main methodology used to compile this paper is a desk review of materials published during the period of the pandemic including newspapers, online papers and reports. The Paper also draws upon scholarly literature relating to the broader themes of religions, history of religious harmony and conflicts as relevant to the Sri Lankan context.

Religious Composition and History of Religious Communities

There are four major religions in Sri Lanka: Buddhism, Hinduism, Islam and Christianity. Buddhism is the religion of the majority in Sri Lanka, and encompasses over 70 percent of the country's population as its followers. Buddhism became the official religion of the country around 200 BC. Later, however, the ascendancy of European colonial influences, contributed to the decline of Buddhism in Sri Lanka. Hindus make up 16 percent of Sri Lanka's population and are concentrated in the Northern and Eastern provinces. Before the arrival of Buddhism in the country, Hinduism probably was the dominant religion, alongside different forms of animism. About eight

percent of Sri Lankans belong to the Islamic faith. Islam came to the island with the Arab traders. By the 15th century, Arab traders controlled much of the trade on the Indian Ocean, including that of Sri Lanka. When the Portuguese arrived in Sri Lanka in the 16th century, many Muslims were persecuted, forcing them to migrate to the Central Highlands and to the East Coast.

The arrival of European colonialists in the 16th century had profound consequences for both the Hindu and Buddhist communities. Christianity gradually took root in the country with the spreading influence of the Portuguese, Dutch and British who introduced Roman Catholicism, Reformed Christianity and Anglicanism, respectively. During the same time, Christian missions representing diverse organisations and denominations found their way into the country. Missionaries spreading Methodism, Baptism and Presbyterianism established their stations in the country. A key feature of these denominational missions was the establishment of educational institutions that introduced Western curricula and languages. The spread of Christianity was combined with the potential for educational and employment benefits which accrued to Christians under the colonial administration. As such, the Christians, though comprising of only seven percent of the population (of which 90 percent are Catholics), exercised significant power and influence in the society then, and arguably do so now as well.

Contemporary History of Religious Coexistence and Tensions

The focus is on tensions that erupted between religious groups in Sri Lanka at different junctures of history, spanning from the pre-independence period to the present. The first reported event was in 1915 in Kandy, in the Central region, as riots between Sinhalese and Muslims erupted when a group of Muslims attacked a Buddhist pageant with stones. It soon spread across the island. Notwithstanding, such incidents of inter religious tension, in the contemporary history of Sri Lanka communal tensions centred on ethnic tensions have been much more significant. The ethno-religious factor surfaced as a source of tension, insecurity and insurgency in 1956, when the Sinhala-Buddhist identity was established as the dominant force of power.

The introduction of the 'Sinhala Only' legislation, making the language spoken by the majority of the population, the foremost language, set off fears about the likely subordination and disadvantaging of the other language speaking groups on the island, especially Tamils. The situation was exacerbated further in 1972, when the first Constitution of Sri Lanka as a Republic enshrined Buddhism as the foremost religion in the country. It stipulated that the state had an utmost duty to protect the religion of Buddhism. Though other religions were duly recognised in the Constitution, this development constituted a major juncture, which created a rupture between the Buddhists and other religions.

The ethnic violence of 1983 targeted Tamil communities throughout the island and left an indelible scar that eventually led to a protracted was that lasted for nearly three decades and entailed a massive loss of lives. The war between the Sri Lankan military and the Liberation Tigers of Tamil

Eelam (LTTE), engulfed the entire country in an ethnic conflict, eclipsing all other forms of tensions including religions differences. It was only after the end of the ethnic war, in 2009 that other forms of tensions surfaced. A key feature of the manifestation of post-war tensions was that they occurred at an inter-religious level, between Buddhists and Christians and Buddhists and Muslims.

Eventually, Buddhist-Muslim tension took precedence over other forms of religious conflicts. The anti-Muslim campaigns at the global level, following the 9/11 terrorist attacks in New York aggravated the above situation. Fears of radicalisation of Sri Lankan Muslims and the formation of home grown armed groups heightened *Islamophobia*, prompting counter moves at state and inter-state levels. Fuelled by the media, a general atmosphere of distrust and distance was created between the Muslim communities and other religions. Sri Lanka was deeply influenced, not only by the global tide of anti-Muslim campaigns, but also by developments in neighbouring India and Myanmar. The anti-Muslim campaigns largely led by Hindu extremist groups in India, and the systemic targeting of Muslims by Buddhists in Myanmar, deepened already visible new polarising trends in Sri Lanka's war fractured social scape . In particular, the organisational form that the anti-Muslim campaign mobilised by the Buddhist priests' in Myanmar had a significant impact on Sri Lanka.

Sri Lanka, in the post-war period, witnessed the emergence of a number of organisations, committed to mobilising the religious constituency of Buddhists. Foremost amongst this new wave of religious organisational mobilisation was *Bodu Bala Sena* (BBS) that is the Buddhist Power Force which emerged in 2012, followed by the *Ravana Balaya, Sinhala Ravaya* and *Mahason Balakaya*. These organisations introduced a new brand of nationalism with a greater emphasis on a Buddhism with militant tendencies needed to safeguard the threatened motherland. It attracted the support of Buddhist monks and masses of lower middle class youth.

Three recent events, in 2014, 2018 and 2019 defined the widening rift between the religious communities, the pattern of violence, the cycle of incitement and engagement, and the redrawing of the contemporary religio-ethnic map of Sri Lanka.

Vignettes of the Pattern of Communal Clashes

Aluthgama, Kalutara district 2014. There was a major clash between Buddhists and Muslims in the Southern town of Aluthgama where a significant proportion of Muslims reside. A Buddhist priest was assaulted by a group of Muslims triggering a cycle of violence. Buddhists stormed the Aluthgama police station, demanding stern action against the Muslims who allegedly assaulted the Priest. This was followed by public meetings by Buddhist groups to drum up support for action against the Muslims. This led to attacks and burning of houses and businesses owned by the Muslims in the area. At least four people were killed and 80 were injured. Hundreds were made homeless following attacks on houses, shops, factories, mosques

and a nursery in Aluthgama, Beruwala and Dharga Towns. The BBS was widely blamed for inciting the violence although the organisation denied responsibility.

Kandy district 2018. A traffic accident provoked a clash between a group of Muslims and Sinhalese and incited a cycle of violence in which Muslims in Digana and Kundasale, Kandy district were targeted. Houses, vehicles and business places owned by the Muslims were destroyed or burnt. The police arrested several rioters including Amith Weerasinghe, the leader of the Sinhalese Buddhist Nationalist *Mahason Balakaya* . He was identified as one of the main leaders among the rioters.

Colombo 2019 The Easter Sunday bomb explosions in 2019 had a profound impact on deepening the growing antagonism towards Muslims and fuelled further the rumours and rhetoric about Muslims being a threat to Sinhala –Buddhists. The series of bomb explosions in churches where the faithful had congregated together on the sacred occasion of Easter Sunday resulted in the loss of about 265 lives. These attacks were allegedly carried out by a home grown group of radicalised followers of the transnational Islamic State. This further deepened the growing antagonism among some Sinhala groups towards Muslims. Already, the visible spread of conservative *Wahabism* had drawn hostile attention, especially the alleged flow of funds from Arab nations for building mosques and other infrastructure projects in the East and the promotion and proliferation of madrasas.

Even before the bombings, there was a negative campaign against the consumption of halal meat (prepared according to Muslim law), appeals to socially and economically boycott Muslim businesses. Wild rumours were spread that Muslim eateries were mixing chemicals into the food to make Sinhala people infertile. The Easter Bombings reinforced the propaganda rhetoric of organisations like the Boda Bala Sena of Muslims as a threat to Sinhala-Buddhists in particular, and Sri Lanka in general. The terrorist bombings ignited a spate of violent riots which spread to different places in the country. Muslims were attacked, their houses and businesses were looted and set on fire.

Civil Society in Sri Lanka – basic features and orientation

The predominant orientation and identity of civil society in Sri Lanka has been closely connected to its political or rights based advocacy role.   This orientation is a legacy of the historical context of the pre-independence period when social action and voluntary organisations were in the forefront of social and political reforms. The Temperance Movement is a prominent example. As such, the *sine qua non* of Sri Lankan civil society organisations (CSOs) is not so much 'development' but 'rights' advocacy. Arguably, the insurgencies of 1971 and 1987-89, and the insurgency that turned into a three-decade war, have further intensified this characteristic of civil society. The role of CSOs and activists has been particularly meaningful and effective when engaged in lobbying and advocacy on human rights issues, and promoting the values of pluralism, devolution and federalism. The political orientation of Sri Lankan CSOs implies that they invariably are involved in the political realm as part of their operational environment. This means that Sri Lankan CSOs are highly sensitive towards the shifts taking place in the political realm.

The link between Sri Lankan CSOs/ NGOs and the Left is also a special feature of the civil society eco-system. The pioneer justice oriented social groups maintained close links with the old Left. The post-1977 period saw the entry of former New Left activists, associated with the *Janatha Vimukthi Peramuna* (JVP), into CSOs. Also, in the post-1980 period others joined as trade unions activists. This further strengthened the political identity of Sri Lankan CSOs. This generation of Left political activists dominated the CSO scene in the eighties and early nineties. In a way, the CSO activism of the eighties and the early nineties partially replaced the void created by the weakening of the Left political parties and trade unionism. The Leftist parties had suffered a massive defeat in the general election of 1977. It was won by the rightist United National Party (UNP) with an overwhelming five - sixth majority in the Parliament.

Such a working majority in the Parliament and a newly created all-powerful executive presidential system gave the ruling party an upper hand to curb all forms of opposition and resistance to their introduction of liberal economic policies. The government crushed a general strike in 1980 which marked a milestone in the decline and weakening of the Left and trade unionism. In this regard, some CSOs played the role of gap fillers for a moribund Left and trade unions. A reversal of this trend in civil society and CSOs was witnessed from the mid-nineties. This professionalising trend got firmly established in the post 2002 period (Fernando, 2007). The key staff and leaders who entered CSOs in the mid-nineties and beyond came from professional and academic backgrounds with little or no background in political activism (Fernando, 2007). Their political sympathies were with liberal thought (Uyangoda, 2000).

The relationship between the Sri Lankan NGOs/CSOs and the government has predominantly been an antagonistic one. However, there have been short periods of collaboration, engagement and even co-optation on the part of the NGOs/CSOs with different governments. These collaborations have been short-lived within a tenure of a certain government and came to an abrupt end with the transition of particular governments. There have been different degrees of regulation, control and space negotiated for the functioning of civil society under successive governments. The history of the relationships between civil society and the government suggests a fluctuation of trust and maturity in dealing with each other. Hence the orientation, spread (or contraction) and impact of civil society or NGOs in Sri Lanka cannot be understood without examining the orientation of the successive governments whose policy and action towards CSO has varied .

Facing a Pandemic and Fighting to Win Elections

The Covid 19 outbreak in Sri Lanka coincided with major political development and regime change. The first confirmed case of coronavirus was reported in Sri Lanka on 27 January 2020. The patient was a 44-year-old Chinese woman from Hubei Province who was visiting Sri Lanka. She was immediately admitted to a local hospital, underwent treatment, and was discharged on 19 February. At about the same time, on 2 March, the President of Sri Lanka dissolved Parliament and called snap elections, six months prematurely. Elections were to be held on 25 April, but only

a day after the announcement, the first Covid-19 patient of Sri Lankan origin was reported on 3 March in Italy (Fernando (2020). A week later, on 10 March, the first local case was reported: a tourist guide who had led a group of Italian tourists. Both the Chinese woman and the tourist guide were treated at the Infectious Disease Hospital, which was subsequently renamed as the National Institute of Infectious Diseases. Quarantine centres were initially set up by the Army and based on their facilities and infrastructure in different parts of the island, and at a distance from Colombo. Private hotels were enlisted to offer quarantine facilities for a considerable tariff.

A 40-member 'Presidential Task Force to Coordinate and Monitor the Delivery of Continuous Services for the Sustenance of Overall Community Life' was formed under Basil Rajapaksa, a brother of the President. In mid-March, a National Operation Centre for Prevention of Covid-19 (NOCPOC) was tasked with curbing the spread of COVID-19, with the Army Chief appointed as its head. The Centre was mandated to coordinate preventive and management measures to ensure that healthcare and other services would be well equipped to serve the general public during the outbreak. The mandates of these two institutional structures were vague and lacked clarity regarding the division of labour. The rationale for setting up these new structures and disregarding the existing structures, drew heavy criticism from the prominent CSOs (Center for Policy Alternatives, 2020).

