

Chapter 3: Uttar Pradesh

I. Introduction

Uttar Pradesh is central to the situation of Muslims in India. 22.34 per cent of India's Muslims live in UP. Muslims also make up a large proportion of UP's population – 19.23 per cent, 38.5 million in all, according to the 2011 Census, making Muslims by far the largest minority religious group in the state. This also has policy implications. UP has 21 of the country's 90 Minority Concentrated Districts; 72 of 388 Minority Concentrated Towns; and 141 of 1,228 Minority Concentrated Blocks, with Muslims making up the bulk of the minorities. The Muslim population in UP varies significantly across its four geographical regions. Almost half (46.9 per cent) live in western UP, while the eastern region accounts for 36.3 per cent. The western region is also where the population is more urbanised, with, on average, 40 per cent of the Muslim population in most districts.

Much targeted violence against Muslims in UP, as in the rest of India, involves hate crimes that take various forms, most commonly 'communal riots'. These have a long history in UP. The violence in Muzaffarnagar and Shamli districts in September 2013 remains one of the most significant recent episodes of mass targeted violence against Muslims. A BBC report described it as "the worst in India in a decade."

By the time the violence had abated, 52 persons had died, over 60 had been grievously injured, and scores of houses had been destroyed in fires across 14 villages in the two districts. The impact on survivors has been long-standing and severe. This included forced displacement, with official estimates of those displaced in Muzaffarnagar, at its peak, exceeding 50,000. According to available official records, police filed a total of 566 cases, of which 59 were for

murder, 6 for rape, and the rest for dacoity, arson and other crimes. In subversion of justice, the UP administration has since acted to withdraw prosecution in hundreds of cases against persons accused of arson, assault and vandalism.

However, communal violence is not the only form of denial of the right to life and security of Muslims in UP. Smaller, everyday forms of violence occur regularly. According to a catalogue of violence against minorities nationally, between 2014 and 2019, UP recorded the highest number of incidents (261), more than the next three states combined (Karnataka, Bihar and Delhi). The pretext for most targeted violence was cow-related, but there are other recurring triggers. Hate speech against minorities, 'love jihad' propaganda (claims by Hindu groups of Muslim men luring Hindu women), and ghar wapsi mobilisations (forced conversion of non-Hindus to Hinduism) have all featured prominently. These dynamics have placed at risk the right to life and religious freedom of minorities, particularly where policing and administration have been weak, selective, or complicit.

These trends intensified after the Bharatiya Janata Party (BJP) came to power at the Centre in 2014, and further consolidated following its electoral victory in Uttar Pradesh in 2017. Ajay Singh Bisht, known as Yogi Adityanath, a Hindu monk turned politician, led the campaign and became Chief Minister. UP's political centrality – it sends 80 members to India's 545-member Parliament – has also made it a focal point for broader Hindu nationalist mobilisation. Evidence has suggested that this political shift has emboldened extremist actors and, in some

instances, blurred the line between state and non-state forms of targeting.

In our 2022 report, the Panel found credible evidence that a wide range of human rights of Muslims in Uttar Pradesh had been violated, and that some of the documented conduct—particularly patterns of killings, unlawful imprisonment, torture, and persecution—may amount to crimes against humanity. These violations were found to be widespread and, in several instances, carried out in a systematic manner, pointing to the role of state policy or organisational support within the state. The Panel also identified hate speech by political and religious leaders, including in Uttar Pradesh, that could constitute direct and public incitement to commit genocide. Taken together, these findings led the Panel to conclude that Muslims in Uttar Pradesh were at risk of becoming a persecuted minority, and that the situation warranted formal investigation.

Subsequent reporting indicates that these patterns have not abated and, in many respects, have intensified, with continued reports of violence, coercive policing, and restrictions on fundamental freedoms affecting Muslims in the state.

This chapter highlights events and facts that have reportedly occurred in Uttar Pradesh since the publication of the PIIIE's previous report in June 2022, with relevance for international law. The descriptions are based on secondary sources, including UN reports, local and international NGO reports, independent media reporting, as well as primary sources such as witness and victim testimonies and official government documents.

This chapter proceeds in three parts. Part II sets out the Panel's factual findings, detailing reported abuses by state and non-state actors affecting Muslims in Uttar Pradesh across domains including life, liberty and security; participation in public affairs; economic, social and cultural life; and equal treatment, and identifies the actors responsible. Part III analyses these findings under applicable international law, first examining violations of international human rights law, and then assessing whether the documented conduct meets the thresholds of international criminal law, including crimes against humanity. Part IV assesses the availability and effectiveness of domestic remedies, including access to justice, investigations, prosecutions, reparations, and the functioning of oversight institutions.

II. Factual findings

1. Life, liberty and security

This section highlights reports of abuses by state and non-state actors that have had adverse impacts on the life, liberty and security of Muslims in Uttar Pradesh. These included continuing anti-Muslim hate speeches by senior state officials and other influential political and religious figures, various forms of physical, state-led excesses against Muslims, various forms of targeting of Muslims by organised Hindu extremist non-state actors, hostility and violence faced by Muslim women and girls, and escalating crackdowns on free expression, association and assembly by Muslims.

1.1. Continuing anti-Muslim hate speech and incitement by senior state officials and other political and religious figures

The Panel's previous report had highlighted reports of several state ministers and other individuals associated with the BJP and their ideological front, the RSS, engaging in incitement to discrimination, hostility and violence against the Muslim community in public spaces as well as through online platforms.⁵¹⁶ These widely broadcast incendiary speeches, some of which were openly genocidal, when analysed collectively,

appeared to echo the predominant sentiment of the othering of the Muslim community, equating them as infiltrating outsiders, anti-national and traitors, terrorists and much more, in addition to directly calling for their violent targeting.⁵¹⁷ The Panel had also highlighted reported calls for 'cleanliness drives', 'rape and impregnation', and other forms of violence against Muslims, made by powerful Hindu religious leaders, and noted that such speeches may have contributed to a rise in incidents of physical violence against Muslims by Hindu extremist mobs and militant groups.⁵¹⁸

Subsequent reporting indicates that such rhetoric has not abated and has, in fact, intensified: UP was reportedly a hotspot for 'top' and 'intermediate' level⁵¹⁹ hate speeches (based on the UN's scale) during India's 2024 General Election, which was marked by a preponderance of anti-Muslim hate speeches by senior state officials, most notably Prime Minister Narendra Modi, who referred to India's Muslims as 'infiltrators', among other pejoratives.⁵²⁰ UP Chief Minister Adityanath is reported to have made 73 such speeches during the General Election period.⁵²¹ During the 2024 campaign, Adityanath is reported to have accused Muslims of being supporters of Pakistan and a burden on India⁵²², of eating

⁵¹⁶ Sonja Biserko, Marzuki Darusman and Stephen Rapp, 'Report of the Panel of Independent International Experts to Examine Information about Alleged Violations of International Law Committed against Muslims in India since July 2019' (Centre for Human Rights, University of the Free State 2022) 51 <<https://piieindia.org/read-the-full-report/>>.

⁵¹⁷ *ibid.*

⁵¹⁸ *ibid.* 105.

⁵¹⁹ According to the methodology used, 'top' level hate speech refers to speeches by influential figures in public settings that constitute direct incitement to hostility, discrimination, or violence. Such speech is internationally prohibited under all circumstances. 'Intermediate' level hate speech refers to speech that may be prohibited – and are prohibited by India – to protect the rights or reputations of others, or for the protection of national security or of public order, or of public health or

morals. See United Nations, 'Strategy and Plan of Action on Hate Speech: Detailed Guidance on Implementation for United Nations Field Presences' (2020).

⁵²⁰ 'India: Hate Speech Fueled Modi's Election Campaign' (Human Rights Watch, 14 August 2024) <<https://www.hrw.org/news/2024/08/14/india-hate-speech-fueled-modis-election-campaign>> accessed 20 March 2026; South Asia Justice Campaign, 'UPDATE | General Elections | 16 March – 31 May, 2024 (Hate Speech Monitor)' (South Asia Justice Campaign, 6 June 2024) <<https://southasiajusticecampaign.org/hate-speech-monitor/>> accessed 11 April 2024.

⁵²¹ South Asia Justice Campaign, 'UPDATE | General Elections | 16 March – 31 May, 2024 (Hate Speech Monitor)' (n 5).

⁵²² HindutvaWatch [@HindutvaWatchIn], 'Location: Amethi, Uttar Pradesh Date: May 14 "Go to Pakistan If You Can't Be

beef to insult Hindus, and of seeking to establish *sharia* law⁵²³ in India. On multiple occasions, he appeared to celebrate his government's violent record against Muslims, reportedly claiming on one occasion, 'We deal with them so harshly that their descendants will remember.'⁵²⁴

In 2025, publicly available data indicated a further intensification in both the scale and concentration of hate speech targeting Muslims. An annual report by India Hate Lab documented 1,318 in-person hate speech events nationwide in 2025, representing a 13 percent increase from 2024 and a 97 percent increase from 2023.⁵²⁵ Muslims were targeted in 98 percent of recorded incidents. Uttar Pradesh recorded 266 such events, the highest number for any state. Of the nationwide total, 308 speeches reportedly included explicit calls for violence, including 136 calls to arms. The report noted that mobilisation was sustained throughout the year and not limited to election periods.

Statements by the Chief Minister in 2025 illustrate the hardening of anti-Muslim rhetoric.⁵²⁶ In February, while speaking in the Uttar Pradesh Legislative Assembly, Adityanath referred to Muslims using a religious slur and described Urdu as the language of '*kathmullas*', stating that promoting Urdu education would lead children towards fanaticism. On 1 April in Lucknow, he publicly warned Muslims against offering prayers on streets and urged them to

learn 'religious discipline' from Hindus, contrasting Muslim religious practices with claims of Hindu orderliness. On 28 September in Balrampur, during Vijaydashami celebrations, he warned that those attempting to create 'mischief' during festivals would be made to 'pay such a price that future generations will remember it', invoked the trope of 'Ghazwa-e-Hind', and called for vigilance against alleged involvement in 'love jihad', religious conversions, cow slaughter and smuggling, and 'anti-national' activity. On 22 October in Gorakhpur, he described halal food certification as a conspiracy funding 'love jihad', terrorism, and religious conversions, urging economic boycott. In November, while campaigning in Bihar ahead of state elections, he repeatedly alleged that '*ghuspaithiyas*' (infiltrators) were seizing land, housing, ration cards, and public resources, warned that Bihar must not become a '*dharamshala*' (guest house) for them, and framed such individuals as threats to local culture and social order. On 10 November in Gorakhpur, he alleged a conspiracy to create a 'new Jinnah' (the founder of Pakistan) by dividing society along religious and caste lines. In December, while speaking at a public event, Adityanath celebrated his government's use of 'encounter' killings⁵²⁷ against alleged criminals: '*Yamaraj* (the Hindu god of death) will be waiting for you at the next crossroads, to cut your ticket to hell, and your path to hell is decided.'⁵²⁸

Alongside speeches by senior political figures, 2025 witnessed sustained mobilisation by

Proud of India. Don't Be a Burden on India," Said Uttar Pradesh Chief Minister Yogi Adityanath.

<https://t.co/QbkpzzCKzO>
<<https://x.com/HindutvaWatchIn/status/1791005915660894542>> accessed 29 January 2025.

⁵²³ HindutvaWatch [@HindutvaWatchIn], 'Location: Ghaziapur, UP Date: May 25 Top Themes of Yogi Adityanath's Campaign Speech: "They Will Implement Muslims Personal Law. Women Will Have to Burqa. Women Won't Be Able to Go School or Markets. The Want to Bring Back Triple Talaq. They Want to Implement Sharia Law."' <https://t.co/FKjshwIwmd>
<<https://x.com/HindutvaWatchIn/status/1795415974788694450>> accessed 29 January 2025.

⁵²⁴ HindutvaWatch [@HindutvaWatchIn], 'Location: Berhampore, West Bengal Date: April 30 "Infiltrators Are Let into West Bengal with the Aim of Changing Your Demography. If Anybody Dares to Interrupt Hindu Festivals in UP, We Deal

with Them so Harshly That Their Descendants Will Remember," Said Yogi Adityanath

<https://t.co/NPU84o7kR3>
<<https://x.com/HindutvaWatchIn/status/1785562044495806901>> accessed 29 January 2025.

⁵²⁵ India Hate Lab, 'Report 2025: Hate Speech Events in India' (Center for the Study of Organized Hate 2026)
<<https://www.csohate.org/2026/01/13/hate-speech-events-in-india-2025/>> accessed 12 February 2026.

⁵²⁶ See Annexure V.

⁵²⁷ See Section 1.1 (Continuing police abuses against Muslims) in Part II (Factual Findings) of this chapter.