Despite some unease over COVID-19 strategies, the dissolution of Parliament and the call for elections on 25 April created a distraction that catapulted all of Sri Lanka into an election mode. By the third week of March, although the number of Covid affected people was gradually rising, the interim government, following the dissolution of Parliament, was slow to introduce any concrete measures in the context of a dissolved Parliament). This passivity can be ascribed to the desire of the President and his party to hold elections in April. On national television, the health minister reassured that she did not see any urgency to introduce stringent rules to curb the spread of the virus since the situation was not that bad. Also iterated was that there was no need to disrupt the announced election schedule. It should be added that the ruling regime was confident of winning the forthcoming elections and that they would go ahead with the election notwithstanding because they would win.

The deadline for nominations was noon of 19 March, and the Election Commission was apparently under pressure to downplay the coronavirus outbreak to ensure that the election would proceed uninterruptedly. However, barely a few hours later, the president was obliged to declare an island-wide curfew, and to close all inbound flights at the airport. At first, people were casual about the curfew rules, but within a few days it was strictly enforced. Gradually, the island-wide curfew was relaxed, but a few districts, including the Colombo district, were subject to a continuous curfew of 52 days, until 10 May.

Election Commission on March 15 announced that the planned 25 April 2020 elections would be indefinitely postponed to the pandemic outbreak. However, there was substantial pressure on the

Commission to hold the elections before 2 June. Technically, the Constitution required that the dissolved Parliament needed to reconvene and could not be closed beyond a maximum three month period. Consequently, the Election Commission wrote to the President to inform him that owing to COVID-19, an election could not be organised before 2 June. However, in view of the constitutional constraints, the commission requested that the President seek the opinion of the Supreme Court, which would have the power to invoke *force majeure* as a way out of the constitutional deadlock. The President responded that this was not necessary.

The President disregarded appeals by political parties, trade unions, religious leaders, and civil society to reconvene Parliament by annulling the gazette that had dissolved it. This demonstration of the President's authoritarian e President's authoritarian behaviour, especially his resolve to not parley with the Supreme Court, highlighted the President's preference for exercising strong executive powers at the expense of the legislature and judiciary. However, the Election Commission's statutory status as an independent body granted by the 19th amendment, enabled it to withstand the pressure. A general election to elect a new Parliament, with proper Covid-19 precautions and measures had to wait till August 2020.

Covid-19 and Religious Prejudices and Discriminations

Globally speaking, the number of Covid 19 deaths since the detection of the corona virus infections among the people of Sri Lanka, that is over eight months till August 2020, was relatively low - 11 deaths. However, the mainstream media gave each death an unprecedented publicity. Such sensationalisation of news was further spiced with layers of (mis)interpretations and unsubstantiated information on the social media. Also, the media pursued an unethical and unnecessary practice of giving publicity to the ethnic and religious identity of patients infected with the virus. In particular, the identity of a deceased person or persons infected with the virus was given undue prominence especially so when the identity of the infected person or body happened to be that of a Muslim.

Such news items carried an accusatory element, implying that the person concerned was irresponsible and his/her act had caused damage to society. An interview telecast by a private television channel with a high audience share and rating, carried an interview with a health official who commented on two patients from Beruwala, a town in Kalutara District, with a high concentration of Muslims. In the conversation an authority figure, the health official insinuated that two Muslim patients had negatively impacted the country at large, and that too at the time of the most important religious festival for Sinhala-Buddhists', the lunar New Year (Zuhair, 2020). The showcasing of the interview was meant to emphasise that the two patients were responsible for a larger damage to society and clearly, in that situational context, their religious identity was invoked in an explicit way.

Further, news segments of Muslims congregating for their weekly prayers at mosques and violating curfew rules, were given widespread publicity by the mainstream media, and even more so by the social media. Written between the lines of these news items was the intention to portray the Muslim community as an irresponsible and undisciplined section of society that flouted the law of the country so as to follow their religious rituals.

Several Muslim religious bodies challenged some of the visuals used in such news segments claiming that they were archival footage of events held in the previous year. These associations also lodged formal complaints with the police. Notwithstanding these complaints about misleading factual inaccuracies, within the mainstream and social media there was no acknowledgement of such errors let alone any apology or correction. Such disinformation continued to be purveyed by the media. These practices reflect the entrenched prejudices of the mainstream media towards minority religious communities. Further, it highlighted the government's policy of turning a blind eye to such malpractices. It was only after irreparable damage was done, and following mounting pressure that the Ministry of Health issued guidelines to the media on reporting on Covid-19. Accordingly, the guidelines prohibited the mention of ethnicity/religion of the infected persons. However social media platforms continued to openly voice calls to boycott Muslim businesses based upon the false allegation that Muslims were spreading Covid-19 deliberately.

Meanwhile, the government failed to contradict these toxic narrative reports. Moreover, senior government figures made public statements in which they implied – falsely – that the virus was particularly rife among Muslims. In the face of government indifference and even incitement activists and civil society organisations were moved to write to the President, raising concerns that this had led to "outpourings of vitriol, and hate speech against Muslims." (Ganguly, 2020). For instance, the transnational network IMADR (International Movement Against Discrimination and Racism), in a submission to the Report of the UN Special Rapporteur Tendayi Achiume, on 'The rise of Anti-Semitism and other forms of racism, racial discrimination, xenophobia, and related intolerance in times of Covid-19' expressed grave concern about incendiary and factually false statements of government health officials in audio clips.

> "The complainants also noted that the President of the Sri Lanka Health Officers Association was recorded in one of those audio clips. In the recording, a person who was allegedly from the intelligence agency accused Muslim women of offering sexual favours to Sinhalese men and spitting on food products in supermarkets in order to spread Covid-19. The speaker is seen urging listeners to boycott goods from Muslim-owned businesses. The complainants highlighted factual inaccuracies in both accusations. The police arrested a person who circulated the recording. Yet, there has been no report whether the speaker and others in the recordings were punished. Sinhalese Buddhist extremists are believed to have played a considerable part in these attacks against Muslims" (IMADR 2020).

Another issue that created a great deal of controversy centred around the funeral arrangements of the Muslims who died of Covid-19. The Muslim religious associations appealed that their community be given permission for burial in accordance with conditions laid down by global health authorities such as the World Health Organisation. The ban on the burial of the body of patients who had died of Covid 19, became a highly contentious issue involving mobilisation of medical facts, expert opinions and regulations. On April 9, the authorities arrested Ramzy Razeek, a retired government official who argued against the burial ban on *Facebook* (Ganguly 2020).

The burial issue was blown out of proportion by the media, so as to ferment public suspicion and antagonism towards the Muslims as a religious community which was against the law of the country and represented a threat to the rest of society. For example, an informal exchange, recorded during a break in a TV panel discussion between the panel's host and a government minister was leaked on social media. The TV channel was well known for its prejudicial stance against Muslims. The recording clearly showed that the conversation at the panel discussion was pre-orchestrated and the principal aim was to present a negative picture about Muslims. Further, the recording revealed the need to teach Muslims a lesson so that they would adhere to law of the country and that they (Muslims) should not be allowed to have their own way (Amarasuriya, 2020).

On 14 April, Hejaaz Hizbullah, a prominent lawyer was arrested by the Criminal Investigation Department (CID) and detained without charges. Amnesty International and Sri Lankan civil society groups strongly criticized the manner in which Hizbullah's arrest was carried out without due process. He was not informed of the reason for his arrest or the charges against him. A detention order, dated 17 April, stated that Hizbullah was arrested under the Prevention of Terrorism (Temporary Provisions) Act No. 48 of 1979 under suspicion of terror related activities. A vocal critic of the government on human rights issues, particularly on minority rights, Hizbullah also represented Dr. Shafi in the case against the latter on suspicion of forced sterilization in 2019 (Amnesty International, 2020).

It is clear that stirring up anti-Muslim sentiments (or any kind of anti-minority sentiments) is a tried and tested political strategy in Sri Lanka—one which the current government has used very effectively in the past and which was used again in the run-up to the parliamentary elections of 2020. What is also evident is how these sentiments have become normalised. The dominant narrative is that Muslims are constantly seeking to impose their ideas on the rest of society, bend rules to their convenience and flout laws that they don't like

Covid 19, Democracy, Rule of Law and Freedom of Civic Space

At an early stage of the spread of Covid-19, riots broke out in prisons because of overcrowding. The prisons which were built to house 10,000 prisoners, were overcrowded with some 26,000

inmates, making them a high-risk vulnerable group as well as a source of infection for the spread of Covid-19. The risk was exacerbated by the inability to maintain social distance or proper hygiene practices. During the riots, even before any coronavirus deaths had occurred in the prisons of Sri Lanka, two prisoners were shot dead in the prison violence. There was mounting criticism as expressed in the social media about the way in which government agencies –the military, police, and the bureaucracy were handling the Covid-19 situation.

The police warned that those criticizing the government and public officials would be arrested. Several people who criticized the government were reportedly arrested and others were subject to online intimidation and stigmatisation. The media reported that the police were seeking to arrest 40 people for spreading false information, and still other reports stated that by 17 April, some 17 people had been arrested (Fernando, 2020). Thirty-two trade unions, press freedom organisations, and civil society groups banded together to issue a joint statement which noted that,

> "it appears, under the guise of the suppression of Covid-19 epidemic, the government is suppressing the right of people to express their views and their right to protest. A number of people have been arrested in the recent past for social media posts, and it is seen that top police officers have been threatening people claiming that they will continue to arrest them" (Sri Lanka Brief 2020)

The military played a key role in Sri Lanka's response to the Covid-19 outbreak. The Army commander was appointed as the head of the National Operations Centre on Prevention of Covid-19. Special intelligence units of the military and the police were tasked with carrying out search operations for contact tracing and arrests of those who violated curfew and quarantine regulations. The quarantine centres were run by the military, often using their camps, infrastructure, and personnel. After the country began to reopen following the 52-day curfew, the secretaries to the ministries of health and agriculture were replaced by two military officers. The military was also disproportionately represented on the Presidential Task Force in charge of economic revival and poverty eradication.

At the time of prolonged curfew the courts were partially dysfunctional. Such a situation created opportunities to overturn decisions on convictions for serious crimes. For example, on 26 March, a military member who was serving a death sentence was released on presidential pardon. He had been convicted of the murder of eight people, including four children (Asia Times, 2020). While, the country was still under curfew, a former diplomat to Russia who had been arrested for his alleged involvement in a corruption scandal surrounding the procurement and renovation of aircraft for the Sri Lankan Air Force in 2006, was granted bail on 4 April, when the country was still under curfew (Asian Tribune, 2020).

The International Covenant on Civil and Political Rights (ICCPR) Act of 2007 is a law meant to protect human rights. The ICCPR Act criminalizes advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, and violence. However, the Act has been misused to

curtail freedom of expression since mid-2019. The ICCPR Act does not permit individuals charged under it to be granted bail at a magistrate's court, but only by a high court. There were arrests and threats of arrests of those engaged in the field of arts and media. The Act is instrumentalised to intimidate people whose views are perceived as dissent and undesirable by the state. Recently the Act was invoked, in one case to arrest a poet who published a fictional short story of a Buddhist monk, and in another case, to threaten arrest of a senior journalist. The former was kept in a remand prison from April to August 2020, until he was granted bail (Amnesty International, 2020). It is believed that the said Act is being used as a tool to instil fear and suppress dissent. As a result, a level of self-censorship on the part of some civil society organisations can be observed. This has been reinforced by intensification of surveillance by intelligence units on individuals and organisations which are speaking out on socio-political issues.

Implications for civil society values and action

Islamophobia has been on the rise in Sri Lanka, particularly in the post-war period since 2009. The spread of the Covid-19 pandemic in Sri Lanka spawned new forms of Islamophobia in the country. Although, the anti-Muslim rhetoric and hate speech on social media predates the pandemic period, it got a new lease of life with the spread of the pandemic. The Muslims, as a religious group, were stereotyped and scapegoated as spreaders of the corona-virus. This resulted in the stigmatisation of Muslims as an irresponsible community which does not respect the law of the country. The mainstream media exacerbated this narrative and further fuelled anti-Muslim sentiments by biased, irresponsible and unethical reporting.

The government's response to rampant hate speech and targeted hostility against Muslim communities was marked by ambivalence and indifference. However, when it came to taking action against Muslim organisations and individuals who protested against matters that violated their religious rights, government agencies acted with alacrity against them. A new political administration with a pronounced Sinhala-Buddhist-nationalist politics had taken power in the November 2019 elections. Hence, the current government has a strong allegiance towards that constituency and underplays the recognition of minority communities as equal citizens. It is reasonable to interpret that the government's commissions and omissions are driven by the dynamics of its own core constituency. This was particularly, the case when a parliamentary election was pending and obtaining a two-thirds majority was high on the election agenda.

The government's response to the pandemic had a fall out far beyond the sphere of health and livelihood, and damagingly impacted the sphere of governance, rule of law and accountability. In the name of dealing with the pandemic crisis, within governance structures policies and laws there was a shifting trend towards rising militarisation and authoritarianism. Such developments posed serious threats to the values and principles many civil society organisations uphold, and in particular rule of law and accountability in governing institutions that CSOs strive to promote. Also at stake are the institutions and the processes of reconciliation and transitional justice set up

under the previous government, especially as the current political administration adopts a different approach. This has implications for the rights of minorities and the values and principles of pluralism and devolution of power. These are key concerns of CSOs which are at a critical juncture.

The increased measures of surveillance by intelligence units on individuals and organisations of civil society, the tactics of threats, intimidation and arrests under the Prevention of Terrorism Act or ICCPR pose serious challenges to the safety and services of civil society actors. Such measures also pose challenges for the continuity of organisational initiatives by civil society. As said before, some organisations may resort to a strategy of self-censorship of their own response to the situation. Other organisations that persist in being forthright in their expression of ideas as well as actions are facing formidable challenges.

Amidst these severe challenges and risks, civil society organisations have spoken out against incidents of violations of rights and discrimination, CSOs have confronted ecisions and policies of authorities that are not constitutionally and legally sound, and are inimical to some sections of the society. Most commonly civil society groups have issued joint statements to raise concern, register protest and request remedial action. Importantly, through the presentation of alternative narratives civil society has sought to generated public awareness and counter the highly coloured and biased media portrayal. Civil society organisations also initiated legal action on certain issues, including the right of burial of minority communities in accordance with their traditional practices. The courage and determination displayed by these organisations in an environment marked by rampant surveillance and arbitrary arrests, should not be underestimated.

Concluding Remarks

The role of civil society will be most significant and crucial in the unfolding scenario where a creative counter narrative needs to be generated against the unfolding trends of religious extremism characterised by demonisation, vilification and scapegoating of minority religious and ethnic groups, particularly of the Muslims and intensified during the Covid-19 pandemic. There is need to pre-empt the possibility of the situation running the risk of alienating minority groups who could fall prey to counter-religious extremist groups that are already rampant in many parts of the world. These efforts by civil society would gradually and finally enable them to re-claim their legitimate place in society and allow them to play their role based on the values and principles they uphold.

As indicated observed earlier, the predominant orientation and character of the Sri Lankan civil society has been 'political' in the sense of being based on advocacy of peoples' rights and demands of state accountability. In the last two decades this 'political' character of civil society was eroded to some extent. The contemporary role of civil society, in the light of the many challenges discussed above, is to re-vitalize that orientation, as it is the niche that should be taken ownership of by civil society. This entails re-inventing innovative strategies that will be effective in the face

of many unfavourable and disempowering official policies, and the difficult security environment in which civil society functions at present.

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Revisiting the Politics of Islamisation in Bangladesh: 'Religionisation' of Politics and Violent Extremism

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Introduction

For assessing religious extremism and the counter measures of the state in Bangladesh, this paper adopts an eclectic approach in combining three diverse components. The 'religionisation' of politics on the domestic front, the growing role of religion in global politics, and emergence of religious extremism underpinned by the simultaneous patronisation of religiosity by the state. All the three components are interrelated. In other words, one cannot approach the rise of religious extremism only by focusing on the violent religious organisations, without reflecting on how the ruling elites and the political parties in particular use religion as another layer of doing politics. If violent religious activities are the ultimate form of religious extremism, the politicisation of religion is a most important component of soft-version of extremism. Religious extremism is defined here as religion-induced life threatening violence which is motivated by a feeling of identity-based superiority and a politico-legal system based on a certain set of religious principles.

Domestic electoral politics often offers a conducive milieu to institutionalise the politicisation of religion as political parties become eager to form an alliance or counter alliance with extremist or conservative Islamic forces in the hope of winning. Liberal or secular parties are ready to sacrifice their ideological positions, to survive in the electoral competition.   The phenomenon religionisation of politics refers to an

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extreme situation wherein politics serves as an inherent instrument for implementing religious practices and not the other way round. In effect, it blurs the borderline between a liberal party and a fanatic religious group with political ambitions ((Ivanescu, 2020; Helbardt *et al.,* 2013).

'Soft' version of religious extremism creates a conducive atmosphere wherein it becomes easy for the violent or hard-version of religious extremism to thrive. The dangers associated with the extreme use of religion in politics lie in fostering an identity-based supremacy and otherness, intolerance within a particular community, cultural and religious exclusion of others and chauvinism. It ends up weakening the possibility of the social prevention of religious extremism and the role of the pluralist civil society to offset it. Insidiously, the moral ground and legitimacy for countering religious extremism get lost.

Furthermore, the recent global advent of the COVID-19 pandemic has introduced a new reality as its prevention requires social isolation and maintenance of physical distancing. This new reality is making people who have access to the virtual world, dependent and embedded in online activities and vulnerable to the social media subcultures promoting religious extremism. Also, the Covid impact on the poor in terms of loss of livelihood, has made them even more vulnerable to the pull of extremist narratives and fixes.

Structurally, this paper has four broad parts other than introduction and conclusion. The first part offers a set of changing narratives of religion-induced violence as a guiding chronological foundation for understanding the evolution of religious extremism in Bangladesh. The second and third parts explains the storylines in terms of the historical contexts, both global and national. In the national context the deployment of religion in politics by the Bangladesh Nationalist Party (BNP), Bangladesh Awami League (AL) and their allies as they came to power alternatively through democratic elections is a pivotal part of the story in understanding the evolution of national politics in the country. The global historical event of 9/11 marks a watershed moment making religious extremism a dominant discourse in the public sphere on the international front. The last section assesses the response of the state in dealing with religious extremism.

Islamic fundamentalism: the making of an inroad

Shifting narratives of religion-induced violence capture the global and national contexts of the changing nature of violence and the discourse of political Islam in the body politic of Bangladesh in its post-colonial journey from 1947 to present as presented below.

The first narrative refers to communal violence during the colonial period when Bangladesh was part of British India. The incident of communal violence took place in Noakhali in 1946 in reaction to the *Great Calcutta Killings* which left thousands dead in both Bengals - East and West - a year before the partition. The establishment of Pakistan was the outcome of the anti-colonial struggle of the two political parties - Indian National Congress and the Muslim League - based on the 'two-nation theory' confirming the interplay of *political Islam and political Hinduism* in British India

and post-colonial state-building in Pakistan (East and West) between the 19th and 20th centuries.. Early beginnings of political Islam are visible in this part of the Indian subcontinent with the emergence of the *Khilafat* Movement in 1919, a pan-Islamic movement in support of the authority of the Ottoman Sultan as Caliph of Islam. Motivated by the Friday sermons, many Muslims from the rural districts of Bengal went to Turkey to fight against the British colonial rulers. Such mobilization was quite distinct from the culturally integrative Sufi Islam in East Bengal that existed before the colonial rule .

The Iranian revolution in the late 1970s and its aftermath saw the emergence in global scholarship of concepts like Islamic fundamentalism, and the discourse of political Islam. During the Cold War, the *jihadists*, fighting against the Soviet forces in Afghanistan or communism elsewhere in the world, were not globally projected as 'Islamist' or 'anti-West'.

Perhaps by the same token, the Islamisation of the Bangladesh state and polity in the 1970s and 1980s under the two military dictators, Ziaur Rahman and HM Ershad, was not branded as 'Islamist fundamentalist'. The West saw General Zia as 'Suharto of Indonesia.

Meanwhile, the two military dictators resorted to Islamisation for mobilising political support and legitimacy within and outside the country. For instance, Major General Ziaur Rahman made fundamental changes to the Constitution and removed the principle of secularism, replacing it with "absolute trust and faith in Almighty Allah" in 1977. He redefined Bengali nationalism as Bangladeshi nationalism, linking it with territorial boundaries and a majoritarian religious identity so as to separate the identity of the Bengali Muslims from the Bengali Hindus of West Bengal. General Zia lifted the ban on religion-based political parties, including the anti-liberation political party Jamaat-e-Islam. It helped the military regime receive economic aid and support from the middle-eastern countries.

General Ershad, coming to power through a military coup, used religion to garner political legitimacy and support. The traditional culture of painting designs (*alpona*) on the premises of *Shahid Minar* was proscribed as un-Islamic in the effort to make Bangladesh conform to an 'Islamic State' (Mohsin, 2004: 476), General Ershad declared Islam as the state religion in 1988. Some newly emerged organisations with Islamic names like Jamiat-i-Hizbullah, Jamiat-Ulama, Jamiat-ul-Mudarresin and Bangladesh Student Hizbullah welcomed Islam as the state religion.

The two women civil society organizations *Naripakhyo* and *Oikyobaddho Nari Samaj* opposed this declaration publicly on the grounds of sovereignty and "the spirit of the Liberation War" *Muktijudhdho Chetona Bikash Kendro (Center for the Development of the Spirit of the Liberation War),* led by a retired university professor and a freedom fighter deplored the declaration and advocated the necessity for democracy, socialism, and secularism.

The polarization between the pro-Islamic and secular activists in the politics of Bangladesh was reinforced when Iran's supreme leader Ayatollah Khomeini issued a *fatwa* to assassinate Salman

Rushdie for his book The *Satanic Verses* (1988). Jamaat-e-Islami and its student organisation not only deplored the writers and poets who condemned the fatwa on the grounds of 'freedom of expression' but also demanded the death penalty for the 'Rushdies of Bangladesh' More importantly, in an anti-Rushdie protest meeting, the *Qawmi* madrasa-based party Jamiat-ul-Ulama-i-Islam of Bangladesh demanded that the Ahmadiya community of Bangladesh be declared a non-Muslim minority. The Rushdie incident was followed by countrywide violent demonstrations against Bata Shoe Company for their slippers with a motif resembling the Arabic spelling of 'Allah'. The Islamic Action Committee, an alliance of several small fundamentalist parties, organised the violent 'shoe riots' (*The New York Times*, 26 June 1989). The adoption of Islam as 'statecraft' by the two military dictators culminated in incidents of violence against the Hindu population in Dhaka and Chittagong, especially following the news on the demolition of *Babri* mosque (Guhathakurta, 2012: 291).

The government's patronisation of Islam encouraged citizens to take up arms in solidarity with the Islamic world in the 1980s. A religious militant group, *Muslim Millat Bahini* (MMB), formed in 1986 by a Middle-East returnee, retired Major Matiur Rahman alias *Pir Matiur,* pledged to seize power and establish *Islamic Shariah*. They had a madrassa with 300 hundred students. Scholars identify the emergence of the religious militant group as the beginning of the incubation phase of violent extremism in Bangladesh (Mostofa, 2021: 149). This coincided with the victory of the Mujahideens in the Afghan War (1979-1992). Some 3,400 Bangladeshis were fighting there, and on their return to Bangladesh founded the first Mujahedeen group. Cold war geo-politics ensured that militant Islamists were not nationally or globally denounced as violent or religious extremists.

The evolving history of Islamist fundamentalism to Islamist extremism

The trajectory of the concept of Islamist fundamentalism emerged with a new narrative after 9/11 terrorist attack under the rubrics of Islamist militancy or violent religious extremism both at national and global levels.