⁵²⁸ "'Yamaraj Will Be Waiting For You": Yogi Adityanath On Encounters' (NDTV, 6 December 2025)

<<https://www.ndtv.com/india-news/yamaraj-will-be-waiting-for-you-yogi-adityanath-on-encounters-9762546>> accessed 16 February 2026.

organised Hindu extremist networks operating within Uttar Pradesh. An India Hate Lab report documented the expansion of armed monk-led networks, most prominently the ‘Shiv Shakti Akhada’ led by Madhuram Sharan Shiva, which reportedly organised hundreds of rallies across multiple districts.⁵²⁹ These events featured public displays of weapons, administration of violent oaths, including to minors, and explicit calls to prepare for armed conflict. Hate speech at such gatherings relied on dehumanising language and conspiracy narratives portraying Muslims as existential enemies. Many such gatherings reportedly took place in the presence of police, and in some instances organisers were publicly felicitated by law-enforcement officials. A separate report documented how the Sanatan Hindu Ekta Padyatra led by Dharendra Shastri (Bageshwar Baba) functioned as a platform for communal mobilisation, promoting themes of ‘love jihad’, demographic threat, religious conversion, bans on meat and liquor, and claims to contested religious sites.⁵³⁰ Public endorsement by senior political figures amplified the reach of these campaigns.

Other non-state actors, including religious leaders highlighted by the PIIE in its previous report—those who had made direct calls for genocide at a so-called *Dharam Sansad* (Religious Conclave) event in Uttarakhand in December-January 2021-22⁵³¹—have also reportedly continued to make incendiary speeches targeting Muslims. For instance, Yati Narsinghanand, the head priest of a Hindu temple in Uttar Pradesh, has reportedly continued to make open calls for anti-Muslim violence on multiple occasions, as well as calls for social and economic boycotts, and

derogatory remarks about Islam’s Prophet Mohammad. At least 9 of Narsinghanand’s ‘top’ level hate speeches since August 2023 were made in UP. In September 2024, Narsinghanand reportedly sparked communal tensions across UP when he addressed a public gathering, made incendiary remarks about Islam’s Prophet Mohammad, and incited people to burn effigies of the Prophet. Narsinghanand’s remarks led to widespread protests across the state by Muslims demanding his arrest. While Narsinghanand was reportedly detained subsequently for a brief period of time, two BJP MLAs are alleged to have inflamed tensions further and advocated for anti-Muslim violence: Nand Kishore Gurjar (MLA, Loni constituency) called for Muslim protesters to be shot dead in ‘encounters’, and Shalabh Mani Tripathi (MLA, Deoria constituency) called for Muslim protestors to be given ‘a taste of Israel’.⁵³²

In late-December 2025, Narsinghanand courted controversy yet again when he released a video urging Hindus to form ‘suicide squads’ against Muslims, referring to social media videos that had showed alleged members of Hindu Raksha Dal—another Hindu militant outfit—distributing swords and exhorting Hindus to arm themselves against ‘jihadists’. While some Dal members were reportedly arrested, no action is known to have been initiated against Narsinghanand, whose bail conditions in a previous case had included ‘an undertaking ...that he will not make any statement or participate in any event or gathering that promotes disharmony or adverse effects among different communities or leads to the commission of similar offenses.’⁵³³

⁵²⁹ ‘Armed Monk Network Mobilising Hindus for Violence in Uttar Pradesh’ (India Hate Lab, 2 December 2025) <<https://indiahatelab.com/2025/12/02/armed-monk-network-in-uttar-pradesh/>> accessed 12 February 2026.

⁵³⁰ Prantik Ali, ‘The Long March to Hindu Rashtra: From Meat Ban to “Mandir Wahi Banega” - Bageshwar Baba’s Padyatra Had It All’ (Alt News, 5 December 2025) <<https://www.altnews.in/the-long-march-to-hindu-rashtra-from-meat-ban-to-mandir-wahi-banega-bageshwar-babas-padyatra-had-it-all/>> accessed 12 February 2026.

⁵³¹ Sonja Biserko, Marzuki Darusman and Stephen Rapp (n 1) 56.

⁵³² ‘Cops Should’ve Opened Fire at Protesters Outside Dasna Temple: BJP MLA’ Rediff (6 October 2024)

<<https://www.rediff.com/news/report/cops-shouldve-opened-fire-at-protesters-outside-dasna-temple-bjp-mla/20241006.htm>> accessed 24 March 2026; ‘BJP MLAs Warn Muslim Protesters of “Taste of Israel”; Jamiat Seeks Action’ (Clarion India, 8 October 2024) <<https://clarionindia.net/bjp-mlas-warn-muslim-protesters-of-taste-of-israel-jamiat-seeks-action/>> accessed 24 March 2026.

⁵³³ Pawan Kumar, ‘Form Suicide Squads & ISIS-like Outfits, Yati Narsinghanand Urges Hindus amid Sword Distribution in Delhi, Ghaziabad’ (Alt News, 9 January 2026)

1.2. Continuing police abuses against Muslims

The unabated usage of anti-Muslim hate rhetoric by senior state officials—and the toleration of open incitement by other influential figures—has appeared to provide a permissive environment for grave abuses against Uttar Pradesh’s Muslims by police and other authorities. Reports reviewed by us since June 2022 have pertained to a wide range of state excesses in different forms and contexts, and have included:

- **Continuing reports of killing and maiming of alleged Muslim criminals in seemingly staged police operations:** The Panel had previously highlighted reports of UP authorities continuing to use ‘encounters’, a colloquial term for police officials shooting at suspected criminals or even innocent civilians, often carried out in seemingly orchestrated settings, and subsequently justified as a means of self-defence or use of retaliatory force—as an intimidating tactic for law enforcement.⁵³⁴ We had also highlighted official statistics released by the UP government, confirming that the number of deaths in such police shootouts had reached 146 since 2017, with Muslims accounting for nearly 37 percent of those killed, despite making up only 19 percent of the state’s population, suggesting institutional bias.⁵³⁵

Updated official figures indicate that between March 2017 and 29 December 2025, Uttar

Pradesh Police conducted over 16,284 such shootings (described officially as ‘operations’), resulting in the killing of 266 individuals. Media reports indicate that at least 48 people were killed in police ‘encounters’ in 2025 alone, marking the highest annual toll since the current government assumed power in 2017.

While the state does not routinely publish a reliable religious breakdown of those killed in ‘encounters’, and media coverage of such incidents continues to diminish, analysis of previously released government data has confirmed that Muslims are disproportionately killed in ‘encounters’. Analysis of data released in September 2024—when the cumulative death toll since March 2017 stood at 207—indicated that over 32 percent (67) of those killed were Muslims, despite Muslims constituting approximately 19 percent of the state’s population.⁵³⁶ No updated religious breakdown has been released for 2025. However, based on available media reporting, at least six Muslims are confirmed to have been killed in alleged police ‘encounters’ in 2025.⁵³⁷ In light of prior trends and the absence of updated disaggregated data, the actual number is likely to be higher.

Many of these cases, reported across multiple districts, including western UP districts with large Muslim populations, also bore patterns that had previously been highlighted by the panel: allegations of abduction and torture in custody before being shot in staged ‘encounter’ settings.⁵³⁸

⁵³⁴ <https://www.altnews.in/hindus-should-leave-organizations-like-bajrang-dal-and-form-an-organization-like-isis-yati-narsinghanand-giri/> accessed 20 March 2026.

⁵³⁵ Sonja Biserko, Marzuki Darusman and Stephen Rapp, ‘Annexure V: State and Vigilantes Inciting, Brutalising and Denying Rights of Muslims in Uttar Pradesh’ Report of the Panel of Independent International Experts to Examine Information About Alleged Violations of International Law Committed Against Muslims in India Since July 2019 (Centre for Human Rights, University of the Free State 2022) 402.

⁵³⁵ *ibid* 403.

⁵³⁶ India TV News, ‘From Asad Ahmed to Vikas Dubey to Mangesh Yadav, List of Prominent Encounters in UP under CM Yogi’s Rule’ (17 October 2024)

[https://www.indiatvnews.com/uttar-pradesh/from-asad-ahmed-to-vikas-dubey-to-mangesh-yadav-prominent-](https://www.indiatvnews.com/uttar-pradesh/from-asad-ahmed-to-vikas-dubey-to-mangesh-yadav-prominent-encounters-list-in-uttar-pradesh-under-cm-yogi-adityanath-rule-up-bahraich-latest-updates-2024-10-17-957624)

[encounters-list-in-uttar-pradesh-under-cm-yogi-adityanath-rule-up-bahraich-latest-updates-2024-10-17-957624](https://www.indiatvnews.com/uttar-pradesh/from-asad-ahmed-to-vikas-dubey-to-mangesh-yadav-prominent-encounters-list-in-uttar-pradesh-under-cm-yogi-adityanath-rule-up-bahraich-latest-updates-2024-10-17-957624) accessed 25 November 2024.

⁵³⁷ See Annexure I.

⁵³⁸ Saurav Das, ‘Extrajudicial Killings May Be Frequent in India’s Most Populous State’ *New Lines Magazine* (5 August 2024) <https://newlinesmag.com/reportage/extrajudicial-killings-may-be-frequent-in-indias-most-populous-state/> accessed 28 November 2024; Neha Dixit, ‘A Chronicle of the Crime Fiction That Is Adityanath’s Encounter Raj’ (*The Wire*, 24 February 2018) <https://thewire.in/rights/chronicle-crime-fiction-adityanaths-encounter-raj> accessed 22 November 2021; ‘Kin Say Muslim Youth Killed in “fake Encounter” with UP Cops’ (*The Siasat Daily*, 28 January 2024) <https://www.siasat.com/kin-say-muslim-youth-killed-in->

In addition to fatal ‘encounters’, 2025 witnessed a continued escalation in the use of so-called ‘half-encounters’, a colloquial term for non-fatal police shootings in which suspects are shot, typically in the legs or knees, before being formally arrested. In late May 2025, media outlets reported at least 10 such ‘half-encounters’ across eight districts within a span of 24 hours. On 1 and 2 October 2025, police in Bareilly shot three Muslim men in the legs in two separate incidents before detaining them, including the district president of the Ittehad-e-Millat Council. Between 5 and 7 October, Uttar Pradesh police reported that at least 20 ‘half-encounters’ had taken place across 10 districts. Authorities characterised these operations as action against organised crime, but offered limited independently verifiable detail regarding the circumstances of the shootings or the identities of those injured. These incidents followed a sharp escalation in 2024, when at least 56 Muslims (and two Hindus) were reported to have been shot and grievously injured in similar ‘half-encounters’, most commonly in cases related to alleged cattle smuggling.⁵³⁹ Official cumulative data indicates that, alongside 266 deaths, such ‘operations’ have resulted in injuries to 10,990 individuals since 2017. It is widely alleged that many, if not most, such shootings are staged by police, usually against individuals already in their custody. We also reviewed media reports claiming that these ‘half-encounters’ are privately referred to as ‘Operation *Langda* (Lame)’ by state police, and quoting one victim as saying that he fears for his life if he pursues justice.⁵⁴⁰

fake-encounter-with-up-cops-2965932/> accessed 16 February 2026.

⁵³⁹ See Annexure IV.

⁵⁴⁰ Saurav Das (n 23).

⁵⁴¹ In 2014, the SC had issued a 16-point set of guidelines to be followed in ‘encounter’ cases nationwide, including, inter alia, independent investigations. This order (PUCL v. State of Maharashtra, 2014) is available [here](#).

⁵⁴² ‘No State-Sponsored Killings in Encounters, UP Tells SC’ The Times of India (1 October 2023)

<<https://timesofindia.indiatimes.com/india/no-state-sponsored-killings-in-encounters-up-tells-sc/articleshow/104075012.cms>> accessed 25 November 2024.

⁵⁴³ ‘UP Mandates Videography of Sites, Testing of Cops’ Weapons in New Encounter Rules’ (India Today, 22 October

We also reviewed reports appearing to confirm that previous guidelines issued by India’s Supreme Court⁵⁴¹ were not followed in the cases highlighted above, despite the UP Government’s affidavit in court—filed in October 2023—that all of its directives were being duly adhered to.⁵⁴² It remains to be seen if fresh guidelines reportedly issued by the state Director General of Police in October 2024, such as videography of the ‘encounter’ scenes, and ballistic testing of weapons recovered from those killed, will be followed in the future.⁵⁴³ In January 2026, the Allahabad High Court, which has jurisdiction over UP, reportedly observed that police shootings of accused persons in the leg had ‘become a routine feature’ in UP. The Court subsequently issued and reiterated mandatory guidelines governing police ‘encounters’, tightening compliance with previous SC guidelines.⁵⁴⁴ The Court also prohibited the grant of out-of-turn promotions or gallantry awards immediately following an ‘encounter’, mandated registration of a separate FIR in every case involving death or grievous injury, required independent investigation by Crime Branch (Criminal Investigation Department)⁵⁴⁵ or a different police unit under senior supervision, and directed immediate medical aid for the injured along with recording of statements by a Magistrate or Medical Officer. The Court further warned that failure to comply with these guidelines could expose not only the police team involved but also the District Police Chief to contempt proceedings.

2024) <<https://www.indiatoday.in/india/story/uttar-pradesh-encounter-policy-yogi-adityanath-akhilesh-yadav-dgp-prashant-kumar-supreme-court-rules-2620985-2024-10-22>> accessed 25 November 2024.

⁵⁴⁴ Sparsh Upadhyay, ‘No Instant Rewards For UP Cops; Mandatory FIR & Medical Aid For Injured: Allahabad High Court Tightens Noose On “Encounter Culture”’ (31 January 2026) <<https://www.livelaw.in/high-court/allahabad-high-court/allahabad-hc-up-police-encounter-guidelines-no-promotions-fir-mandatory-sp-contempt-medical-521322>> accessed 13 March 2026.

⁵⁴⁵ A specialised investigative wing of the state police that is typically assigned sensitive or serious cases requiring independent investigation separate from the local police station involved in the incident.

Notwithstanding these judicial directions, these ‘operations’ have been publicly celebrated by senior police officials and by the Chief Minister as evidence of a ‘zero tolerance’ approach to crime. In December 2025, Chief Minister Adityanath warned alleged criminals: ‘Yamaraj (the Hindu god of death) will be waiting for you at the next crossroads, to cut your ticket to hell, and your path to hell is decided.’⁵⁴⁶

- **Continuing reports of custodial torture and killing of alleged Muslim criminals:** In addition to the ‘encounters’ and ‘half encounters’ highlighted above, we reviewed reports of the death of a Muslim individual in Baghpat district in July 2023, allegedly caused as a result of mistreatment and use of force while in police custody, and the death in custody of a 45-year-old Muslim man (in Sambhal district, in January 2025), whose family alleged assault and denial of prescribed heart medication while in police custody.⁵⁴⁷ We also reviewed reports concerning an 18-year-old Muslim youth (in Bareilly district, in May 2025), whose family alleged that repeated detention and physical abuse by police drove him to suicide.⁵⁴⁸

We further reviewed reports of a Muslim man and his mother (in Badaun, in May 2022, after the man was falsely accused of involvement in cow smuggling) who were reportedly assaulted and humiliated in custody; and a 17-

year-old Muslim boy and a 26-year-old Muslim man (both in Saharanpur, in June 2022, in the aftermath of protests against contentious anti-Islam remarks made by a BJP spokeswoman) who were allegedly beaten and otherwise ill-treated while detained.⁵⁴⁹

Across these cases, we noted allegations of ill-treatment evidently intended to punish and intimidate Muslims, indicated by the use of religious slurs, verbal abuse and humiliation, including forcing them to sing Hindu religious chants.

- **Continuing police crackdowns against Muslims exercising their democratic rights:** The PIIE’s previous report had highlighted a wide range of police abuses—including murder, torture, unlawful imprisonment and persecution—against Muslim civilians across UP beginning in December 2019, against the backdrop of mass protests following ‘fundamentally discriminatory’⁵⁵⁰ changes India had made to its citizenship law in the form of the Citizenship (Amendment) Act (CAA).⁵⁵¹

Since then, we reviewed reports of multiple instances of similar, seemingly coordinated state-led attacks on Muslims exercising their democratic rights, across Uttar Pradesh.

In Bahraich⁵⁵² (October 2024), inter-religious clashes were reportedly triggered by Hindu

⁵⁴⁶ “‘Yamaraj Will Be Waiting For You’: Yogi Adityanath On Encounters’ (n 13).

⁵⁴⁷ Namita Bajpai, ‘Uttar Pradesh: 28-Year-Old Sajid Abbasi Dies Following “Custodial Torture”’ *The New Indian Express* (3 July 2023)

<<https://www.newindianexpress.com/nation/2023/Jul/03/uttar-pradesh-28-year-old-sajid-abbasi-dies-following-custodial-torture-2591031.html>> accessed 25 November 2024; Alishan Jafri, ‘UP: Outrage as Man Dies “in Police Custody”; “Wasn’t Allowed to Take Medicines,” Says Family’ (*The Wire*, 21 January 2025) <<https://thewire.in/government/sambhal-outrage-man-dies-police-custody>> accessed 24 March 2026.

⁵⁴⁸ “‘They Killed My Son Because We Are Muslims’: UP Family Alleges Police Brutality Drove Muslim Youth to Suicide’ (*Maktoob media*, 4 May 2025)

<<https://maktoobmedia.com/india/they-killed-my-son-because-we-are-muslims-up-family-alleges-police-brutality-drove-muslim-youth-to-suicide/>> accessed 24 March 2026.

⁵⁴⁹ Cases of Rehan Shah and Najma (Badaun); Mohammed Muzammil (Saharanpur); and another individual (X), as

detailed in South Asia Justice Campaign, ‘Torture and Impunity in India: Case Studies of Custodial Torture Against Muslims’ (2025) 27–37

<https://southasiajusticecampaign.org/wp-content/uploads/2025/05/SAJC_Torture-in-India_May2025.pdf>.

⁵⁵⁰ ‘New Citizenship Law in India “Fundamentally Discriminatory”’: UN Human Rights Office’ *UN News* (13 December 2019)

<<https://news.un.org/en/story/2019/12/1053511>> accessed 20 October 2021.

⁵⁵¹ Sonja Biserko, Marzuki Darusman and Stephen Rapp (n 1) 51.

⁵⁵² “‘Police Gave Us Free Hand for Two Hours,” Say Bahraich’s Hindu Rioters’ (*Clarion India*, 22 October 2024)

<<https://clarionindia.net/police-gave-us-free-hand-for-two-hours-say-bahraichs-hindu-rioters/>> accessed 14 June 2025; Abhishek (@AbhishekSay), ‘A New Video of Bahraich Violence Has Surfaced. Hindutva Rioters Damaged a Muslim Man’s Vehicle and Set It on Fire. Rioters Guessed That the Vehicle

extremist groups, after which police action was directed exclusively at Muslim accused. Two Muslim men were later maimed by police in alleged ‘half-encounters’. In December 2025, a local court sentenced one Muslim accused to death and nine others to life imprisonment in connection with the killing of a Hindu youth during the violence. Proceedings under the National Security Act had been invoked against all 13 accused. The speed and severity of these measures stood in contrast to the absence of comparable criminal proceedings against those reported to have initiated the violence.

In Sambhal⁵⁵³ (November 2024), five Muslims were shot dead by police personnel while protesting a court-ordered survey of a historical mosque. In the police crackdown that followed, as of March 2025, at least 80

individuals were reportedly arrested, eight FIRs were registered naming approximately 150 persons and implicating a further 2,500 unidentified individuals, and posters featuring 74 Muslim ‘suspects’ were publicly displayed. Media reports indicated that nearly 1,000 Muslim homes remained locked months after the violence. In March 2025, mosque committee chairperson Zafar Ali was arrested a day before he was scheduled to testify before a judicial commission after publicly naming specific police officials as responsible for the shootings. In January 2026, a judge who had directed the registration of an FIR against the police personnel implicated in the firing was subsequently transferred.

In Bareilly⁵⁵⁴ and other districts across Uttar Pradesh (September, 2025), authorities launched a sweeping crackdown against

Belongs to a Muslim from the Islamic Flag in the Parking Lot. Police Was Also Seen Roaming with the Rioters.

<https://t.co/QpwYIScyFY>

<<https://x.com/AbhishekSay/status/1849870145424064633>> accessed 13 March 2026; PTI, ‘Bahraich Communal Violence: Demolition Notices Strike Fear in Shopkeepers, Many Vacate’ The Hindu (20 October 2024)

<<https://www.thehindu.com/news/national/uttar-pradesh/bahraich-communal-violence-demolition-notices-strike-fear-in-shopkeepers-many-vacate/article68775025.ece>> accessed 13 March 2026; ‘Bahraich Violence: 5 Accused Held, Two Injured in Police Encounter’ (The Indian Express, 18 October 2024)

<<https://indianexpress.com/article/cities/lucknow/bahraich-violence-5-accused-held-two-injured-in-police-encounter-9625999/>> accessed 13 March 2026; ‘Bahraich Residents Vacate Homes, Shops after “Illegal Structure” Notice’ (The Indian Express, 20 October 2024)

<<https://indianexpress.com/article/india/bahraich-residents-vacate-homes-shops-after-illegal-structure-notice-9629073/>> accessed 29 November 2024; ‘Bahraich Violence: 5 Accused Held, Two Injured in Police Encounter’.

⁵⁵³ Abhik Deb, ‘“Fear, Fear and Only Fear”: Muslims in Sambhal Are on Edge as Government Turns against Them’ Scroll.in (26 December 2024)

<<https://scroll.in/article/1077141/fear-fear-and-only-fear-muslims-in-sambhal-are-on-edge-as-government-turns-against-them>> accessed 20 January 2025; Nikita Jain, ‘Sambhal: Police Violence Survivors Wary of Threatening Police, False-Reporting Media’ Maktoob media (20 December 2024)

<<https://maktoobmedia.com/india/sambhal-police-violence-survivors-wary-of-threatening-police-false-reporting-media/>> accessed 20 January 2025; Sabah Gurmat, ‘As SC Stops Mosque Surveys, Muslims In UP’s Sambhal Accuse Police Of Firing, Bias & Rushed Burials’ Article 14 (13 December 2024)

<<https://article-14.com/post/as-sc-stops-mosque-surveys-muslims-in-up-s-sambhal-accuse-police-of-firing-bias-rushed-burials--675ba404056c8>> accessed 20 January 2025; Shahid Tantray and Sunil Kashyap, ‘Surveyors of Destruction: An Atmosphere of Fear Persists in the Wake of the Sambhal

Violence’ The Caravan (1 January 2025)

<<https://caravanmagazine.in/crime/surveyors-of-destruction>> accessed 27 March 2025; Soni Mishra, ‘Sambhal Follows an Eerily Familiar Script’ Frontline (5 December 2024)

<<https://frontline.thehindu.com/the-nation/sambhal-violence-communalism-mosque-survey-places-of-worship-act-shahi-jama-masjid/article68946661.ece>> accessed 20 January 2025; ‘Sambhal Violence: Over 300 Houses Remain Locked since Nov, Police Probing Reasons’ (Hindustan Times, 15 February 2025)

<<https://www.hindustantimes.com/cities/lucknow-news/sambhal-violence-over-300-houses-remain-locked-since-nov-police-probing-reasons-101739637495587.html>> accessed 27 March 2025; ‘Sambhal Violence: Chargesheet Filed in Six of 12 Cases, 80 Accused Arrested While 79 Still Pending’ The Times of India (22 February 2025)

<<https://timesofindia.indiatimes.com/city/delhi/sambhal-violence-chargesheet-filed-in-six-of-12-cases-80-accused-arrested-while-79-still-pending/articleshow/118468532.cms>> accessed 13 March 2026; ‘Posters of 74 Sambhal Violence Suspects Put up at Jama Masjid’ (The Indian Express, 15 February 2025)

<<https://indianexpress.com/article/cities/lucknow/posters-of-74-sambhal-violence-suspects-put-up-at-jama-masjid-9837022/>> accessed 13 March 2026.

⁵⁵⁴ Aliza Noor, ‘“4,505 Muslims Booked, 265 Arrested Pan-India, 89 Held in Bareilly”: APCR Report’ (The Quint, 11 October 2025)

<<https://www.thequint.com/news/politics/4505-muslims-booked-265-arrested-pan-india-89-held-in-bareilly-apcr-report-i-love-muhammad-protests>>; ‘More Arrests, “Encounter”: Bareilly on Edge, Houses Locked, Families Fearful’ (The Indian Express, 2 October 2025)

<<https://indianexpress.com/article/cities/lucknow/more-arrests-encounter-bareilly-on-edge-houses-locked-families-fearful-10283008/>> accessed 13 March 2026; ‘“I Love Muhammad” Row: Notices Served to 27 Homes in Bareilly; Civic Body Warns of “FIRs & Demolition”’ The Times of India (11 October 2025)

<[Panel of Independent International Experts \(PIIE\)](https://timesofindia.indiatimes.com/city/meerut/i-love-</p>
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Muslims participating in or expressing support for the ‘I Love Muhammad’ campaign, a peaceful religious affirmation that began in Kanpur and spread across the state. Bareilly was among the most heavily affected districts. Police registered multiple FIRs alleging promotion of enmity and outrage of religious feelings, detained large numbers of individuals – including minors – and imposed prohibitory orders and internet shutdowns. According to a civil society fact-finding report, approximately 4,500 Muslims were detained nationwide in connection with the campaign, with over 265 arrested, including at least 89 in Bareilly alone. In early October, as part the same crackdown, police in Bareilly shot three Muslim men in the legs in two separate incidents before detaining them, and between 5 and 7 October Uttar Pradesh police reported at least 20 ‘half-encounters’ across 10 districts. Residents reported late-night raids, mass detentions, and denial of access to FIR copies, while district authorities in Bareilly launched demolition and sealing drives targeting homes and businesses allegedly linked to the protests. Chief Minister Adityanath publicly warned that those responsible for violent protests would be ‘beaten like in Bareilly’ and given a ‘ticket to hell’.