In terms of the changing face of violence in the name of religion, the 1990s mark a watershed in global politics for rise of the narrative of 'Islamist fundamentalism'. In Bangladesh, too, the decades of the Gulf War in 1991, the demise of the Soviet Union and the collapse of the ideological polarity had a profound impact in shaping the rise Islamist politics in Bangladesh. Of far reaching impact was the publication of Samuel Huntington's predictive thesis *Clash of Civilizations (1993) which forecast that the conflicts in the future would emerge along the cultural fault lines between the West and the rest representing the Islamic and Confucian civilisations. In the same article, he labeled the movements based on religious identity as 'fundamentalist', of Christianity, Judaism, Buddhism, Hinduism, or Islam.*

Also, the wave of jihad in Afghanistan did not leave Bangladesh untouched. The victory of the Afghan Mujahids encouraged a group of Afghan war veterans in Bangladesh to formally declare the formation of the militant group, HUJI-B in 1992. It is likely, that an additional inducement to

make public the emergence of a militant group was the destruction of Babri Mosque by the Hindu extremists of the *Bharatiya Janata Party* (BJP) and *Viswa Hindu Parishad* (VHP) in 1992.

In the domestic political arena, the country witnessed minimal electoral democracy replacing the military autocracy in the political terrain with the increasing use of religion as a tool of populism in politics, if not a tool for political legitimacy. The major political parties – Awami League (AL) and Bangladesh Nationalist Party (BNP) – came by turn to power through national elections held under different caretaker governments CGs as stipulated by law till 2008. Support from the left and secular parties or the Islamist political parties was decisive for coming to power.

In the 1991 elections, BNP came to power with the support of Jamaat-e-Islami that emerged as the third-largest party. In the elections, for mobilising support, BNP and its allies portrayed the rival AL and its allies as 'anti-Islamic'. Many of the left political parties which were in alliance with the AL had a public image of being 'atheists'. It put the AL under pressure to prove that the party was more 'Islamic' than their rivals. During the election campaign, AL used religious symbols and slogans and the presidential candidate went to the Jamaat chief Ghulam Azam for his blessing. AL party chief, took to wearing the hijab. After winning the elections in 1996, the AL chief Sheikh Hasina wore a *hijab* when she took the oath as prime minister.

At the same time, Awami League and other progressive parties endeavored to take advantage of the anti-fundamentalist discourse of global politics by externally and internally projecting the right-wing opposition as 'anti-liberation/Pakistani agents' and 'fundamentalists/Talibans'. In the first half of the 1990s with the BNP forming a government with the support of Jamaat-e-Islami, the terminology of 'Islamic fundamentalism' began to gain currency, triggered particularly around two politically sensitive religious developments.

First, was the appearance of an anti-Ahmediyya organization, *Khatme Nobuwat* in 1991. Led by an influential group of *Deoband* educated clergy, it was backed by *Qawmi* madrassa-based radical Islamist parties and on occasion ruling party leaders and Jamaat-e-Islami lent it support. Violent incidents followed including an attack on the Muslim minority group's central mosque in Dhaka. Civil society and NGO groups were prompt in condemning the violence.

Second, was the growing incidents of *fatwas* issued by local clerics in the rural areas against NGO campaigns aimed at empowering rural women. Fatwas issued by clerics in rural areas gained political currency following the *fatwa* issued by Ayatullah Khomeini of Iran in 1989 asking Muslims to kill Salman Rushdie for his book, *The Satanic Verses* (1988). *According to media reports from* 1993-1994 as many as 48 women died due to fatwa-instigated violence (Riaz, 2005: 172). Concurrently, the country witnessed 1,750 violent incidents precipitated by fatwa declarations, including against NGOs and their rural beneficiaries.

In sum, the first phase of the democratic transition in the aftermath of the 1991 national elections and the BNP's victory saw emergence of three main trends. First, with the growing influence of

Islamist parties in electoral politics, the two major parties began competing with each other to keep them within their political fold. Notwithstanding the stigmatization of the Jamaat-e-Islami as allied with anti-Liberation forces, the AL was not far behind the BNP in compromising Bangladesh's secular orientation. Second, the formation of the BNP government with the support of Jamaat-e-Islami created an atmosphere conducive for Islamist forces at the grassroots to campaign against religious minorities, progressive individuals, NGOs, and their female beneficiaries. Third, AL's subsequent alliance with the Jamaat so as to launch a political agitation against the BNP, weakened its moral position as a 'progressive and secular force', and gave political legitimacy to the Islamist party.

These political trends coincided with the creeping spread of religiosity in the social sphere as evinced in the increasing popularity of seemingly 'apolitical' Islamic thriller novels with religious and moral teachings, especially with subaltern teenagers living in rural areas. Also indicative of the growing Islamisation of the public sphere was the visibility of the activities of the *Tabligh Jamaat* movement. Women in particular were attracted to the proliferating Islamic *Talim* or study circles that spread from Dhaka in the 1970s to rural and semi-urban areas of the country in the next two decades (Momtaj, 2015: 150). The women followers were drawn largely from the female-student wings of Jamaat-e-Islami, Tabligh Jamaat, and female-only Qawmi madrassa groups. More than 50 percent were literate and likely government employees.

These growing signs of religious intolerance and fundamentalism in the decades of 1970s-1990s prompted rising concern among civil society groups, the media and international donor agencies. Under mounting pressure the government was moved to act, but as discussed below, it remained reluctant to confront Islamist forces on sensitive religious issues like fatwas, and campaigns against the Ahmediya Muslim minority.

The BNP government did promulgate the Suppression of Terrorists Offences Act 1992 and Suppression of Terrorist Offences (Special Provisions) 1994. However, definition of terrorist offenses was mainly limited to extortion, traffic obstruction, damaging vehicles and other properties, looting and creating fear

Islam in politics, 'violent extremism'

The competing use of Islam in politics by mainstream political parties and their allies reached a new threshold in the 1996 national parliamentary elections. The center-right BNP and its allies called upon the supporters to save *Bismillah* from the clutches of AL. In the electoral campaign, the 'officially secular' AL was under pressure to project itself as 'pro-Islamic'. The party used Islamic symbols and rituals in their electoral campaign. It is probable that these religious gestures and the party's pro-Islamist stance played a role in ensuring the AL victory in the parliamentary election after 21 years in the opposition. Jamaat-e-Islami won three seats, although down from 15 in the 1991 election. The Qawmi madrassa-based umbrella alliance of Islamic parties Oikko Jote's (IOJ's) secured a seat in the parliament. Left parties' seats declined to one, in 1996, from nine in

1991. Significantly, AL candidates in the ensuing city corporation elections dropped their signature slogan – *Joy Bangla* (Victory to Bangla) – as it echoed *Jai Hind* (Victory to Hindustan).

During its five years tenure of 1996-2000, the AL government in an effort to appease the Islamist forces patronized the madrassa system, introducing a mosque-based education programme, setting up training institutions for madrasa teachers and increased their salaries. Also under the National Education Policy 1997, the government made religious education, covering Islam, Hinduism, and Buddhism, compulsory from primary school onwards. A chapter on 'Religion and Moral Education' was incorporated for the first time.

The status of women and the suppression of women's rights, being of particular concern for the Islamist forces, the Bangladesh state while ratifying the Convention on the Elimination of Discrimination of Women (CEDAW) had entered a reservation to article 2 which exempted the state from acting against discrimination of women. Under the AL government when some influential women NGO groups tried to persuade the government to withdraw the reservation from Article 2 in 1999, the then law minister made it clear that the government would not take any measure that would offend the religious faith of people (Karim, 2004: 302).

The patronisation of Islam and Islamisation by the government in the public and social spheres created conditions conducive to the growth of an environment of fatwas against women in the rural areas. According to media reports, from 1997 to 2001, a total of 128 incidents involving issuance of *fatwas* culminated in murder, suicide, physical violence, harassment, and humiliation (Riaz, 2005: 188). Also targeted were the activities of national NGOs such as *Proshika. Senior clergy associated with Jamia Islamia Yunusia Madrassa issued a fatwa against the* traditional winter *mela* (fair) organized by *Proshika* for its women beneficiaries. A protest rally mobilized by *g*rassroots organisations affiliated with the Association of Development Agencies of Bangladesh (ADAB), was attacked near the above *Madrassa.* No action was taken against the attackers.

Exceptionally, in one highly publicized case where a village woman was driven to suicide by a fatwa in 2000, the High Court declared that the issuance of *fatwa* is illegal. Islamic groups and Jamaat-e-Islami leaders denounced the ruling as 'un-Islamic' and accused the judges of being *murtads* (apostate). Religious fanatics went on a rampage in many places outside Dhaka with the pro-Taliban slogans - '*amra shobai taleban, Bangla hobay Afghan"* (we are all Talibans, Bangla will be Afghanistan). Police action resulted in killing of fatwa activists. In Dhaka, well known Deoband and IOJ leaders in pro fatwa rallies branded the NGOs in Bangladesh as the 'number one' enemy of Islam. They demanded the execution of the AL aligned Proshika chairman Qazi Faruk Ahmed for his 'anti-Islamic' work.. Civil society activists responded by constituting a Citizen's Movement and urged the government to ban religion-based political parties.

Meanwhile, marginal extremist fronts began to assert their presence expanding their activities and area of operations during the last days of AL's ruling years. For instance, Wahabism inspired and Saudi-educated leaders of *Ahle Hadith* Movement in Bangladesh established the *Jaamatul*

Mujaheddin Bangladesh (JMB), and its associate *Jagrata Muslim Janata Bangladesh* (JMJB) in 1998. Their objective was to make the country an Islamic State and establish *sharia* law. The Bangladesh chapter of pan-Islamic and fundamentalist organisation *Hizb ut Tahrir* (HuT) also came into existence in 2001 under the leadership of a university professor and former commonwealth-scholar Mohiuddin Ahmed. It indicated a transition from extremist organisations rooted in rural *qawmi madrassas* to urban university based militant organisations. Also, announcing a strategic shift in the nature and scope of militant activities, from the late 1990s there were a series of bomb explosions, including attacks on a cultural programme and Muslim and non-Muslim minority sites of worship. In nearly all those bomb attacks the name of HUJI-B surfaced. Earlier, the Afghan veterans' militant organisation HUJI-B had been below the radar as it largely was externally oriented. Its domestic presence was limited to the Bangladesh-Myanmar border in support of an ethnic Rohingya Muslim movement against the military *junta* in Myanmar.

The rapidly deteriorating domestic security environment in Bangladesh led the government to postpone the scheduled visit of US president Bill Clinton to a rural village at Savar, because of the risk of an Al-Qaeda terrorist attack on the President's helicopter. Moreover, in the lead up to the President's visit the AL government published a booklet about Islamic terrorist attacks and used the opportunity to insinuate that the BNP led opposition was sympathetic to Islamist terrorists. Curiously, in the joint statement made by the Bangladesh and US governments at Dhaka in 2000, the two leaders made no mention of 'Islamic terrorism'. In their official speeches, the word 'terrorist' was linked only to the killers of *Bangabandhu* Sheikh Mujubur Rahman, the father of the Bengali nation, and their extradition from the USA.

9/11 fallout on Bangladesh and communal politics

A series of four coordinated attacks by the Al-Qaeda on American soil resulted in a template shift in the global public discourse of 'Islamic fundamentalism/Islamic terrorism'. It spurred on a wave of Islamophobia manifest in incidents of violence, hate crimes, and discrimination against Muslims in the western world. The terrorist attacks triggered the US led western invasion of Afghanistan to hunt out the mastermind, Osama bin Laden, Al-Qaeda terrorists, and to uproot their supporters, the Taliban from power in Afghanistan. The US led retaliatory action set off religion induced violence targeting anti-Americanism and the west, globally. Ironically, as scholarly research has revealed, it was countries with Muslim majority populations which witnessed more violent attacks in which both domestic and international Islamist extremists were involved.

It was against the backdrop of 9/11 and the increasing incidence of religion induced violence, that the Bangladesh parliamentary elections of 2001 took place. The elections witnessed a stiff competition between AL and BNP to garner the support of probable allies, including the Islamist parties. The practice of relying on Islamist symbols in electoral campaigns remained common to all the mainstream parties. Importantly, almost all of them pledged in their election manifestos not to adopt any law that contradicted Islam.

The rightwing BNP led four-party alliance came out victorious in the October 2001 elections. Once in the governing cabinet, Jamaat used its authority to expand the organisation's activities into the remote areas of the country. BNP's Islamist ally IOJ proposed amending the Constitution to make Bangladesh an Islamic state. The Islamist orientation of the four-party alliance had a deteriorating impact on the security situation of the minority Hindu community. Already in the run up to the elections from September 2001 and its immediate aftermath in November, the media reported as many as 616 incidents of killing, rape, physical assaults, property and temple destruction, looting, arsons, and land grabbing.

Particularly vulnerable to this emboldened Islamist assertion was the Ahmediya community, with the Islamist parties of the governing alliance reiterating calls for a ban on Ahmediyas. It incited the activists of the *Khatme Nabuawt Movement* to redouble their violent attacks on Ahmediyas. Alarmed at the intensification of targeted violence against the Muslim minority, left party activists, civil society individuals, professional bodies of journalists, and liberal academics associated with AL, urged the 'pro-liberation political parties' to oppose religious fanaticism and fundamentalism. (Shehabuddin, 2011: 99). Although the BNP led government took no action to protect the Ahmediya community, the authorities were quick to ban 20 of their publications for reasons of religious sensitivity. Even the opposition parties, including the AL did not officially protest against the violent attacks against the Ahmediyas.

With religious orthodox parties in power, there was an outburst in expressions of religious intolerance as evidenced in the instances of a local association of Imams in Dinajpur declaring the cultural festival for decorating hand-palms with *hena* as 'un-Islamic'. Gendered oppression was reinforced with fanatic religious forces successfully opposing an all-women's football match between Bangladesh and West Bengal, and all women's swimming competition.

The political presence of the parliamentary Islamist parties in the ruling alliance also found reflection in the significantly upward trend in the violent activities of clandestine extremist groups. During their term in office from 2001 to December 2005, there was a spurt of 21 incidents of bomb explosions resulting in mass killings and destruction. Targeted along with political leaders, were unorthodox writers, university professors and judges. The country saw a series of coordinated 459 low-intensity bombs in 63 of 64 districts and among the detritus of the dead and injured were littered pamphlets calling for the establishment of an Islamic state in Bangladesh (International Crisis Group, 2018: 3). The spree of violent attacks was marked by three singular incidents of suicide bombings in Chittagong, Gazipur, and Netrokona, killing 21 persons.

The twin organisation – JMB and its affiliate JMJB - claimed responsibility for much of the deadly violence. JMB's extremist ideology had grabbed attention in 2000 with the killing of author and cultural activist Monir Hosain Sagar for his book *Nari Tumi Manush Chhilay Kobay* (Women, when were you ever a human being). JMJB led by Siddiqur Rahman, a former activist of the *Islamic Chhatra Shibir* (ICS), the student wing of Jamaat-e-Islami unleashed a reign of terror

abducting and killing left activists. JMJB enjoyed the patronage of not only local leaders but ministers in the ruling alliance.

The government's response was to blame its political rival the AL for conspiring to destabilize the ruling alliance. It continued to be in denial of rising religious extremism. Even when the US government placed Bangladesh on the terror risk list, Prime Minister Khaleda Zia elided the gravity of the issue and termed it 'anti-Bangladesh propaganda' (*The Daily Star*, 23 January 2003). It was attributed to the "irresponsible activities and statements of a particular party." However, under continuing pressure from concerned international and national actors as well as the Bangladesh media the BNP led government was driven to initiate some counter-measures to tackle religious extremists in the country.

The government adopted a twin strategy of institutional reform in the security arena and legal measures to challenge the religious extremist forces. The emphasis was on a securitized response in relation to militant extremism. A new paramilitary force for counter-terrorism, the Rapid Action Battalion (RAB) was established. RAB moved against the top brass of the JMB leadership and filed criminal cases against them. However, this elite force also earned a reputation for abuse of power, especially extra-judicial killing with impunity. The paramilitary forces were guaranteed impunity under Section 13 of *the Armed Police Battalions Ordinance* :

> *...no suit, prosecution or other legal proceedings shall be against any member of the*
> *Force for anything which is done or intended to be done in good faith under this*
> *Ordinance*.

The government also took recourse to legal action. In 2005 it banned a clutch of Islamist militant groups. But as these groups did not constitute formal organisations, the ban had little effect, only prodding them to re-emerge under new names. At the international level, Bangladesh signed the International Convention for the Suppression of the Financing of Terrorism and the International Convention for the Suppression of Terrorist Bombing in 2005. Subsequently, it ratified the International Convention for the Suppression of Acts of Nuclear Terrorism.

Upcoming national elections, saw a temporary, military-backed non-party caretaker government (MNCG) take power in 2006-2008 so as to supervise and manage the electoral process between two bitter rival parties. The caretaker government in the midst of the political crisis which followed, continued the counter-terrorism efforts but shifted the emphasis to include social and religious campaigns to counter religious extremism. Moreover with the political patronage of the ruling elite absent, Islamist militant activities and killings of civilians declined.

Elections in Bangladesh 2008

Within Bangladesh, the national parliamentary elections held in 2008 exhibited as had become the pattern of past elections, the deployment of the majoritarian religion and its narratives, symbols

and rituals in campaigns. Both AL and BNP pledged to take measures against international terrorism if they won. AL also promised to bring the war criminals of 1971 to trial, thereby targeting the leadership of Jamaat-e-Islami. AL vowed to protect the rights of religious and ethnic minorities and prevent communal violence.

However, AL's pledges against communal violence and extremism did not hold it back from reaching out to the ultra-right *Deobandi* Islamist parties, alongside its 14 party coalition comprising of left and liberal parties. AL even inked a MOU with *Khelafat Majlish, an extremist Islamist organization known to have connections with HUJI-B.* Strong protest from the liberal supporters of the AL obliged the leadership to dilute the deal. But it did not stop the AL from nominating for the Sylhet seat, an Afghan war veteran Maulana Habibur Rahman, associated with the founding of HUJI-B, and spearheading campaigns against liberal writers and women's rights activists. (Riaz, 2014: 168).

The strategies undertaken by the AL to ensure an electoral victory in 2008 had three implications for the state and the society. First, the religious demands which found expression in the MoU indicated how the soft-version of religious extremism was gaining ground in the country. Second, the political space for liberal civil society to advocate pluralism and human rights came under significant pressure. Third, AL's electoral strategies made the upholding of morality in politics, hostage to realpolitik. All these facilitated the prospect of religion taking over politics. The early signs of the 'religionisation of politics' began to displace the existing politicisation of religion in the body politic of Bangladesh.

The 2008 election took place after two years of rule of the military-backed caretaker government. The election was dominated by competition between the AL and BNP led alliances. The absolute majority of the AL led grand alliance in the 2008 elections would determine not only the future course of domestic politics, but also the shifting trend in both soft and hard versions of religious extremism in the country.

Empowered by its absolute majority, AL used the opportunity of the Bangladesh Supreme Court 's ruling about the unconstitutionality of the 13th amendment of the constitution providing for an interim caretaker government, to push through a controversial bill in the parliament for the repealing of the 13th amendment. The parliament passed the 15th amendment of the constitution which introduced 49 changes, including retention in the preamble, the Islamic invocation - *Bismillah-Ar-Rahman-Ar-Rahim* (In the name of Allah, the Beneficent, the Merciful). Importantly, Article 2A of the constitution, remained unchanged. It declared Islam as the state religion and added that "…[the] State shall ensure equal rights and equal status *in the practice of Hindu, Buddhist, Christian and other religions*". The constitutional amendment was incorporated by General Ershad in 1988.

However, in contrast to its predecessors, the AL led government gave a new a new lease of life to the principle of 'secularism'. The 15th amendment includes in Article 12, 'freedom of religion'

with 'secularism' and commits the state to eliminate all forms of communalism, the political *abuse of religion*, and discrimination against or persecution of persons practicing a particular religion (*Bangladesh Gazzette*, 3 July 2011: 7913).

Importantly, Article 6 defined, "The people of Bangladesh as a Bangalee nation" and the citizens as "Bangladeshies". Also, Art 14 mentioned the words: '*tribes*', '*minor races*', '*ethnic sects* and communities', thus according recognition to the religious and ethnic minorities living in the country. These rhetorical constitutional changes are a testament to the balancing tactics of the AL to woo the Islamist political parties and their supporters while not alienating the party's leftist allies.

The electoral compulsions driving alliance building with Islamist parties have continued to be the feature of successive elections for both the AL and the BNP, including in the 2014 national elections. Also, Jamaat, a partner of BNP in the 18-party coalition was confronting a series of political reverses, not least being the war crimes charges against the top former and current leaders of the Jamaat. Before the 2014 election, the International Crimes Tribunal had found guilty six of the Jamaat's leaders. Adding to their troubles, the High Court declared the Jamaat's registration illegal because its charter violated the Constitution of the country. Jammat was banned from contesting in the upcoming general election.

These developments triggered mass countrywide violence resulting in hundreds of death, and arrests of opposition activists. The heavy handed response of the government led to rampant extra-judicial killings and enforced disappearances. Ain-o-Salish Kendra (ASK), a human rights organization, reported that RAB and other policing forces extra judicially killed 762 people during 2009-2013 (The Daily Star, 25 February 2014). Enforced disappearances were estimated to number 80 persons. (Amnesty International, 25 February 2015). The government through the amended Information and Technology Communication Act (ICT Act) 2006 curtailed freedom of expression and authorized detention without a warrant (International Crisis Group, 2015: 14).

Within the public sphere the social appeal of the *Shahbagh* protest movement in 2013 would emerge as a major point of confrontation with the anti-BNP-Jamaat forces contesting supposedly peaceful activists associated with the 'secular' ruling party demanding capital punishment. The virtually organized *Shahbagh* protest was in reaction to the delayed ICT verdict sentencing the Jamaat leader Abdul Kader Molla for crimes against humanity to life imprisonment. The assassination of blogger Rajib Haidar, one of the organisers of the Shahbag protest triggered a wave of protests and violence and unleashed the targeted attack against bloggers as 'anti-Islam' and 'atheists'. A network of Qawmi Islamist groups and madrassa students launched a series of counter-demonstrations, strikes, traffic blockades all over the country for saving Islam from the atheists.

The street agitations and life-threats to blogger activists made the government agree to probe the allegations against the bloggers. BNP's official support to the Islamist extremists against the 'atheist' bloggers, made the anxious Al ruling party start arresting bloggers using section 57 of the ICT act for hurting 'religious sentiment'. Such appeasement measures did not hold back the religious fanatics from attacking ordinary citizens, foreigners, activist-bloggers, professors, LGBT activists, publishers, and writers. Increasingly, religion and politics were getting embedded into each other as evidenced in the decision of the government-run Bangla Academy, on the occasion of the commemorative annual book fair of Language Martyr Day, to exclude books that hurt the religious sentiment of the public.

The use of religion in politics and its transformation into the religionization of politics became more pronounced as the government steadily accommodated the demands of extremist Islamist forces, particularly with the 2018 national election coming closer. The ruling party feared the possible alignment of the BNP with the Islamist parties, especially after the arrest and enforced disappearance of a number of BNP's top and grassroots leaders, including the detention of BNP President Khaleda Zia.

The BNP led alliance boycotted the controversial 2018 parliamentary election held under the incumbent government. Efforts by the AL to tighten its grip over politics to offset the clout of the BNP 18-party alliance reached the apex when the Election Commission barred Jamaat from the 2018 parliamentary election (The Daily Star, 30 October 2018).

The 2018 parliamentary election were marked by violence, arrest, and rigging. The AL alliance secured a massive win of 288 seats while its archrival the BNP led alliance secured seven seats. At the level of parliamentary politics, the 11th parliament election in 2018 saw as many as 70 Islamist parties with less than 10 percent of the vote share become active in the political sphere, keen to use their swing vote by aligning with either of the mainstream parties.

In an effort to appeal to Islamist platforms such as the orthodox Hefazat-e-Islam, the AL led government withdrew from the school textbooks 17 popular poems and stories by non-Muslim and secular writers. The Islamisation of the textbooks make young students vulnerable to the politics of religious majoritarianism, identity-based supremacy, and intolerance. This was followed by the removal of the statue of the Greek goddess, Themis, from the Supreme Court premises. Also by an act of Parliament *Quami* madrassa degree, *Dawra–e–Hadith*, was accorded the status of MA degree in Islamic studies and Arabic.

Vulnerable Minorities   Expectedly minorities bore the brunt of the ruling party's appeasement of Deobandi Islamists. It had a deleterious effect on the life and security of the religious minority communities and culminated in the killing, land grabbing, looting, and destruction of properties. The Bangladesh Hindu-Buddhist-Christian Unity Council recorded 3,281 incidents of minority repression in the country from 2016 to 2018 (*The Daily Prothom Alo*, 13 January 2017). Bangladesh *Jatiyo Hindu Mohajot* (Bangladesh National Hindu Grand

Alliance), claimed that in comparison with 2019 the incidents of repression doubled in the first six months of 2020 when the whole country was officially locked down for the COVID-19 pandemic (*The Daily Bhorer Kagoj*, 2 July 2020).