In addition to these, we reviewed reports of **continuing mass arrests** of Muslims across Uttar Pradesh, including under the state’s cow protection law that have also fuelled ‘encounter’ shootings of Muslims as well as violence by Hindu extremist ‘vigilante’ groups, the state’s newly-amended anti-conversion law that also imposes restrictions on inter-religious marriages, draconian

federal-level national security laws, and on other seemingly spurious pretexts, such as participation in peaceful protests, and engaging in public displays of faith.⁵⁵⁵ Such arrests continued to be reported with regularity throughout the period covered in this report, and have showed no signs of abating.

Alongside, we also reviewed continuing reports of Muslims being subjected to **demolition or attachment of their homes and properties** across the state, often as collective punishment in the aftermath of religious violence and almost always without following due process. It is noteworthy that these reports have continued despite the Indian Supreme Court issuing an interim stay on all demolitions in the country without its prior permission (in September 2024) and later (in November 2024) issuing detailed guidelines to be followed by authorities. Of the 9 reported instances reviewed by us of seemingly punitive and arbitrary demolitions of Muslims’ property in Uttar Pradesh, at least one was carried out after the SC’s stay order. Since then, authorities are reported to be continuing to use eviction notices (and the threat of demolition/attachment) – such cases were reported during the police crackdowns against Muslims in Bahraich (October 2024), Sambhal (November 2024) and Bareilly (September 2025), as highlighted above. Structures targeted in such punitive action by state authorities have also included Muslim places of worship.

1.3. Targeting of Muslims by Hindu extremists

muhammad-row-notices-served-to-27-homesin-bareilly-civic-body-warns-of-firs-demolition/articleshow/124459582.cms> accessed 13 March 2026; ‘‘I Love Muhammad’’ Row: 38 Shops on ‘‘Waqf Land’’ Vacated by Bareilly Admin; Locals Claim Action Unfair’ The Times of India (30 September 2025) <<https://timesofindia.indiatimes.com/city/meerut/i-love-muhammad-row-38-shops-on-waqf-landvacated-by-bareilly-admin-action-unfair-claim-locals/articleshow/124217961.cms>> accessed 13 March 2026; ‘Yogi Adityanath Warns of Strict Action during Festivals after Bareilly Violence’ (Deccan Herald, 28 September 2025) <<https://www.deccanherald.com/india/uttar-pradesh/generations-will-remember-up-cm-yogi-adityanath-warns-of-strict-response-to-any-mischief-during-festivals-3746124>> accessed 13 March 2026.

warns-of-strict-response-to-any-mischief-during-festivals-3746124> accessed 13 March 2026.

⁵⁵⁵ ‘Arrests and Detention’ in: ‘India Persecution Tracker: 2023 Overview’ (South Asia Justice Campaign, January 2024) <<https://southasiajusticecampaign.org/ipt2023/>> accessed 20 March 2026; ‘India Persecution Tracker: 2024 Overview’ (South Asia Justice Campaign, January 2025) <<https://southasiajusticecampaign.org/ipt2024/>> accessed 20 March 2026; ‘India Persecution Tracker: 2025 Overview’ (South Asia Justice Campaign, January 2026) <<https://southasiajusticecampaign.org/ipt2025/>> accessed 20 March 2026.

Alongside anti-Muslim excesses by police and other state actors in Uttar Pradesh, Hindu extremist non-state actors too have reportedly ramped up their violent targeting of Muslims. According to reports reviewed by us, this has taken the form of:

- **Continuing reports of violent hate crime attacks against Muslims:** The PIIIE's previous report had highlighted reports of a steady increase in the incidence of violent attacks targeted at civilians solely because of their religion-based identity, across India.⁵⁵⁶ We had also highlighted findings by domestic civil society documentation efforts, noting that Muslims accounted for over 80 percent of those who lost their lives in these 'hate crime' incidents.⁵⁵⁷ Further, we had noted that Uttar Pradesh accounted for the largest number of incidents.⁵⁵⁸ Since then, we reviewed reports of the deaths of at least 15 more Muslims in Uttar Pradesh as a result of suspected hate crimes, including 5 in 2025.⁵⁵⁹ Many of these violent attacks were reportedly perpetrated by organised 'vigilante' groups purporting to work for the protection of cows, which are considered holy by many Hindus.

Additionally, we reviewed reports of dozens of other instances of Muslim individuals being violently targeted and injured in apparent hate crimes. Common pretexts included allegations that the victims were involved in inter-religious relationships with Hindu women, and theft.⁵⁶⁰ In several instances, the victims were minors, including a 7-year-old boy in

Muzaffarnagar, UP, who was assaulted by his classmates, reportedly upon the instructions of their teacher.⁵⁶¹

- **Reports of a spike in anti-Muslim mass violence orchestrated by Hindu extremist groups:** Hindu extremist groups such as the Bajrang Dal and the Vishwa Hindu Parishad, who organised the vast majority of public events from where 'top level' hate speeches were reported, also reportedly continued to organise public processions around Hindu religious festivals, marked by incendiary anti-Muslim sloganeering and music, often leading to violence.

We reviewed reports of a spike in religious tensions and violence between Hindus and Muslims in UP in October, 2024, against the backdrop of the Hindu festivals Durga Puja and Ganesh Chaturthi, and ahead of provincial by-elections. Instances of inter-religious violence were reported from 3 districts (Bahraich, Deoria, Kaushambi). Another spike in such tensions and violence was reported in March 2025, amid the Hindu Holi festival, particularly in Unnao district. Similar, but smaller-scale conflagrations were also reportedly witnessed in UP (and several other states) in January, 2024, against the backdrop of the festivities surrounding the consecration ceremony of the Ram Temple in Ayodhya.

Beyond festival-linked processions, in 2025, there was a reported spike in incidents of direct mobilisation by Hindu extremists targeting Muslim

⁵⁵⁶ Sonja Biserko, Marzuki Darusman and Stephen Rapp (n 1) 24–25.

⁵⁵⁷ *ibid.*

⁵⁵⁸ Sonja Biserko, Marzuki Darusman and Stephen Rapp (n 19) 411.

⁵⁵⁹ See Annexure II.

⁵⁶⁰ 'Torture and Ill-Treatment (Non-State Actors)' in: 'India Persecution Tracker: 2023 Overview' (n 40); 'India Persecution

Tracker: 2024 Overview' (n 40); 'India Persecution Tracker: 2025 Overview' (n 40).

⁵⁶¹ Arpan Rai, "'Not Ashamed", Says Indian Teacher Who Made Her Students Slap Muslim Child' *The Independent* (28 August 2023)

<<https://www.independent.co.uk/asia/india/tripta-tyagi-muslim-student-muzaffarnagar-b2400144.html>> accessed 29 November 2024.

religious sites. In August, in Fatehpur, members of Hindu nationalist groups reportedly stormed a centuries-old Muslim mausoleum, vandalised the tomb, hoisted saffron flags, and performed Hindu rituals inside, claiming it had been constructed over a temple. Violent clashes followed when Muslim residents protested.

Notable patterns observed during these episodes included:

- The trigger for tensions on each occasion was provocative processions organised by Hindu mobs outside Muslim places of worship and/or near Muslim-concentration neighbourhoods, when processionists are reported to have played inflammatory music and chanted violent slogans.
- In some instances, such as in Barabanki (13 October, 2024), Hindu mobs are alleged to have pelted shoes and beer cans at local mosques, albeit without leading to further violence. In some instances, such as in Sambhal (24 November, 2024), Hindu mobs are alleged to have congregated in opposition to Muslim protesters and called for violence against them.
- In some instances, the provocative congregations were followed by stone-pelting between both sides. In Bahraich, violence escalated after a Hindu man was reportedly shot dead. Subsequently, Hindu rioters are reported to have vandalised Muslim-owned shops and torched vehicles, buildings, and a private hospital.
- In some cases where violence escalated, such as in Bahraich, videos appeared to show police and Hindu rioters marching jointly. In a video that went viral on social media, two Hindu men were seen claiming to have participated in the video, which they alleged was ‘pre-planned’ and ‘sponsored’, and that they had been given a ‘free hand’ by police for several hours to engage in violence. (The men were subsequently arrested, but police denied their claims.)
- In the aftermath of most episodes of violence, police appeared to exclusively or disproportionately target Muslims. Mass arrests of Muslims were reported from several locations, as was other forms of seemingly punitive state action, such as demolition/attachment of Muslims’ property, and denial of access to essential services. In Bahraich, police shot at and injured 2 Muslim men in a seemingly staged setting (‘half-encounter’), claiming they were involved in the murder of a Hindu man amid inter-religious violence.⁵⁶² In Sambhal, by March 2025, police arrested at least 80 individuals—reportedly exclusively Muslims—in connection with the November 2024 violence, in addition to registering eight FIRs naming 150 people and implicating a further 2500 unidentified persons.⁵⁶³
- **Continuing reports of arms distribution and training events organised by Hindu extremist groups:** We reviewed reports from across the country, including in Uttar Pradesh, of violent Hindu nationalist groups mobilising thousands of recruits through rallies, training camps and religious gatherings, replete with

⁵⁶² ‘More Arrests, “Encounter”: Bareilly on Edge, Houses Locked, Families Fearful’ (n 39).

⁵⁶³ ‘Sambhal Violence: Chargesheet Filed in Six of 12 Cases, 80 Accused Arrested While 79 Still Pending’ (n 38).

inflammatory speeches targeting Muslims. In dozens of these events, young men and even children are reported to be armed with tridents, swords and guns, and told to use them to ‘protect’ the Hindu religion, Hindu women, and India as a Hindu nation. These mobilisation events have also included oath-taking ceremonies where armed men, women and children vow to protect Hindu India from Muslims.⁵⁶⁴ Most recently, in December 2025 in Ghaziabad district, members of a Hindu nationalist outfit were reportedly arrested after videos circulated showing participants distributing weapons in Hindu neighbourhoods, and raising anti-Muslim slogans. Influential Hindu priest Yati Narsinghanand – who had been highlighted in our previous report for his direct and public incitement to genocide – subsequently released a video message saying that the time had come to form ‘suicide squads’ and ‘ISIS-like’ groups against Muslims. Narsinghanand is not known to have faced any police action for these remarks.⁵⁶⁵

1.4. Hostility and violence against Muslim women & girls

The Panel’s previous report had highlighted reports of the disproportionate targeting of Muslim women and girls across India, resulting in physical, sexual and psychological harm owing to their religious identity as well as gender.⁵⁶⁶ These included reports of *hijab-*

clad Muslim girls facing discrimination and hostility at educational institutions, Muslim women in online spaces facing harassment and threats of sexualised violence, threats of sexual violence by prominent Hindu religious and political figures in physical settings, sexual harassment and assault by state personnel during police crackdowns, and indirect victimisation during other episodes.⁵⁶⁷

Since then, reports suggest that such targeting of Muslim women and girls has continued, including in Uttar Pradesh. These have taken the form of:

- **Continuing reports of harassment and violence against, and criminalisation of, Muslim women by state actors:** Major cases reported since June 2022 included the death of a 55-year-old Muslim woman in Bijnor in August 2024, apparently due to a ‘panic attack’, while her house was being raided by police forces in search of beef.⁵⁶⁸ In December 2023, a Muslim woman in Aligarh died after she was, according to police, ‘accidentally’ shot in the head by a policeman inside a police station.⁵⁶⁹ In May 2022, a Muslim woman who resisted her son’s arrest in a cow slaughter case had died in Siddharthnagar after police opened fire.⁵⁷⁰

In another instance, amid by-elections in Muzaffarnagar in November 2024, video footage appeared to show a policeman pointing a gun at and attempting to intimidate Muslim women voters.⁵⁷¹ Reports also

⁵⁶⁴ For a mapping of 30 such events from 2023 alone, including 6 in Uttar Pradesh, see ‘30 weapons distribution and training events organised by Hindu extremist groups (2023)’ (South Asia Justice Campaign, January 2024)

⁵⁶⁵ Pawan Kumar (n 18).

⁵⁶⁶ Sonja Biserko, Marzuki Darusman and Stephen Rapp (n 1) 31.

⁵⁶⁷ *ibid* 31–32.

⁵⁶⁸ ‘UP: 55-Year-Old Muslim Woman Dies after Police Barge into Her Home Searching for Beef’ Maktoob media (28 August 2024) <<https://maktoobmedia.com/india/up-55-year-old-muslim-woman-dies-after-police-charge-into-her-home-searching-for-beef/>> accessed 30 January 2025.

⁵⁶⁹ Ghazala Ahmad, ‘UP: Muslim Woman “accidentally” Shot in Head during Passport Inquiry Dies; Accused Cop Still at Large’ Maktoob media (13 December 2023)

<<https://maktoobmedia.com/india/up-muslim-woman-accidentally-shot-in-head-during-passport-inquiry-dies-cop-still-at-large/>> accessed 17 March 2025.

⁵⁷⁰ ‘UP: Muslim Woman Shot Dead by Police While Resisting Her Son’s Detention in Cow Slaughter Case’ Maktoob media (15 May 2022) <<https://maktoobmedia.com/india/up-muslim-woman-shot-dead-by-police-while-resisting-her-sons-detention-in-cow-slaughter-case/>> accessed 17 March 2025.

⁵⁷¹ ‘Clip Shows SHO Pointing Gun at Women Voters’ The Times of India (21 November 2024)

indicated that police crackdowns in districts such as Sambhal (November 2024) and Bareilly (September 2025) continued to involve late-night raids, mass detentions of male family members, and sealing or demolition of homes, with women reporting intimidation and restricted access to detained relatives.⁵⁷²

In addition to physical violence and intimidation, 2025 witnessed an emerging pattern of Muslim women themselves being subjected to criminal prosecution under the state's anti-conversion law. In March 2025, police in Fatehpur and Bijnor registered cases accusing Muslim women, along with male relatives and clerics, of coercing Hindu Dalit men into converting to Islam under the pretext of marriage. In both instances, FIRs were lodged by the fathers of the Hindu men. Local courts subsequently denied bail to the accused.⁵⁷³ In January 2026, in Moradabad district, police registered a case under the anti-conversion law against five Muslim minor girls after reopening an inquiry they had publicly closed days earlier, following a complaint by the brother of a Hindu

classmate alleging coercion and attempted religious conversion.⁵⁷⁴

- **Continuing reports of threats, harassment and sexualised violence against Muslim women by private actors:**

Muslim women and girls who were victims of violent attacks by Hindu extremists included a woman who was lynched (along with her husband) by her neighbours in Sitapur over allegations that their son eloped with a Hindu girl.⁵⁷⁵

In August 2022, two minor Muslim girls aged 5 and 9, were abducted and raped by a Hindu man in Ghaziabad, who also killed one of the victims.⁵⁷⁶ In January 2025, three Muslim women in Kushinagar were publicly stripped and beaten after a young man from their family allegedly eloped with a Hindu girl. Other instances of Muslim women being harassed and sexually assaulted continued to be reported from across the state, including Kushinagar⁵⁷⁷ (January 2025), Aligarh⁵⁷⁸ (November 2024), Meerut⁵⁷⁹ (July 2024), Bijnor⁵⁸⁰

<<https://timesofindia.indiatimes.com/india/clip-shows-sho-pointing-gun-at-women-voters/articleshow/115505686.cms>> accessed 30 January 2025.

⁵⁷² 'More Arrests, "Encounter": Bareilly on Edge, Houses Locked, Families Fearful' (n 39); Sabah Gurmat (n 38); Abhik Deb (n 38).

⁵⁷³ Omar Rashid, 'UP: "Love Jihad" Conspiracy Takes on New Colour as Muslim Women Now Painted as the Villains' (The Wire, 11 March 2025) <<https://thewire.in/communalism/up-love-jihad-conspiracy-takes-on-new-colour-as-muslim-women-now-painted-as-the-villains>> accessed 24 March 2026.

⁵⁷⁴ Ghazala Ahmad, 'UP Police Reopen Conversion Probe against Muslim Girls Weeks after Clearing Case, Contradicting Own Findings' (Maktoob media, 25 January 2026)

<<https://maktoobmedia.com/india/up-police-reopen-conversion-probe-against-muslim-girls-weeks-after-clearing-case-contradicting-own-findings/>> accessed 24 March 2026.

⁵⁷⁵ Piyush Rai and Varsha Sriram, 'UP: Muslim Couple "Beaten to Death" Over Son's Affair With Neighbour's Daughter' TheQuint (20 August 2023)

<<https://www.thequint.com/news/crime/uttar-pradesh-couple-beaten-to-death-son-elopes-latest-news>> accessed 25 November 2024.

⁵⁷⁶ Maktoob Staff, 'UP: Minor Muslim Girls Aged 5 and 9 Raped by 25-Year-Old, One Murdered, Another Rescued' Maktoob

media (20 August 2022)

<<https://maktoobmedia.com/india/up-minor-muslim-girls-aged-5-and-9-raped-by-25-year-old-one-murdered-another-rescued/>> accessed 17 March 2025.

⁵⁷⁷ 'Muslim Women Stripped, Paraded in UP over Accusations of "Muslim Boy Eloping with Dalit Girl"' Maktoob media (7 January 2025) <<https://maktoobmedia.com/india/muslim-women-stripped-paraded-in-up-over-accusations-of-muslim-boy-eloping-with-dalit-girl/>> accessed 31 January 2025.

⁵⁷⁸ 'Muslim Bride Molested on Delhi-Aligarh Train, Husband Detained Instead of Assailants' Muslim Mirror (15 November 2024) <<https://muslimmirror.com/muslim-bride-molested-on-delhi-aligarh-train-husband-detained-instead-of-assailants/>> accessed 31 January 2025.

⁵⁷⁹ 'Burqa-Clad Muslim Woman Sexually Harassed, Accused Held as CCTV Footage Surfaces' Muslim Mirror (9 July 2024) <<https://muslimmirror.com/burqa-clad-muslim-woman-sexually-harassed-held-as-cctv-footage-surfaces/>> accessed 31 January 2025.

⁵⁸⁰ 'Viral Video Shows Holi Revellers in UP's Bijnor Harassing Muslim Trio; 3 Arrested, 2 Minors Detained' The Indian Express (28 March 2024)

<<https://indianexpress.com/article/cities/lucknow/holi-viral-video-uttar-pradesh-bijnor-muslim-9231583/>> accessed 31 January 2025.

(March 2024), Agra⁵⁸¹ (July 2023) among other locations. Such sexualised crimes are rarely followed by swift and effective investigations, resulting in the lack of accountability, a concern that was emphasised by seven UN Special Procedures mandate-holders, including the UN Special Rapporteur on Violence against Women and Girls, in September 2024.⁵⁸² This was illustrated in April 2022, when Bajrang Muni Das—a controversial Hindu priest highlighted in the PIIE’s previous report, for threatening mass sexual violence against Muslim women⁵⁸³—was reported to have told journalists shortly after his release (following a brief arrest) that he felt ‘no guilt’ for what he had said.⁵⁸⁴ At proceedings before the Supreme Court, the UP government’s lawyer was reported to have referred to Das as a ‘respected... religious leader.’⁵⁸⁵

Reports also appear to confirm that similarly influential speakers at physical gatherings organised by Hindu extremist groups such as Bajrang Dal and Vishwa Hindu Parishad in Uttar Pradesh, have continued to engage in rhetoric targeting Muslim women, as have

Hindu extremists on online spaces. In 2025, India Hate Lab documented 1,318 in-person hate speech events nationwide (a 13 percent increase from 2024), with Uttar Pradesh again recording the highest number of incidents (266).⁵⁸⁶ A significant proportion of these speeches included references to conspiracy theories such as ‘love jihad’, directly framing Muslim women and girls as sites of communal contestation. Nearly half of all documented hate speeches included references to common Islamophobic conspiracy theories such as ‘love jihad’, an unfounded claim that Muslim men are engaged in an organised plot to seduce, marry and convert Hindu women to Islam.⁵⁸⁷ As an apparent response to ‘love jihad’, Hindu extremists across India have, on multiple occasions, called on and incentivised Hindu men to ‘trap’ Muslim women and girls.⁵⁸⁸ (CM Adityanath himself had previously been reported making such remarks, in an undated video that surfaced in 2014.⁵⁸⁹) In addition to increasing the risk of violence faced by Muslim women and girls, such calls have also, on multiple reported occasions, led to them facing harassment from Muslim

⁵⁸¹ Maktoob Staff, ‘Four Hindu Men Barge into Muslim House in Agra, Sexually Assault Teenager’ Maktoob media (6 July 2023) <<https://maktoobmedia.com/india/four-hindu-men-barge-into-muslim-house-in-agra-sexually-assault-teenager/>> accessed 17 March 2025.

⁵⁸² Special Rapporteur on violence against women and girls, its causes and consequences and others, ‘Special Procedures Communication to India’ (United Nations 2024) AL IND 6/2024

<<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=29345>>.

⁵⁸³ Sonja Biserko, Marzuki Darusman and Stephen Rapp (n 1) 153.

⁵⁸⁴ “‘Ready to Go to...’: Bajrang Muni Das, Who Gave Rape Threats to Muslim Women, after Getting Bail’ Hindustan Times (24 April 2022) <<https://www.hindustantimes.com/india-news/ready-to-go-to-bajrang-muni-das-who-gave-rape-threats-to-muslim-women-after-getting-bail-101650793005990.html>> accessed 31 January 2025.

⁵⁸⁵ ‘Bajrang Muni, Described by ASG as “Respectable”, Called for Rape of Muslim Women’ (The Wire) <<https://thewire.in/communalism/bajrang-muni-zubair-hate-speech-mass-rape>> accessed 3 May 2023.

⁵⁸⁶ India Hate Lab (n 10).

⁵⁸⁷ Center for the Study of Organised Hate (n 18) 5 The ‘love jihad’ theory has been increasingly legitimised in speech (including by Prime Minister Modi and Chief Minister Adityanath), in law (most notably in the form of Uttar Pradesh’s Prohibition of Unlawful Conversion Act, 2020, which was explicitly framed as a defence against ‘love jihad’) and by at least one judge while delivering a legal verdict.

⁵⁸⁸ ‘Hyderabad: T. Raja Singh Targets Muslim Women in Yet Another Hate Speech’ Clarion India (6 June 2023) <<https://clarionindia.net/hyderabad-t-raja-singh-targets-muslim-women-in-yet-another-hate-speech/>> accessed 17 March 2025; ‘Sri Ram Sena Chief Assures Job, Security for Men Who “Trap 10 Muslim Girls for Each Hindu Girl”’ Maktoob media (20 February 2023)

<<https://maktoobmedia.com/india/sri-ram-sena-chief-assures-job-security-for-men-who-trap-10-muslim-girls-for-each-hindu-girl/>> accessed 17 March 2025.

⁵⁸⁹ ‘India: New Chief Minister of Uttar Pradesh must retract previous statements against Muslims’ (Amnesty International) <<https://www.amnesty.nl/actueel/india-new-chief-minister-of-uttar-pradesh-must-retract-previous-statements-against-muslims>> accessed 17 March 2025.

men for being friendly with Hindu men.⁵⁹⁰

- **Continuing reports of discrimination against Muslim girls at educational institutions:** We reviewed reports of *hijab*-clad Muslim girls and women facing discrimination at multiple educational institutions across Uttar Pradesh. In Moradabad (January 2023), Muslim students at the privately-run Hindu College were denied entry for wearing the burqa, with college officials citing enforcement of a uniform dress code; video footage showed a confrontation between students and college staff.⁵⁹¹ In Bijnor (August 2024), several hijab-wearing students at the privately-run Janta Inter College were reportedly barred from attending classes by the principal, who allegedly instructed them to remove their dupattas and instead wear loose garments around their necks.⁵⁹² Videos circulating on social media showed the students outside the campus, stating they were ‘thrown out’ after the morning assembly and told to return only with guardians. In Kanpur (August 2024), three Muslim girls at the government-funded Bilhaur Inter College were expelled for wearing the hijab.⁵⁹³ One teacher reportedly told them to ‘go to a *madrassa*’ if they wished to cover their heads, and their families later alleged that the students were coerced into signing withdrawal letters. In all three cases, the students and their families described the actions

of the institutions as discriminatory and violative of their right to religious freedom.

1.5. Crackdown on expression, association and assembly by Muslims

The Panel’s previous report had highlighted reports of large-scale attempts, by authorities across India, to suppress association and assembly of Muslims as well as citizens at large, in the form of blanket bans on protests, internet shutdowns, surveillance and other suppression measures.⁵⁹⁴ The Panel had also highlighted reports of human rights organisations, as well as journalists and media houses voicing the concerns of Muslims, being subject to physical, financial and social reprisals.⁵⁹⁵

Since then, the we have reviewed reports appearing to confirm that these trends have continued—and potentially escalated—particularly in Uttar Pradesh. These reports included:

- **Escalated targeting of Muslim journalists:** There have been multiple reports of prominent Muslim journalists facing harassment, threats, criminal prosecution and arrest by authorities. Key examples have included Muhammad Zubair, a prominent journalist and fact-checker, being named in a First Information Report (FIR) registered in December 2024 by UP Police accusing him of sedition, after he made a social media post highlighting an anti-Muslim hate speech by hate preacher

⁵⁹⁰ Fatima Khan, ‘Muslim Women Seen with Hindu Men Harassed, Doxed In Name of “Bhagwa Love Trap”’ (TheQuint, 31 May 2023) <<https://www.thequint.com/news/india/muslim-woman-harassed-doxed-by-muslim-men-bhagwa-love-trap>> accessed 17 March 2025.

⁵⁹¹ ‘Hijab Row in Uttar Pradesh: Burqa-Clad Girls Denied Entry to College in Moradabad; Professors Say ‘uniform Implemented’ Organiser (19 January 2023) <<https://organiser.org/2023/01/19/104925/bharat/up-girls-denied-entry-to-moradabad-college-for-wearing-burqa-professors-say-uniform-implemented/>> accessed 31 January 2025.