Increasingly, in the last decade social media emerged as an important element in the repression of minority communities. In the incidents of collective violence against the Buddhist community of Cox's Bazar and the Hindu community between 2012 and 2021, the instigators used fake Facebook accounts or hacked the personal accounts of non-Muslim villagers, and posted obnoxious statements against Islam or the Prophet Muhammad (PBUH) to incite local Muslim residents (*Prothom Alo*, 17 March 2021).

In relation to the heterodox Ahmadiyya community, they were targeted by Deobandi and militant extremists. Incidents included ISIS-claimed suicide bombing in 2015, a religious mob attack on an Ahmadiyya mosque in 2018. In almost all such incidents, the local administration and policing agencies were reluctant to protect the minority communities as influential local ruling party leaders were involved. Moreover, the adoption of the Digital Security Act (DSA) 2018 had greatly increased the risk of arrest without a warrant for anyone, especially for those belonging to the minority communities or expressing unconventional religious or political beliefs.

Adding fuel to the communal fire in Bangladesh, the Hindu nationalist government in India enacted the Citizenship Amendment Act (CAA) (2019) which singled out for fast track citizenship the non-Muslim minorities facing religious persecution in Pakistan, Afghanistan, and Bangladesh. It provided the communal and fanatic forces more ammunition for anti-Indian campaigns anf worse the targeting of minorities as proxy citizens of India.

Global Militant Islam: Footprint in Bangladesh

With the ascendancy of Islamic State (ISIS) and AQIS on the global front, religious extremism entered a new stage with significant global territorial expansion, increasing cash flow, a tactical shift in violent incidents within the Muslim world, and willingness to forge alliances. Also, social media became a relevant tool to target young people all around the world for recruitment. The new transnational phase of violent extremism with the emergence of ISIS would influence the religious extremists operating in Bangladesh in the changing domestic political context.

Following the killing of Osama Bin Laden in 2011, al-Zawahiri who assumed leadership of Al-Qaeda, announced in a video message in 2014 that the terrorist network had formed a branch of Al-Qaeda in the Indian Subcontinent (AQIS) (*India Today*, 4 September 2014). The leadership of the AQIS was Pakistan-based. Extremist groups with a transnational character such as ISIS and AQIS became visible as well as radicalized home grown Islamist militant groups Anasarullah Bangla Team (ABT) and its affiliate Ansar al-Islam (AI). In Bangladesh, this hard version or violent religious extremism announced itself with a series of violent terror attacks from 2013 culminating in the Holey Artisan attack in July 2016. Groups such as ABT and AI claimed

responsibility for 16 violent incidents of targeted killing of bloggers, academics, publishers and Shia religious sites.

ABT's core group comprised of well off students at the private North-South University who were influenced by the teachings of the American cleric Anwar al-Awlaki, the senior recruiting agent for Al-Qaeda in the Arabian Peninsula (AQAP). Even after the ABT/AI openly identified itself in 2015 as the 'Bangladeshi wing of AQIS', Sheikh Hasina's government continued to trivialise the threat of violent extremism as a 'media creation' and a 'foreign worry' (Parvez, 2016: 432).

A turning point in the history of violent extremism in Bangladesh was the July 2016 terrorist attack on Holey Artisan Bakery, an upper class restaurant located within the diplomatic zone of Dhaka. During the 12 hour siege 22 persons were killed, including nine Italians, seven Japanese, five Bangladeshis, and one Indian (*The Daily Star Online*, 3 July 2016). Of the five militant killers, four were in their 20s, and were students of privileged educational institutions - Brac University, Monash University Malaysia campus. Several transnational religious militant groups claimed responsibility including Daesh, ISIL, ISIS and IS.

Despite, the global media attention on this terror attack, government officials continued to downplay the existence of transnational extremist forces and identified the attackers as belonging to the home-grown group 'neo-JMB'. Reinforcing suspicion of a transnational militant link was the publication of an article in the ISIL's online magazine *Rumiyah* by Tamim Chowdhury, the organiser of the attack and the chief of neo-JMB .

Following the Holey Artisan incident, neo-JMB members came under intense scrutiny and security action Overall, the incidents of violent attacks went down as evidenced in Bangladesh's ranking in global registers such as the Global Terrorism Index (GTI). Globally, the dismantling of the territorial presence of ISIS, ISIL and of their organizational affiliates was reflected in the global trend of declining incidents of violent extremism, including in Bangladesh.

In Bangaldesh what became more visible was the new generation of self-radicalised splinter groups and individuals or lone-wolf actors motivated by on-line literature even directly reaching out to youth. For instance, the ISIS group's magazine *The Youth of the Caliphate i*n its March 2019 issue carried an article by Abu Muhammad Al Bengali in English urging Bangladeshi youth to regroup and communicate with ISIS representatives (Bashar, 3 September 2019). Earlier, as many as 40 Bangladeshis went to Syria to participate in the ISIS-led 'Jihad' joining 100 Bangladeshi expatriates there.

Self-radicalisation through exposure to online toxic sub-cultures intensified under the impact of COVID-19 as young students attending schools online had access. It made them more vulnerable to online-based extremist ideologies and recruitment. Indeed, 82 percent of extremists arrested in the country revealed that they had been recruited online. Nearly 80 percent revealed they used private secure messaging apps *Threema, WeChat Messenger* which are designed to keep data

beyond government, corporation and hacker access (Mostofa, 4 June 2020). You tube content remains another source of concern with thousands of Islamist scholars with mass subscribers having uploaded highly motivational video clips.

State Response

State Response for countering violent religious extremism can be analytically grouped into four specific interventions – organizational, securitized, legal and financial and global and international cooperation.

Organisational initiatives involved the setting up high level multi stakeholder militancy resistance and intelligence coordination *committees.* Recognising the crucial role of the internet and especially messaging services a National Telecommunication Monitoring Center (NTMC) was set up and a Counter-Terrorism Intelligence Bureau (CTIB) for transnational sharing of intelligence. Human rights organisations are critical of these structural reforms in intelligence gathering which are said to be too focused on capacity building and coordination, and too little on preventing human rights violations taking place in the form of torture, enforced disappearance, and extrajudicial killings.

In response to targeted killing by extremists, the government set up the Counter-Terrorism and Transnational Crime Unit (CTTCU) under the Dhaka Metropolitan Police in 2016. Subsequently, a national Anti-Terrorism Unit was set up in 2017. Other than a policing approach, these units are involved in public advocacy, partnering on research projects with think tanks and universities and convening conferences on preventing violent extremism with civil society platforms. (Bashar, 2021: 203) .

The government, has invested in public advocacy including producing publicity materials to raise awareness of the dangers of violent extremism. In particular government has drawn upon the religious establishment to counter violent extremism (CVE). For instance, under the guidance of the Bangladesh Islamic Foundation, the imams were advised to deliver a pre-sermon speech on Fridays against violent extremism. Bangladesh *Jamiatul Ulama*, a leading national organisation, issued a fatwa signed by 100,000 Islamic scholars, clerics, legal experts denouncing religious militancy and terrorism in 2016 . The police enlisted religious leaders to counter terrorist propaganda, and Imams to explain to arrested militants that the Quran does not support terrorist violence. The three city corporations – Dhaka North, Dhaka South, and Narayanganj – are the members of Strong Cities Network (SCN) launched in 2015 at the UN General Assembly to address hate, polarisation, and extremism of all forms (https://strongcitiesnetwork.org/en/south-asia/).

Legal measures and financing For combating terrorism, the government adopted Anti-Terrorism Act 2009 and set up within the Bangladesh Bank the Bangladesh Financial Intelligence Unit (BFIU). In compliance with the guidelines of the Bangladesh Bank, all the private

and government-owned commercial banks now appoint chief money laundering compliance officers to prevent money laundering and terror financing. In 2014, Financial Accountability Task Force (FATF) removed Bangladesh from their list of the countries under monitoring The FATF originally put Bangladesh on the list in 2010.

In 2018 two anti-terrorism tribunals were established in Dhaka and Chittagong in 2018. Dhaka Tribunal dealt with the case of the Holey Artisan attack. The government also imposed a ban on nine Islamic militant organisations.

Global and bilateral cooperation The government signed 14 UN Anti-Terrorism Conventions and Protocols, the UN Convention against Transnational Crime, and the UN Global Counterterrorism Strategy. Various UN agencies are involved in pilot projects in Bangladesh to develop capacity of the national authorities to identify and classify foreign terrorist fighters, to develop an interfaith curriculum for religious education for promoting pluralism and respect for diversity.

The government has signed a good number of bilateral agreements to combat religious violence and terrorism. In particular Bangladesh cooperates with the US in several counterterrorism initiatives involving information sharing, and training and capacity building of its law enforcement and judicial system. Bangladesh and India are also have agreements to jointly combat terrorism and militancy and especially bilateral cooperation for border management.

Conclusion

The paper shows that religion is a highly politicised and complex issue and has become a tool for achieving political goals, both at global and domestic levels. In the case of Bangladesh, it has assumed an extreme form indicating that politics has become a tool for achieving religious goals on the domestic front, that is, the religionisation of politics. The domestic political scenario remains defined by the political struggle between the secular/ liberal forces and Islamist forces in Bangladesh. In the case of Bangladesh, it has nothing or little to do with religious identity.

The division into Us and Them currently rules domestic politics and polarization has been reinforced by the rise of an authoritarian regime, in the absence of a credible and acceptable electoral process. The authoritarian regime wants to mobilise support on the domestic front by keeping the soft window of religious extremism open, while simultaneously projecting itself as a 'liberal and secular party' for external legitimacy.

In countering violent extremism, the state is over dependent on law enforcement agencies without making them accountable and transparent. The use of violence by the law and order enforcement agencies will not do much in the long run if the government continues with the Islamisation of textbooks and culture without promoting pluralism, respect for diversity, and tolerance. Also, institution-building for addressing CVE has become highly partisan, bureaucraticised, and over-

crowded with overlapping institutions. Importantly, the absence of a credible, transparent, and acceptable electoral process has resulted in the loss of legitimacy for the ruling elites internally and internationally. It compels the ruling elites - knowingly or unknowingly - to be authoritarian. The loss of political legitimacy, has pushed the ruling party more towards the orthodox Islamist forces for mobilisation of political support and exacerbated the prospect of violent extremism in the country.

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Nepal, Social Harmony in a Hindu Dominated Space: Role of CSOs and Covid19

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Introduction

Nepal is located in South Asia on the southern side of the Himalayan mountain range, between the People's Republic of China to the north and India to the east, south, and west. Three ecological belts divide the country into mountains, hills, and Tarai or plains. Nepali culture and society today is a composite of several socio-geographic traditions, diverse beliefs, practices, and norms. Nepal society is characterised less by a monolithic Hindu culture, and more by a mosaic of different intermixed cultural traditions. Each of its individual ethno-religious groups has its own system of religious beliefs.

Nepal has more than 125 caste and ethnic groups (2011 census). While more than 80% of the population is Hindu, Nepal also hosts other religious groups: Buddhist 9%, Muslim 4.4%, Christian 1.4%, and *Kiranti* an indigenous ethnic faith (2011). Historically, the Hindu character of the state has defined Nepal's identity and religion. Nepal was governed by a series of Hindu dynasties and their legal system was based primarily on Hindu scriptures and moral codes. The role of the monarchy in creating a sense of nationhood in Nepal cannot be overstated. The kings claimed to be reincarnations of the gods and ruled from a position of religious authority (Phadnis 1990) Their rule sought to blend local customary practices and Hindu scriptures. The Country Code, the *Muluki Ain*, was promulgated in January 1854. It created a unified body of law based on Brahmanic Hinduism that strengthened the traditional system of caste hierarchy and male dominance. The Code superseded all existing civil, criminal, religious, and customary laws.

The country laws, policies and regulations were understood as a direct reflection of Hindu religious beliefs. The state was administered by the dominant Brahmin-Chettri Hindu upper caste group.

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This was despite the significant heterogeneity of the social geography of Nepal's ethnic and indigenous groups and multiple castes. Also there was the presence of other religious groups. However, the country was governed by the value system of the Hindu social order.