⁵⁹² ‘Hijab Wearing Girls Barred from Attending College in Uttar Pradesh’s Bijnor’ (Muslim Mirror, 13 August 2024) <<https://muslimmirror.com/hijab-wearing-girls-barred-from-attending-college-in-uttar-pradeshs-bijnor/>> accessed 31 January 2025.

⁵⁹³ ‘Kanpur College Students Expelled for Wearing Hijab, Told to Join Madrasa’ (Clarion India, 9 August 2024) <<https://clarionindia.net/kanpur-college-students-expelled-for-wearing-hijab-told-to-join-madrassa/>> accessed 31 January 2025.

⁵⁹⁴ Sonja Biserko, Marzuki Darusman and Stephen Rapp (n 1) 40–44.

⁵⁹⁵ *ibid.*

Narsinghanand.⁵⁹⁶ In July 2024, UP Police launched criminal investigations against two Muslim journalists and three others, accusing them for promoting enmity between different religious groups, shortly after they reported on the lynching of a Muslim man in Shamli, allegedly by a Hindu mob.⁵⁹⁷ In November 2024, amid a spike in orchestrated mass violence against Muslims across the state, a BJP state legislator circulated a list of Muslim journalists on social media, alleging that they were spreading misinformation and engaging in ‘media jihad’.⁵⁹⁸

Earlier emblematic cases—highlighted in the Panel’s previous report—also remain relevant to this pattern, including the prolonged detention of journalist Siddique Kappan, who was arrested in Uttar Pradesh in 2020 while travelling to report on the gang rape and murder of a Dalit woman in Hathras, and spent over two years in custody under terrorism-related charges before being granted bail.

- **Enhanced state control over social media:** Alongside the escalated targeting of Muslim journalists and other social media commentators, highlighted above, state authorities have also reportedly attempted to exert enhanced control over the production and proliferation of social media content. In August 2024, the state’s Cabinet (consisting of the most senior among the 53-member Council of Ministers) was reported to have approved a new Digital Media Policy.⁵⁹⁹ Contentious

provisions in the Policy are reported to have granted the state sweeping powers to declare any content, including legitimate journalistic works, posted on social media as ‘anti-social’ or ‘anti-national’, and to penalise those posting such content. The Policy also reportedly proposes to provide financial rewards to social media ‘influencers’ posting pro-government content.

- **Escalating criminalisation of Muslim protest and dissent:** There have been several further instances of blanket prohibitory orders being imposed to curb protests, particularly those led by Muslims, including some of the episodes highlighted in previous sections. In early October 2024, Muslims across Uttar Pradesh engaged in peaceful protests, with some wearing black armbands, against derogatory remarks made by hate preacher Narsinghanand about Prophet Mohammad. At least 17 Muslims were arrested, and an unknown number detained, for violating blanket prohibitions on assembly.⁶⁰⁰ This incident marked the continuation of a trend in which symbolic, non-violent Muslim protests are criminalised under the pretext of maintaining public order.

This pretext has also been used to justify far more violent repression. On 24 November 2024, in Sambhal district, five Muslim civilians were shot dead by police during protests against a court-ordered survey of a 16th-century mosque. The protests were met with live ammunition, resulting in multiple

⁵⁹⁶ ‘Human Rights Organisations Condemn Criminal Complaint Lodged against Award-Winning Journalist Mohammed Zubair’ (Index on Censorship, 9 December 2024) <<https://www.indexoncensorship.org/2024/12/human-rights-organisations-condemn-criminal-complaint-lodged-against-award-winning-journalist-mohammed-zubair/>> accessed 31 January 2025.

⁵⁹⁷ ‘Indian Police Launch Criminal Investigation into 2 Journalists under New Penal Code’ (Committee to Protect Journalists, 10 July 2024) <<https://cpj.org/2024/07/indian-police-launch-criminal-investigation-into-2-journalists-under-new-penal-code/>> accessed 31 January 2025.

⁵⁹⁸ Omar Rashid, ‘BJP MLA Circulates List of Muslim Journalists Reporting on Foul Play in UP By-Polls’ The Wire (21 November 2024) <<https://thewire.in/communalism/bjp-mla-circulates-list-of-muslim-journalists-reporting-on-foul-play-in-up-by-polls>> accessed 31 January 2025.

⁵⁹⁹ ‘UP’s New Digital Media Policy: Life Imprisonment for Anti-National Posts’ Business Standard (28 August 2024) <https://www.business-standard.com/india-news/up-s-new-social-media-policy-life-imprisonment-for-anti-national-posts-124082801201_1.html> accessed 31 January 2025; ‘Journalist Bodies Terms Clause 7(2) of U.P. Government’s Digital Media Policy Draconian, Seek Its Withdrawal’ The Hindu (30 August 2024) <<https://www.thehindu.com/news/national/uttar-pradesh/journalist-bodies-terms-clause-7-2-of-up-govts-digital-media-policy-2024/article68586298.ece>> accessed 31 January 2025.

⁶⁰⁰ ‘17 Arrested in UP for Protesting against Narsinghanand, While the Hatemonger Remains Free’ The Siasat Daily (11 October 2024) <<https://www.siasat.com/17-arrested-in-up-for-protesting-against-narsinghanand-while-the-hatemonger-remains-free-3111260/>> accessed 31 January 2025.

fatalities and dozens of injuries. In the aftermath, authorities imposed internet shutdowns, barred public access to the district, carried out mass arrests (including of minors and a lawyer), disconnected water and electricity in Muslim areas, and displayed posters of alleged protestors in public. A judicial inquiry was announced, but its terms of reference reportedly excluded scrutiny of whether the police triggered the violence. These actions appear to indicate the extent to which Muslim protest in Uttar Pradesh is being treated not as an exercise of democratic rights but as a security threat warranting extreme state response.

A similar pattern was observed in the Uttar Pradesh government's response to silent protests against the Waqf (Amendment) Act in April 2025.⁶⁰¹ In Muzaffarnagar, Lucknow, and Sitapur, Muslims who wore black armbands during Friday or Eid prayers in late March 2025 were issued notices requiring them to furnish 'peace bonds' of up to INR 1,000,000 (around USD 12,000), under preventive powers granted to executive magistrates. Some were accused of 'instigating unrest' despite the absence of any violence or disorder. The notices, issued under provisions of the newly enacted Bharatiya Nagarik Suraksha Sanhita (BNSS), also targeted religious leaders, students, and political opponents. These actions were widely criticised as disproportionate and as attempts to suppress all forms of dissent against the Act, which introduced sweeping changes to the governance of Muslim religious endowments across the country. Despite the entirely peaceful nature of the protests, the state treated participants as potential threats to public tranquillity, continuing a broader pattern of

pre-emptive criminalisation of Muslim civic expression in Uttar Pradesh.

As noted previously, this pattern was also visible in September 2025 during the police crackdown against Muslims expressing support for the 'I Love Muhammad' campaign, where peaceful religious affirmation was met with mass arrests, internet shutdowns and other punitive actions, including home demolitions, particularly in Bareilly.

- **Escalating targeting of Muslim advocacy and religious organisations:** Authorities in Uttar Pradesh have continued to intensify legal and administrative actions against Muslim-led advocacy efforts, political organisations, and religious institutions, building on national-level trends. The most high-profile instance remains the ban on the Popular Front of India (PFI). Founded in 2006 as a federation of Muslim and Dalit rights organisations, PFI described itself as a 'neo-social movement' committed to constitutional rights and social justice.⁶⁰² In September 2022, the Government of India declared PFI an 'unlawful association' under the anti-terror Unlawful Activities (Prevention) Act (UAPA), citing alleged links to terrorist groups, accusations of inciting communal violence, and purported plans to radicalise Muslims.⁶⁰³ Eight affiliated organisations were also banned, including the Campus Front of India, All India Imams Council, and the National Women's Front.⁶⁰⁴ The ban was upheld by a UAPA tribunal in 2023.⁶⁰⁵

The impact in Uttar Pradesh was significant. The state police and Anti-Terrorism Squad (ATS) conducted raids across at least 20 districts, including Ghaziabad, Lucknow,

⁶⁰¹ Omar Rashid, 'Rs 10-Lakh Bonds, Notices for Silent Protests: UP Is Cracking Down on All Criticism of Waqf Act Amendments' *The Wire* (7 April 2025) <<https://thewire.in/communalism/waqf-act-criticism-protests-uttar-pradesh-10-lakh-bond>> accessed 23 May 2025.

⁶⁰² Diksha Munjal, 'The Popular Front of India, Its Origins, Presence, and Controversies' *The Hindu* (24 September 2022) <<https://www.thehindu.com/news/national/the-popular-front-of-india-its-origins-presence-and-controversies/article65926063.ece>> accessed 23 May 2025.

⁶⁰³ Krishna N. Das, 'India Bans Islamic Group PFI, Accuses It of Terrorism' *Reuters* (28 September 2022) <<https://www.reuters.com/world/india/india-bans-islamic-organisation-pfi-five-years-2022-09-28/>> accessed 23 May 2025.

⁶⁰⁴ *ibid.*

⁶⁰⁵ 'PFI Moves Delhi HC against UAPA Tribunal Order Upholding 5-Year Ban' *The Indian Express* (9 December 2023) <<https://indianexpress.com/article/india/pfi-moves-delhi-hc-against-uapa-tribunal-order-upholding-5-year-ban-9060580/>> accessed 23 May 2025.

Mau, and Varanasi.⁶⁰⁶ In May 2023, 211 individuals were identified for past links to the PFI; 70 were detained, and at least two were arrested.⁶⁰⁷ Authorities also froze bank accounts and shut down websites of banned organisations.⁶⁰⁸ Critics, including civil society groups and legal experts, noted the absence of publicly disclosed evidence to support the government's allegations, and warned that the ban—based on sweeping claims including a supposed plan to make India an 'Islamic state' by 2047—risked criminalising legitimate political mobilisation by Muslims.⁶⁰⁹

Beyond the PFI case, there has been a wider pattern of legal repression targeting Muslim religious organisations, clerics, and charities under anti-conversion laws, anti-terror legislation, and the Foreign Contribution (Regulation) Act (FCRA). The Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, enacted in 2021, has been used to prosecute a number of Muslim religious actors, often based on vague or unsubstantiated allegations of so-called 'love jihad' or forced conversions.⁶¹⁰ In Ghaziabad, for instance, police arrested a youth in June 2023 and charged a local cleric for allegedly running an online religious conversion 'racket' via gaming platforms.⁶¹¹ Another set of high-profile prosecutions took place in Lucknow, where in September 2024 a court convicted and imposed life imprisonment on prominent clerics Maulana Kaleem Siddiqui and Maulana Umar Gautam, accusing them of orchestrating a 'mass conversion syndicate' across multiple

states.⁶¹² They were also convicted under FCRA provisions for allegedly misusing foreign donations to fund unlawful conversions.

Simultaneously, financial authorities have used financial regulations to target Muslim-run NGOs and religious institutions. FCRA registrations have been revoked, accounts frozen, and donations blocked under allegations of mismanagement or security concerns. During the PFI crackdown, authorities specifically cited FCRA violations by linked entities.⁶¹³

Additionally, a pattern of administrative harassment—including land surveys, property demolitions, and targeted inspections—has also disrupted Muslim religious life. In May 2025, a large-scale campaign in border districts like Shravasti and Bahraich resulted in the demolition or sealing of over 100 *madrasas*, mosques, and *dargahs* deemed 'unauthorised' by the state.⁶¹⁴ Many of these structures had existed for generations and were demolished without criminal charges or judicial process. Local residents described the campaign as discriminatory and designed to intimidate the Muslim population under the pretext of border security.

These legal and administrative measures are part of a broader ecosystem of repression, in which Muslim religious and advocacy organisations are targeted not only through prosecution but also regulatory, financial, and

⁶⁰⁶ 'Uttar Pradesh ATS Raids in 20 Districts, 70 PFI Sympathisers Detained' The Times of India (8 May 2023) <<https://timesofindia.indiatimes.com/city/lucknow/uttar-pradesh-ats-raids-in-20-districts-70-pfi-sympathisers-detained/articleshow/100059829.cms>> accessed 23 May 2025.

⁶⁰⁷ *ibid.*

⁶⁰⁸ *ibid.*

⁶⁰⁹ 'Q&A: Understanding India's Crackdown on Muslim Groups' Al Jazeera (19 October 2022) <<https://www.aljazeera.com/news/2022/10/19/qa-why-is-indias-government-banning-muslim-groups>> accessed 23 May 2025.

⁶¹⁰ Also see Section 3.1 (Targeting of Muslims' manifestation of faith) in this chapter.

⁶¹¹ 'What Lies behind the Latest Islamophobic Slur "#Gaming Jihad"?' (SabrangIndia, 12 June 2023) <<https://sabrangindia.in/what-lies-behind-the-latest-islamophobic-slur-gaming-jihad/>> accessed 24 March 2026.