Historically, there were scattered incidences of religious violence at different times and in different locations, but this was not seen as a defining trend among religious communities. Religious extremism has never been associated with state politics in Nepal. In contrast to other South Asian neighbouring states, Nepal has not witnessed the manipulation of religion for political purposes resulting in extreme religious violence. Contemporary Nepal, since it transformed secular reorientation, has seen few incidents of religious tension. Such incidents are viewed largely as law and order disturbances.

Today, Nepal is a federal republic, and a democratic secular state. The Constitution mandates the government to respect, protect, preserve, and promote the religious identities of different communities living across different regions. The secular character of the state marks a significant shift from the erstwhile kingdom - state's Hindu character. The Hindu kingdom's social and political system was perceived as discriminatory by the excluded ethnic, caste and minor religious groups which constituted the majority of Nepal's population. Nepal's democratic transformation following the peace agreement 2006 and the new Constitution remains unfinished. The secular character of the Republic of Nepal is still contested and there are some trends of resurgent Hinduism and persisting support for the former Hindu Monarchy.

Within the regional context of religious extremism in South Asia, Nepal is singular in that not only is there an absence of incidence of religious violence, but also missing is the pattern of the political manipulation of religion in politics. Consequently, the Paper focuses on internal religious conservatism or extremism as a perspective from which to address the issue of religious extremism. In the preliminary discussions around the IMADR-EDIHR Action, a major area of attention was the gendered implications of religious extremism and religious fundamentalism on fundamental freedoms, particularly the impact on women's human rights. This Paper is concerned with understanding and exposing gender-based oppression arising out of religious and cultural specificities. Although internal religious conservatism exists in many religious communities, it is particularly dominant within the Hindu religion in Nepal.

The Paper is structured in three interlinked sections. The first section sets out Nepal's law and policy towards religious communities and within the constitutionally iterated framework of equality and rights, the Paper describes a social history of coexistence. Next follows, an analysis of internal religious extremism as manifest in the persisting gender oppressive practice of

chaupadhi . *G*overnment and civil society efforts to counter the heinous social tradition are discussed. The last section brings in the Covid 19 experience, the interface between the pandemic impact and religious extremism, and the fall out on civil society organisations activism.

Research for this Paper is based on secondary sources, and relies largely on published materials, references, books, journals and newspapers.

I

Law and Policy towards Religious Communities

On 14th *Jestha* 2063 (18th May 2006) Nepal was declared a secular state. The notion of secularism is multifaceted and remains contested. The Constitution of Nepal (2015) in its preamble has incorporated a wide vision of secularism for

> *"protecting and promoting social and cultural solidarity, tolerance and harmony, and unity in diversity by recognizing the multi-religious characteristics,* [*resolving to build an egalitarian society founded on …] by eliminating discrimination based on … religion…."*

The constitution guarantees the right to freedom (Article 17), right to equality (Article 18), right to communication (Article 19), right to freedom of religion (Article 26), right against exploitation (Article 29), rights of women (Article 38), and right to social justice (Article 42) as fundamental rights. The directive principles of state policy have also incorporated provisions relating to religious freedom and exercise of religious practices. The state is obligated to empower and build a civilized and egalitarian society by eliminating all forms of discrimination, exploitation, and injustice on the grounds of religion, culture, tradition, usage, custom, practice (Article 50).

The government of Nepal further promises to promote national unity while developing mutual cooperative relations between the federal units by maintaining mutual cohesion, harmony, and solidarity between various religions (Article51(a)(2)); to end all forms of discrimination, inequality, exploitation, and injustice in the name of religion, custom, usage, practice and tradition existing in the society (Article 51 (c)(5)); to make special provisions for equal distribution of economic, social and cultural opportunities and benefits to the Muslims and backward class (Art.51(j)(10). The constitution also mentions the establishment of the Muslim Commission to protect, promote, and preserve the vulnerable position of Muslim communities in Nepal (Article 264).

The *Muluki Civil Code, 2017* contains provisions relating to religious practices. The code states that no discrimination shall be made in the application of general law on grounds of origin, and religion (Sec 18). Similarly, the *Muluki Penal Code Act,* 2017 provides for punitive action against desecration of a site of religious or caste significance and causing hurt to religious sentiment.

Religious conversion is prohibited and proselyting and induced conversions subject to punishment. The provision concerning the secular character of the state promises to protect all the religions practiced in the country since time immemorial. The penal code stipulates that no one shall interfere in the traditions, rituals practiced as per the eternal religious belief of someone (sec157).

The penal code further imposes an additional legal obligation on government officials against exercise of power which discriminates against any citizen on grounds of socio-religious identity (sec160). Untouchability and discrimination on the basis of caste is banned under the *Caste Based Discrimination and Untouchability (Offence and Punishment) Act,* 2068 (2011). The Law also carries a provision relating to a ban on religious practices which are discriminatory.

The Constitution of Nepal 2015 seeks to bring an end to discrimination, including that based on gender, and ensures rights to equality and social justice, and protection against caste discrimination. Several of these practices allude to 'traditions, rituals practiced as per the eternal religious belief of someone' (sec157) However, the strong anti-discrminatory provisions in the Constitution and the penal code of Nepal as well as the commitment to gender equality have supported state action against gender oppressive practices justified in the name of religion and cultural tradition.

Contemporary History of Religious Coexistence

While the Constitution recognises Nepal as a multi-cultural and multi-religious state, the social culture remains dominated by Hindu values, norms and philosophy as shaped by its historical legacy of a Hindu majoritarian state. The introduction of secularism as one of the tenants of the constitution has not been perceived as being easy to reconcile with this cultural history. This is especially so as a substantive aspect of the country's governance system was based on a particular reading of an integral body of religious scriptures. This is evidenced in a review of different legal promulgations.

Religion has always been an anchor of Nepal's ruling regimes. Almost all the ruling dynasties from the early Lichhavi dynasty to the more recent past, relied on the Hindu religion in decisions of governance (Pant nd). Laws were codified as derived from Hindu *Dharmasastras* such as Manusmriti, Smirits, Vedas, Upanishads, and other religious texts. The 1854 Civil Code further entrenched the Hindu religion in society. The Hindu state went on to promote Hinduism at the cost of other religions, even to the extent of being perceived as a threat to other minority religious groups. For example, the discriminatory practice of declaring public holidays for upper caste hill Hindu festivals and not according official recognition to the festivals of minority religions festivals has been a long standing issue of resentment (Lawoti 2005).

State acknowledgement of the heterogenous religious cultures and lifestyles of Nepal's other religious groups - Buddhists, Muslims, Kiratis, Christians, Sikhs and Jains, depended on their

power relations with the Palace. The old established religions of the country, Hinduism, Buddhism, and Kirati, enjoyed varied access to power, and were accorded some due respect by the state administration. Islam and Christianity arrived later in Nepal, although they too have a long history of presence in the country. The history of Muslim settlement in Nepal dates back to the early 16th century. The history of Christianity dates back to the 18th century when a few catholic monks from Rome came to Nepal and met with the then ruling Malla kings.

Living Together: Harmony & Tension

Incidence of religious violence have been few and seemingly clustered in space and periods and types of governing systems. The religious communities in conflict have largely been Hindu Muslim groups and centred largely in the Terai region which has a relatively significant presence of Muslim population. A communal clash occurring during the autocratic regime in 1958-59 in Bhawarpur village in the central Tarai district of Mahottari when individuals belonging to the majority Hindu community desecrated a mosque and indulged in arson and looting against Muslims. In 1959-60, communal violence occurred in Adhyanpur village in the Mahottari district. Riots broke out when a Hindu religious procession was making the rounds of the villages. Two people were burned to death and more than 100 houses were set on fire. In 1971, riots sparked off around a *gai kanda* (cow slaughter incident) took place in the central Terai district of Rautahat and Bara. This was the bloodiest Hindu-Muslim riot in the history of Nepal (Dastider 2000).

More recently, and again during a period of authoritarian rule, there was an arson attack against the Muslim community in the Kathmandu Valley in 2004 after some Nepali workers were killed by Islamic terrorists in Iraq. However following the restoration of democracy, an incident of Hindu-Muslim violence also occurred on September 21, 2007 in Tulsipur, Dang, in which several Muslim shops were looted and homes vandalized. This was a fall out of the hill- Madehesi communal violence of September 16, 2007. In Kapilvastu 14 people were killed, dozens injured and around 300 houses set on fire after the murder of a Muslim civil defense group leader. On 31 March 2008, three people were killed and many wounded by bombs that went off in a mosque in Morang where the faithful had gathered for evening prayers. On October 30, 2019 communal violence took place when a Hindu group was attacked with stones and bricks from nearby rooftops by a Muslim group while taking part in a Laxmi Puja procession around Krishangar market area in Kapilvastu. The ascendancy of Hindutva politics in India and trans-border mobilisation of Hindu groups, no doubt has had a impact on these more recnt communal incidents.

Also, tension and suspicion has been growing against the country's Christian communities and especially over fears of religious conversions. There have been a series of attacks on isolated Christian priests. On July 2008, a Roman Catholic priest, Father Johnson Prakash Mayalan was killed in eastern Nepal. On 23 May 2009, a bomb explosion in a church killed three persons and injured fourteen others when a pressure–cooker bomb went off inside a Catholic Church at

Dhobighat, Lalitpur. On April 30, 2019, a 40 year-old pastor Dhurba Kumar Pariyar was physically assaulted and mentally traumatized.

Notwithstanding, these reported incidents of religious violence, harmonious co-existence amongst the many communities of Nepal has deep historical roots. Symbolic of the country's socio-historical culture of religious harmony is the establishment in in 1500 of the Muslim religious site, the *Kashmiri Pancha Taquia.* The mosque built by the Malla kings is the first mosque built in Nepal and is in the heart of the capital city Kathmandu, within walking distance of the Royal Palace (Thapa nd) . It was meant to serve the religious needs of Kashmiri Muslims artisans who fled violence in Kashmir. Even during the period of absolute monarchy, based on Hindu religious scripture, other religious groups were free to follow their practices and even received support from the royal administration. Some commentators argue that the environment then was more conducive for other religious communities. According to an article in Nepal weekly *Palayan Pathma* 18 October 2013, Nepal hosted a population of 5,890 Sikhs in 2001, but since the establishment of a secular democratic Nepal, by 2011 the number of Sikhs in Nepal was said to have come down drastically to 609.

Such developments suggest that there could be problems in the functioning of Nepal's model of secularism. Already, there are reports of peoples' discontent and dissatisfaction finding articulation in the form of growing public demand for restoring Nepal's Hindu identity. Certain social practices traditionally associated with the Hindu religion, and which earlier had enjoyed state patronage, are now under pressure. With people belonging to the Hindu religion, as well as others of different religious communities, losing the privileges that they enjoyed, it could be a source of tension and conflict (Pandey and Tomislav 2013). Also there are reports of transnational trans-border extremist religious elements stoking up disaffection.

The narrative of protecting social religious practices under threat from the new secularism feeds upon the general dissatisfaction and disappointment with Nepal's continuing political instability and frustration over the failed transformative vision of peoples' mobilisation and the Peace Agreement. However, such trends are isolated, and Nepal, unlike its neighbours, remains a South Asian country beyond the contagion of ascendant extremist religious and authoritarian politics. In this context the role of civil society has been and remains important.

Nepal Civil Society Regulatory Structure and Role
Nepal's civil society has played a significant role in the country's political and economic transformation during the past three decades. As Nepal transitions to a federal system with three tiers of government, the environment in which the civil society organizations (CSOs) operate is also changing (Bhatta 2016). In their modern form, CSOs emerged in the first half of the 20th century, but it was only after the restoration of democracy in 1990, that they played an important role in social welfare, community development, and democratization (Shah 2008). After 1990, CSOs gradually shifted from community development and livelihoods to rights-based activism.

Also emergent were social movements which were not seen during the early Panchayat regime. The increasingly political nature of the CSO movement, and its links with external stakeholders, generated a mixed response from the Nepali people and political actors in the post-conflict period, especially during the drafting of a new constitution.

Nepal's regulatory structure for the civil society sector was managed by the Social Welfare Council (SWC). It registered 50,358 NGOs working widely in the different sectors across seven different provinces of Nepal. The province of Bagmati has the highest registered CSOs and the lowest is four in the Karnali province. While national NGOs are organized around the NGO Federation of Nepal, International Non-governmental Organizations (INGOs) have an informal umbrella network, the Association of International NGOs of Nepal (AIN).