⁶¹² 'Uttar Pradesh Court Awards Life Term for Islamic Preacher, 11 Others in Conversion Case' The Hindu (11 September 2024) <<https://www.thehindu.com/news/national/uttar-pradesh/uttar-pradesh-court-awards-life-term-for-islamic-preacher-11-others-in-conversion-case/article68631509.ece>> accessed 23 May 2025.

⁶¹³ 'PFI Got "concealed" Foreign Funds through Members Based Abroad: ED' The Times of India (23 September 2022) <<https://timesofindia.indiatimes.com/india/pfi-got-concealed-foreign-funds-through-members-based-abroad-ed/articleshow/94405435.cms>> accessed 23 May 2025.

⁶¹⁴ 'Over 280 Illegal Religious Sites Removed In Anti-Encroachment Drive In UP' NDTV.com (15 May 2025) <<https://www.ndtv.com/india-news/over-280-illegal-religious-sites-removed-in-anti-encroachment-drive-in-up-8415820>> accessed 23 May 2025.

extrajudicial means. The cumulative effect has been to undermine Muslim civic and religious life in Uttar Pradesh under the guise of national security and public order.

- **Surveillance, intimidation, and operational constraints on grassroots NGOs:** In addition to formal state actions, grassroots NGOs working for the rights and welfare of Muslims in Uttar Pradesh have also reported intimidation and threats from Hindu nationalist groups.⁶¹⁵ These pressures have reportedly created significant fear and operational constraints for staff and volunteers working in sensitive districts. Reports received directly from grassroots workers suggest a growing need to conceal identities, anonymise communication channels, and adopt digital and physical security protocols that mirror those used by civil society actors in authoritarian settings globally. In the Uttar Pradesh (and Indian) context, the risk appears to stem not only from state surveillance and police action, but also from non-state actors acting with impunity and often in coordination with authorities. This climate of hostility has reportedly further inhibited the functioning of Muslim advocacy organisations, even when formal legal prohibitions are absent.

It bears repeating that the reported abuses detailed in the above sections involved a wide range of state actors. Several had the open endorsement of the state Chief Minister and the Council of Ministers, along with other elected BJP legislators, and were carried out by various arms of the state police, by personnel attached to local station houses to district-level units, as well as elite units such as the state's Anti-Terrorist Squad (ATS) and Special Task Force (STF). Various arms of the civil administrative machinery, such as district-level magistrates and other municipal-level authorities, were also mobilised. Agencies functioning under the control of the central government too were occasionally involved.

⁶¹⁵ Consultations with local civil society actors in UP

⁶¹⁶ Omar Rashid, 'Gallantry Award for Cops Who Shot Dead Ex-MP Atiq Ahmad's Son' The Wire

In carrying out these abuses, state actors are reported to have invoked—and abused—a wide range of legislative tools at their disposal. These included central-level legislation such as the UAPA, the National Security Act (NSA), the FCRA, the Prevention of Money Laundering Act (PMLA), and provisions in India's criminal code, such as Section 144 of the Code of Criminal Procedure Procedure (CrPC) (now replaced by Section 163 of the Bharatiya Nagarik Suraksha Sanhita), which empower authorities to impose restrictions on assembly and expression. State-level legislations and other legal provisions that have been leveraged included, inter alia, Uttar Pradesh's cattle protection law, its anti-conversion law, and the Uttar Pradesh Gangsters and Anti-Social Activities Act.

Alongside, abuses have also reportedly been perpetrated by members of organised Hindu extremist groups, such as the Vishwa Hindu Parishad (VHP) and its youth wing Bajrang Dal, both of which operate nationally in affiliation with the Rashtriya Swayamsevak Sangh (RSS) and have units in Uttar Pradesh, as well as local outfits such as those operating in affiliation with hate preacher Narsinghanand. On multiple occasions, such as in Bahraich in October 2024, members of such extremist groups are reported to have operated in coordination with—or been given a 'free rein' by—police officials.

The perpetrators of these abuses—both state and non-state—have not merely enjoyed immunity from timely and effective prosecution, but have reportedly received positive incentives for their actions. For instance, senior officials who have carried out 'encounters' and 'half-encounters' have reportedly continued to receive cash rewards and official facilitations from the state government.⁶¹⁶ Influential Hindu extremist figures too have largely remained free to perpetrate further abuses. Hate preacher

<<https://thewire.in/government/police-medal-gallantry-cops-shot-atiq-ahmed-son>> accessed 25 November 2024; Saurav Das (n 23).

Narsinghanand – who was reported claiming in October 2024, apparently falsely, that he was ‘detained’ by police following his derogatory anti-Islam remarks the previous week⁶¹⁷ – was

reportedly seen walking along with Chief Minister Adityanath at a public event to mark the Hindu Kumbh festival in January 2025.⁶¹⁸

⁶¹⁷ ‘Objectionable Remarks against Islam: In Video, Narsinghanand “Requests UP CM to Release Him”, Police Say He Is Not Detained’ (The Indian Express, 26 October 2024) <<https://indianexpress.com/article/cities/delhi/yati-narsinghanand-objectionable-remarks-against-islam-up-police-yogi-adityanath-9639231/>> accessed 31 January 2025.

⁶¹⁸ Abhishek [@AbhishekSay], ‘Uttar Pradesh CM Yogi Adityanath Roaming with Hate-Monger Yati Narsinghanand

Saraswati in Maha Kumbh. Yati Has Multiple Hate-Speech Cases Registered against Him and Is out on Bail. He Has Previously Made Derogatory Comments about Women Politicians as Well. <https://t.co/doruPTDQ9B>’ <<https://x.com/AbhishekSay/status/1877957299840692709>> accessed 31 January 2025.

2. Participation in public affairs

2.1. Targeting of Muslims' ability to vote

The PIIIE's previous nationwide report did not review India's record in relation to Article 25 of the ICCPR, i.e., the rights to participate in public affairs, vote, contest elections, and access public service. However, developments in Uttar Pradesh between 2022-2025 related to Article 25 deserve careful attention.

Within India's federal framework, Uttar Pradesh holds the largest number of seats in the national parliament, or Lok Sabha. Its 80 Lok Sabha seats make it one of the most politically significant and hard-fought states during national elections.

Most recently, concerns regarding Muslims' voting rights have arisen in connection with the ongoing Special Intensive Revision (SIR) of electoral rolls in Uttar Pradesh and other states. While the SIR process remains ongoing in Uttar Pradesh and the time of writing, and available reporting of exclusion or discrimination at this stage constitutes early evidence, multiple political parties and civil society actors have alleged that the process is being used to facilitate large-scale deletion of Muslim voters from the electoral rolls. In UP, the opposition Samajwadi Party (SP) alleged in a memorandum submitted to the Chief Electoral Officer that BJP-linked actors were using pre-filled Form-7 deletion⁶¹⁹ forms containing voters' names and electoral ID numbers to seek deletion of 'legitimate minority voters' at scale.⁶²⁰

⁶¹⁹ Form-7 is the statutory application form used to object to a voter's inclusion or to seek deletion of a name from the electoral roll. Under the SIR process, even electors whose names appear in draft electoral rolls (published after door-to-door enumeration by electoral officials) may subsequently be deleted if a Form-7 objection is filed.

⁶²⁰ 'Muslim Voters' Names Being Deleted Under SIR in Uttar Pradesh' (IndiaTomorrow, 4 February 2026) <<https://indiatomorrow.net/2026/02/04/muslim-voters-names-being-deleted-under-sir-in-uttar-pradesh/>> accessed 20 March 2026.

These allegations in Uttar Pradesh are unfolding against the backdrop of revelations by the Chief Minister of Assam—where a 'Special Revision' of voter rolls is currently underway, and a 'Special Intensive Revision' is expected later—that the SIR would exclusively target 'Miya' Muslims for deletion in that state.⁶²¹ The developments in UP also follow revelations from Bihar state, where the SIR was concluded in November 2025, and independent assessments confirmed that Muslims—who constitute about 17.7% of that state's population—accounted for roughly one-third of all deletions from the final rolls, with exclusion rates highest in poor, migrant-heavy, and Muslim-concentrated districts.⁶²²

In this context, earlier allegations in Uttar Pradesh—documented during the 2024 national elections and subsequent by-elections—warrant renewed scrutiny as prior indicators of targeted exclusion and coercive suppression of Muslim voters. Reports by the Independent Panel for Monitoring Indian Elections (IPMIE) indicate that in these elections, the Uttar Pradesh government, in conjunction with election authorities and law enforcement personnel, made various attempts to suppress Muslim voters, manipulate voter rolls, and prevent opposition leaders from contesting. This information is discussed in more detail below:

Voter roll deletions targeting Muslims:

- In Mathura, a parliamentary constituency, many Muslim voters⁶²³

⁶²¹ See Section 1.8 (Right to participate in public affairs and to vote) in Part III.i (Violations of International Human Rights Law) in Chapter 2 (Assam).

⁶²² Independent Panel for Monitoring Indian Elections, '2025 Legislative Assembly Elections in Bihar, India: Assessment of Electoral Integrity' (2025) <<https://indiaelectionmonitor.wordpress.com/wp-content/uploads/2025/11/ipmie-bihar-post-election-assessment-2025.pdf>>.

⁶²³ Ayush Tiwari, 'In Mathura, Muslims Say They Were Denied Their Vote. No Complaints in Hindu Areas' Scroll.in (30 April 2024) <<https://scroll.in/article/1067215/in-mathura-muslims->

found their names missing from electoral rolls, while others in Muslim-majority areas reported being denied voter IDs or voting slips.⁶²⁴ The constituency recorded its lowest voter turnout in two decades at 49.4% in the 2024 elections.

- At the Navin Kanya Pathshala polling station, 76-year-old cook Sayeed Faruqui's family faced voting issues, with 3 out of 7 members unable to cast their votes. In contrast, Kailash, a Hindu daily wager, reported that all five members of his family voted smoothly at the same booth.⁶²⁵
- Mohammad Sabu, a 62-year old brassware trader from Deeg Gate, Mathura, was unable to vote as his name was missing from the electoral roll at Jain Ideal Junior High School, where he has voted for most of his life. Despite the polling station manager searching through files for 30 minutes, his name could not be found. Out of five eligible voters in his family, only three were able to cast their votes, making this the first time he faced such an issue in a national or state election.⁶²⁶
- Shabbir Ali, 65, a transporter from Govindpur, Mathura, faced similar difficulties when two of his daughters and two sons, out of eight family members, found their names missing from the voter list, preventing four of them from voting.⁶²⁷
- Several residents in Gali Ahiran faced issues with missing names from the voter roll despite having voter IDs. Shahira Bano and her husband could

vote, but their three adult children were left out. Similarly, fruit vendor Bablu Qureshi and his siblings were also missing from the list, though their parents could vote. However, some families, like Jagwati and her son, as well as their elderly neighbors, who live in the same neighbourhood had no trouble voting. In Gali Ahiran, on April 26, 2024, none of the nine family members of Jamrul Nisha received a voter slip.⁶²⁸ The only Hindu family that reported missing names was Ramesh Chand's, whose three children were not listed, though he and his wife could vote.⁶²⁹

Police intimidation and violence:

- In Sambhal district, during the third phase of the 2024 Lok Sabha elections, police officers physically assaulted and removed Muslim voters from polling booths. Such accounts of violence were reported from the villages of Ovari, Mansoorpur, Shahbazpur and Mubarakpur. Mansoorpur, a village of 2906 electors, cast only 1641 votes on May 7, a turnout of 56.5% which was lower than the 63.6% turnout Mansoorpur recorded during state assembly elections in 2022 and the 59.09% turnout it recorded in national elections in 2019.⁶³⁰
- In Ovari village, which has 4,500 mostly Muslim electors, reports emerged of police violence on May 7 2024. At around 10 AM, 70-year-old Bano was attacked by a male policeman after casting her vote, leaving her with bruises. Meanwhile, voters Mohammad Anish and Shan Alam

say-they-were-denied-their-vote-no-complaints-in-hindu-areas> accessed 6 Feb 2025

⁶²⁴ A voter slip is a document issued to registered voters before an election by the Election Commission of India. It is a confirmation of the voter's registration and provides information on where and when to cast their vote.