Nepal is a party to international legal frameworks and has ratified major core treaties of human rights, including the International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social, and Cultural Rights (ICESCR) and its Optional Protocol; the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and its Optional Protocol; the Convention on the Rights of the Child (CRC); and the Convention on the Rights of Persons with Disabilities (CRPD).

Article 17 of Nepal's Constitution (2015) guarantees an enabling environment for civil society protecting freedom of opinion and expression as well as the freedom to form associations and political organizations. However, the Constitution allows for laws to 'impose reasonable restrictions' to protect national interests such as national sovereignty, national security, and harmonious relations between different federal units, communities and identity groups. Article 51 (j) (14), in particular, outlines a policy regarding social justice and inclusion:

> "To adopt a single door system for the establishment, approval, operation, regulation and management of community-based and national or international non-governmental organizations and to involve such organizations only in the sectors of national need and priority, while making investment and the role of such organizations transparent and accountable."

More than a dozen legal instruments affect the registration and operation of CSOs. Key among them are the Association Registration Act 2034 (1977), the Social Welfare Council Act 2049 (1992), the National Directorate Act 2018 (1961), the Company Act 2063 (2006), the Forest Act 2049 (1992), the Forest Act 2049 (1992), the Cooperative Act 2048 (1991) and the Poverty Alleviation Fund Act 2063 (2006).

The major working areas of CSOs are community and rural development, women's welfare services, poverty alleviation, moral development, youth services, health services, educational development, etc. The SWC does not acknowledge any category of work under *religious services*.

However, as learnt from informal conversations with some senior CSO professionals, some CSOs are said to be involved in work that could be said to approximate to 'religious services', such as the United Mission to Nepal (UMN). Given the communist orientation of Nepal's politics and the secular character of the state, CSOs are sensitive about maintaining a distance from any obvious association with religious activities, especially Christian.

Since the restoration of democracy, the space for civil society has expanded. New laws and regulations have facilitated the working of CSOs. Civil society sector has made a significant contribution to the political transition and the empowerment of people and worked to make the state more accountable and responsive. CSOs have also partnered with the state to eliminate oppressive socio-religious practices which have denied fundamental freedoms to marginalised and vulnerable groups, including women.

II
Internal Religious Conservatism

In Nepal, religious extremism or conservatism within the majority Hindu religion has been particularly oppressive in relation to the status of women, oppressed castes and indigenous *janjati* groups. The particular focus of this Paper is the social practice of Chaupadhi as an example of internal religious extremism or conservatism. Among the Hindu groups, *Chaupadhi* is widely practiced in the lesser developed far and mid-western regions of the country. The rationale behind the practice is said to be found in Hindu mythology and based on the notion of purity and impurity. It is classified as a 'taboo' social practice. The practice involves social banishing of women during menstruation and impacts their health and safety. It affects the social status and overall development of women in Nepali society.

It requires women to be sequestered from their homes during menstrual bleeding and banished to some dark outlying space. The practice is derived from a Hindu tradition that relates to secretions associated with menstruation and childbirth as impure. The word Chaupadhi is derived from a local word used in the Raute dialect of Achham district in the far west where *Chhau* means menstruation and *padi* means a woman. Women are considered impure during their periods and therefore required to refrain from participating in normal daily activities. They are forced to isolate themselves and sleep inside a small shed or hut made up of mud and stones without windows and locks, called a *goth* (shed). These huts are specially prepared 20–25 meters away from the residential home and are around 1×2 m in size. Such sheds lack doors, are very narrow, dark, tight and congested, and have cold dirty floors, where women sit and sleep (Amgain 2012). The system is also known as *chhue* or *bahirhunu* in districts of Dadeldhura, Baitadi , Darchula and as *chaupadi* in Achham, *chaukulla* or *chaukudi* in Bajhang district.

Chhau is considered to be of two types, major chhau and minor chhau. In minor chhau (monthly menstruation) women have to live in these sheds for up to 5 days and in major chhau the stay lasts up to 11 days. This occurs after childbirth and menarche. On the last day, the women take a bath, wash their clothes, bedding and return home. However, even on the last day, they are not allowed to purge themselves in public water sources. Therefore, the women practicing Chaupadhi have to bathe and clean their clothes in *Chaupadhi Dhara*, a separate well or tap near the village.

The Nepal government has undertaken legal and executive action to eradicate the practice of Chaupadhi, but it persists due to the peoples' strong religious faith and conviction that it has religious sanction. In May 2004, the Supreme Court of Nepal outlawed the chaupadhi system and issued a directive to the government to formulate laws eliminating the practice. In 2008, the Ministry of Women, Children, and Social Welfare promulgated guidelines to eradicate Chaupadhi nationally (*Chhaupdi Pratha Unmulan Nirdesika* of 2064). Implementation of these measures remains incomplete. For example, the guidelines call for committees to be established at the district level to prevent chaupadhi. Many of these committees have yet to be formed (Dahal et al 2017).

The Constitution of Nepal 2015 seeks to bring an end to frameworks of social discrimination, including that based on gender, and ensures women's rights to equality and social justice. This provides further legal backing to the official efforts to end the practice of Chaupadhi. Following the Supreme Court's directive in 2004 to formulate a law and action plan for eradicating the practice, the government developed a two - step program. Accordingly, it is mandatory for the local governments to develop a program for "*immediate action*" and "*strategic action*" with reference to the severity of the practice. The directive also refers to the mobilisation of financial resources for the elimination of Chaupadhi, and mentioned obtaining resources from local and international donors, as well as government sources. Although the government has supported elimination of the practice, but in the absence of a specialized law proscribing the practice, the practices continued despite government efforts

In 2017, thirteen years after the Court's directive to the government, the *Muluki Criminal Code Act*, 2017 criminalized Chaupadhi as an act involving cruel and inhumane treatment (sec 168 (3)). The code has banned anyone from practicing the act, categorised as discriminatory, and like the practice of untouchability, involving inhumane treatment of women. It further states that anyone who practices the act shall be liable to punishment including a fine of Nepali Rs 3000, or three months imprisonment, or both (168 (4)). And if the practicing person is a civil servant, the person would be liable to an additional three months imprisonment as punishment.

The state administration with the help of provincial and local governments is working together with the equal participation of the CSOs to put an end to the practice. Local CSOs are campaigning against the chaupadhi practice, and doing advocacy to make targeted groups aware of the legal policies and provisions against this practice. CSOs have alerted concerned officials to

take necessary measures against those who support the practice of *Chaupadhi*. Local officials under the directive of the federal government have demolished cow sheds used to practice chaupadhi. This has forced people to look for alternatives, such as caves where the practice persists in some places.

Local officials and community activists demolishing a *goth* or hut

Civil society organizations (CSOs) like *Sam Bikash Nepal*, in Acham district of far-western Nepal, has been steadfastly working to make people aware of the dangerous health implications of the practice. *Sam Bikash Nepal* continued its advocacy work even during the pandemic. Other CSOs too have been active, including organisations like *Jagaran Nepal* which has been campaigning against internal religious conservatism.

CSOs have become important partners of the government of Nepal, cooperating to alert, assist and complement the administration's intervention. The impact of Covid 19 has constrained the government's activities to eliminate the practice of *Chaupadhi* which continues to persist, especially in the remote areas of the mid- and far-western provinces.

The Covid-19 Experience

The Covid-19 pandemic in Nepal is part of the <u>global pandemic</u> caused by the <u>corona virus infections that convulsed the world from 2019.</u> Covid-19 is caused by <u>severe acute respiratory syndrome coronavirus 2</u> (SARS-CoV-2). The first case in <u>Nepal</u> was confirmed on 23 January 2020 when a 31-year-old student, who had returned to <u>Kathmandu</u> from <u>Wuhan, China</u> on 9 January, tested positive for the disease. The Nepalese government announced a nationwide lockdown. Different modalities were adopted to control the spread of Covid 19 like partial lockdowns, and the introduction of an odd and even system to restrict movements of vehicles. The legal basis for the lockdown was the *Infectious Diseases Act*, 2021

At the operational level, the government instituted multi-layer structural arrangements involving partnerships with federal, provincial, and local governments. Both government hospitals and private hospitals participated in the recovery and mitigation process. Covid-19 left no sector untouched and had a severe impact on social environment, the economy, livelihood, employment, and the nature of democratic governance. It also impacted the role of CSOs.

The government promulgated laws and policy guidelines such as the <u>Working Procedures of the Human Rights Monitoring Network in the Context of Covid-19 (2020)</u>, Corona Fund Guideline (2020), Quarantine Operations and Management Guideline (2020), Relief Guideline (2020) and <u>Protocol on Dead Body Management in the context of Covid-19 (2020)</u>.

Covid-19 and Minorities

Globally, especially in some countries of South Asia, Covid 19 worsened the condition of religious and other minorities, disadvantaging them because of their situational status vulnerability, but also because some communities were stigmatised as spreading the infection. In the case of Nepal, the minority religious communities, reportedly, were more worried about the pandemic than others . Some of these minority religious communities are more vulnerable to Covid 19 as a result of their financial insecurity, vulnerability to fake news and poor access to information. Also there is ever ready potential which exists for stirring up tension between minority and majority communities in their shared places of habitat in an environment of fear and panic. A few cases of discrimination were reported, especially with regard to the different funeral practices of patients belonging to particular minority faiths, who had died due to Covid 19.

Impact on CSOS – Role Legitimacy

Nepal is well known for its vibrant civic space, and the activities of its many NGOs. Covid 19 deeply affected their work and organisations. CSOs with relatively smaller budgets working

outside the Kathmandu valley were more anxious than those in the Kathmandu valley. Also as the mobility of CSOs was constrained during the lockdown, their ability to provide services to vulnerable populations was severely affected. However, as research conducted by the Nepal Institute for Policy Research (NIPR) revealed NGOs were able to carve out a role for themselves. According to NIPR's sample findings, nine out of ten responding organizations were involved in informing their beneficiaries and communities on Covid 19 risks and preventive measures, six out of ten organizations collected data at the local level and five out of ten organizations built a coalition with other organizations for providing relief and support. Similarly, CSOs coordinated with local governments for relief activities, as well as combating fake news. Under conditions of the Covid pandemic, the priorities of NGOs necessarily changed.

The government directed CSOs to coordinate with local governments in distributing relief and providing essential services to senior citizens. Furthermore, CSOs were encouraged to repurpose their existing programs to fight Covid-19 in consultation with donor agencies. In addition to the directive from the concerned Ministries, the Social Welfare Council released a series of guidelines and announcements for I/NGOs in response to Covid-19. These announcements encouraged I/NGOs to raise funds. The Council expedited approval of Covid-19 related projects within a week. Similarly, I/NGOs were requested to allocate 20% of their SWC approved budget towards Covid-19 response for two months.

Diminishing financial support from government sources added to the operational difficulties of CSOs, including lay off of employees. However, in spite of these constraints, CSOs became major supporting partners to the government during the pandemic. CSOs of Nepal have shown they are engaged in various sectors like immediate relief response, food support, transportation, medical equipment, and volunteer mobilization across the country. Many NGOs/CSOs have taken initiatives to distribute relief materials across the country, CSOs have organized public health awareness programs, and formed High-Level Joint Monitoring Mechanisms at the central, province, and district levels (NGO Federation Report 2020).

The NGOs Federation, in particular played an active role in mobilizing CSOs to cooperate with government initiatives to fight against the pandemic. CSOs were defined as frontline organizations working in close coordination and cooperation with other frontline institutions such as health workers, police personnel, medical suppliers, and community mobilization organizations.. CSOs have not only partnered with the government but also served as a watchdog, warning the government of situations where there were lapses in fulfilling the country's constitutional, legal and international obligations in response to Covid-19. One such case which involving a timely civil society intervention, was in identifying the lack of attention to women's vulnerability. Following this CSO intervention, the Supreme Court of Nepal issued directives under writ for making favourable and special arrangements for women during the pandemic. The Government formed a high-level CSO mobilization committee and organized in-depth research and fact finding

inquiries into response, and recovery of Covid-19 and its continuing impact on society, economy, politics, and Sustainable Development Goals. The global pandemic has obliged the government to work with CSOs to fight Covid 19.

Covid 19 pandemic has had a severe impact on working culture, modalities, and priorities for CSOs worldwide. In Nepal, the new areas for cooperation among CSOs would increasingly be in the health sector. The pandemic has challenged the conventional working styles of CSOs and had a visible impact on the working space for CSOs. While some CSOs were able to consolidate their activities, others have laboured under financial constraints and even laid off employees.

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