⁶²⁵ *ibid*

⁶²⁶ *ibid*

⁶²⁷ *ibid*

⁶²⁸ Tiwari (n1)

⁶²⁹ *ibid*

⁶³⁰ Ayush Tiwari, 'Sambhal: Muslims Allege UP Police Stormed Booths, Snatched IDs and Beat up Voters on Polling Day' Scroll.in (10 May 2024) <<https://scroll.in/article/1067693/in-sambhal-muslims-allege-up-police-stormed-booths-snatched-ids-and-beat-upvoters-on-polling-day>> accessed 7 Feb 2025

were assaulted and their voter slips and identification cards snatched.⁶³¹

- Video footage from 7 May 2024 showed police chasing and beating voters outside the Junior High School polling center. Later, Sambhal district magistrate Manish Bansal stated that an excessive number of people were inside the booth, prompting police action to clear them before continuing the voting process.⁶³² The next day, the Election Commission of India criticised videos of police attacking Muslim voters as “false” and “misleading” without mounting an independent inquiry into the accounts of numerous voters in Sambhal.⁶³³
- Similar documentary evidence emerged from Ovari village. 70-year old Raees Qureshi rushed to the polling booth in order to check on his daughter and two sons who were in the polling booth when police were attacking voters. Qureshi, who suffers from a heart condition, was punched on the chest and back by the police officers and was not allowed to leave when his sons were carrying him out. Later, the police allegedly took Qureshi’s son, Mustagir, threatened to ‘encounter’ (i.e. extrajudicially execute) him, and

coerced him to record a video in which he said that the police officials did not assault him.⁶³⁴

- Similar instances were reported from Shahbazpur and Mubarakpur villages wherein around 30-40 police officers attacked polling centres between 10 am and 11 am, and snatched voter information slips and identification cards from people.⁶³⁵
- Reports by opposition politicians from Muzaffarnagar constituency during the 2024 national elections alleged that police forces patrolled Muslim-dominated areas on the day of polling, creating a climate of fear around voting.⁶³⁶ Samajwadi Party workers in Moradabad, Rampur and Kairana constituencies in 2024 also alleged that police had “captured” polling booths and were intimidating Muslim voters.⁶³⁷ In Nagina Constituency claims were made by the opposition Samajwadi Party’s Twitter handle that Muslim voters were getting harassed at polling booths. The party urged the Election Commission of India to look into the matter.⁶³⁸
- In Rampur constituency, opposition party members alleged that Muslim

⁶³¹ ibid

⁶³² Swati Chaturvedi, ‘What happened in Sambhal where Muslims were denied the Constitutional right to vote should worry us all. The vote is being stolen & the mandate is being denied’ (X (formerly Twitter), 9 May 2024) accessed 25 February 2025 (tweet with video).

⁶³³ Election Commission of India (@ECISVEEP), ‘A video is shared on X with misleading claim about conduct of polling at a PS in Uttar Pradesh in Phase 3 of #GE2024 In this regard, @DmSambhal had already issued clarification after enquiry. No voter was denied their right to cast vote. Claim made is #false’ (X (formerly Twitter), 9 May 2024)

<https://x.com/ECISVEEP/status/1788083611423432865> accessed 25 February 2025 (tweet with image)

⁶³⁴ Scroll.in, ‘In Sambhal, Muslims Say UP Police Stormed Poll Booths, Snatched IDs and Assaulted Voters’ (YouTube, 9 May 2024) <https://www.youtube.com/watch?v=AXeVezd6PX0> accessed 25 February 2025.

⁶³⁵ Tiwari (n8)

⁶³⁶ Samajwadi Party [@samajwadiparty], ‘<https://x.com/samajwadiparty/status/178128279721112107>’ accessed 6 Feb 2025.

<https://x.com/samajwadiparty/status/178128279721112107> accessed 6 Feb 2025.

⁶³⁷ SP Alleges Voting Irregularities, Booth Capture in Muzaffarnagar; Files Complaint with EC’ (Times of India, 20 April 2024) <https://timesofindia.indiatimes.com/india/sp-alleges-voting-irregularities-booth-capture-in-muzaffarnagar-files-complaint-with-ec/articleshow/109459377.cms> accessed 25 February 2025

⁶³⁸ Samajwadi Party [@samajwadiparty], ‘<https://x.com/samajwadiparty/status/178128279721112107>’ accessed 6 Feb 2025.

voters were beaten and intimidated by the police during 2022 byelections for the state legislative assembly.⁶³⁹ Samajwadi Party members of the Uttar Pradesh Legislative Assembly Lalji Verma and Manoj Pandey alleged that police attacked voters with lathis (iron-clad sticks), and particularly targeted burqa-clad women. Rampur witnessed a dismal voter turnout of 31% during that byelection.⁶⁴⁰

- In Rampur constituency, Samajwadi Party candidate Mohibullah Nadvi claimed that the names of over 50,000 voters were missing from the voter list in 2022.⁶⁴¹ In Moradabad, Samajwadi Party supporters were allegedly prevented by authorities for casting their votes.⁶⁴²

Three further points need attention regarding reports of intimidation and suppression of Muslim voters in Uttar Pradesh between 2022-25.

First, most of the events outlined above took place during India’s national election in 2024, when senior political leaders, including the Prime Minister and the Chief Minister of Uttar Pradesh⁶⁴³, vilified Indian Muslims through hate speeches on the campaign trail. Anti-Muslim hate speech – particularly some of the extreme invectives by Chief Minister Yogi Adityanath - might, in and of itself, have

intimidated many minority voters in Uttar Pradesh.

Second, these allegations of voter suppression emerge in a larger context of democratic decline in India since 2014, including weakening checks and balances over the electoral process. The independence of India’s Election Commission appears to have sharply and visibly declined. In recent years, the national government has brought criminal charges and investigations against leading opposition politicians, including Chief Ministers and cabinet ministers of opposition-ruled states, the sitting leader of the opposition in the national parliament, and other opposition members of parliament. Opposition leaders have faced raids, repeated interrogation, and in the case of two sitting chief ministers of opposition-ruled states, imprisonment for extended periods of time. Observers have pointed out that criminal proceedings in these cases have not progressed very far over the years, and seem aimed instead to harass, discredit, and exhaust opposition leaders. In the 2024 national election, pro-government bias by the Election Commission⁶⁴⁴, disqualification of opposition candidates on technicalities,⁶⁴⁵ and significant discrepancies between votes polled and votes counted for many parliamentary seats⁶⁴⁶ raised serious concerns.

Against this wider backdrop, the ongoing SIR process, by enabling mass deletion requests

⁶³⁹ Samajwadi Party [@samajwadiparty], ‘<https://twitter.com/samajwadiparty/status/1781283586068684827>’ accessed 6 Feb 2025.

⁶⁴⁰ Newsclick, ‘Samajwadi Party Alleges Police Atrocity, Rigging After Losing Rampur’ (Newsclick, 10 December 2022) <https://www.newsclick.in/samajwadi-party-alleges-police-atrocity-rigging-after-losing-rampur> accessed 25 February 2025.

⁶⁴¹ *ibid*

⁶⁴² Samajwadi Party [@samajwadiparty], ‘<https://twitter.com/samajwadiparty/status/1781283586068684827>’ accessed 6 Feb 2025.

@DMMoradabad’ <<https://twitter.com/samajwadiparty/status/1781284807793905754>> accessed 6 Feb 2025.

⁶⁴³ Citizens for Justice and Peace (CJP), ‘#HateOffender: Yogi Adityanath and His Chilling Hate Speeches Against Minorities’ (CJP, 20 February 2024) <https://cjp.org.in/hateoffender-yogi-adityanath-and-his-chilling-hate-speeches-against-minorities/> accessed 25 February 2025.

⁶⁴⁴ *ibid*

⁶⁴⁵ Varanasi Poll: As 33 Nominations Are Rejected, Eight Applicants Allege That the Process Was Rigged’ (Scroll.in, 5 May 2024) <https://scroll.in/article/1068014/varanasi-poll-as-33-nominations-are-rejected-eight-applicants-allege-that-the-process-was-rigged> accessed 25 February 2025

⁶⁴⁶ Association for Democratic Reforms (ADR), ‘Voting Discrepancies in All Lok Sabha Seats in Some States: ADR’ (ADR, 2024) <https://adrindia.org/content/voting-discrepancies-all-lok-sabha-seats-some-states-adr> accessed 27 February 2025.

through Form-7 and by reportedly placing a heightened documentation burden on voters, raises heightened risks of disproportionate exclusion of Muslim voters and other marginalised groups. In Uttar Pradesh, where reports of roll-related exclusion and coercive suppression of Muslim voting have already been documented in recent elections, allegations of minority deletions under SIR merit close scrutiny as the revision exercise continues.

2.2. Targeting of Muslims' citizenship

The Panel's previous report had highlighted the 'fundamentally discriminatory' changes India had made to its citizenship regime in the form of the Citizenship Amendment Act (CAA) in 2019, fast-tracking the pathway to Indian citizenship for non-Muslims fleeing religious persecution in India's Muslim-majority neighbouring countries.⁶⁴⁷ The Panel had also highlighted concerns expressed by many that the announced, nation-wide replication of Assam state's National Register of Citizens (NRC) exercise, which had excluded around 1.9 million individuals from the state's official list of identified citizens, and the combination of such a nationwide exercise along with the CAA could pave the way for the potential mass disenfranchisement exclusively of Muslims across the country.

Since then, we have reviewed the following reports:

- In March 2024, central authorities notified the official rules for the implementation of the CAA, paving the way for its implementation. Since then, authorities across the country have reportedly begun approving citizenship applications, mainly those received from Hindus and Sikhs.

- In the aftermath of a terrorist attack in Kashmir in April 2025, Indian authorities launched a nationwide campaign of mass detentions, forced expulsions, and cross-border 'pushbacks' targeting Muslims, principally Bengali-speaking Muslims accused of being 'illegal immigrants' from Bangladesh, and Rohingya refugees from Myanmar.

From early May, police and border authorities across multiple states—most notably Assam, but also Uttar Pradesh, as well as Delhi, Gujarat, Maharashtra, Rajasthan, Haryana, and West Bengal—detained thousands of Bengali-speaking Muslims (and at least 140 Rohingya Muslim refugees from Myanmar) on suspicion of being undocumented migrants.⁶⁴⁸ Many were transferred to 'holding centres' or detention facilities and subsequently 'pushed back' across the India-Bangladesh border, often at night and without any prior judicial determination of nationality. As of early-January 2026, at least 2000 alleged foreigners had been unilaterally expelled from Assam alone. Reports in July 2025 had indicated that at least 110 of those expelled had been returned to India by Bangladeshi authorities after they were identified as Indian citizens.

Reports from May 2025 indicated that at least 65 alleged Bangladeshi nationals had been detained from Uttar Pradesh as part of this crackdown.⁶⁴⁹ While there is no reliable information on the number of those subsequently detained from Uttar Pradesh, those expelled to Bangladesh, or those

⁶⁴⁷ Sonja Biserko, Marzuki Darusman and Stephen Rapp (n 1) 35–36.

⁶⁴⁸ The coordinated forced expulsion drive across BJP-governed states is documented in more detail in Section 1.2 (Mass detention, unilateral expulsions and the codification of a two-tiered citizenship regime) in Part II (Factual Findings) of Chapter 2 (Assam) in this report.

⁶⁴⁹ Tanya Arora, 'India's Stealthy Pushback: Thousands of Alleged "Bangladeshi Immigrants" Deported without Due Process across States' (CJP, 3 July 2025) <<https://cjp.org.in/indias-stealthy-pushback-thousands-of-alleged-bangladeshi-immigrants-deported-without-due-process-across-states/>> accessed 21 March 2026.

returned to India by Bangladeshi authorities, media reports indicate that UP authorities are coordinating with central agencies and the Border Security Force to facilitate expulsions via West Bengal and Assam. In December 2025, the UP Chief Minister was reported to have directed municipal bodies and district administrations to compile lists of suspected Bangladeshi and Rohingya nationals, verify citizenship documentation, and establish detention centres pending deportation.⁶⁵⁰

Also in December 2025, a senior police officer in Ghaziabad district was filmed

placing a handheld device on a Muslim resident during an ‘area domination exercise’ and asserting that it could determine whether he was ‘from Bangladesh’. An internal police inquiry was reportedly ordered after the video circulated publicly.⁶⁵¹

These developments, when read together with the implementation of the CAA, as well as the ongoing SIR exercise – which requires electoral officials to refer suspected ‘foreigners’ onward to citizenship authorities – point to the operationalisation of a differentiated citizenship regime in which Muslims are subjected to heightened scrutiny.

⁶⁵⁰ ‘Illegal Immigration Crackdown: UP to Set Up Detention Centres’ (Deccan Herald, 3 December 2025) <<https://www.deccanherald.com/india/uttar-pradesh/up-cm-directs-officials-to-set-up-detention-centres-for-illegal-rohingyas-bangladeshi-muslims-3818382>> accessed 24 March 2026.

⁶⁵¹ ‘Ghaziabad Cop Uses Device to “Test” Man’s Nationality, Tells Him He Is “from Bangladesh”; Inquiry Ordered’ (Hindustan Times, 2 January 2026) <<https://www.hindustantimes.com/india-news/ghaziabad-cop-uses-device-to-test-man-s-nationality-tells-him-he-is-from-bangladesh-inquiry-ordered-101767317119277.html>> accessed 24 March 2026.

3. Economic, social, and cultural spheres

This section focuses on direct and targeted interference with the lives of Muslims in Uttar Pradesh, in the economic, social, and cultural spheres, including through policy measures.

3.1. Targeting of Muslims' manifestations of faith

In its previous report, the Panel had highlighted several state measures and practices across India that impeded Muslims' ability to have and manifest a religion or belief of their choice. These included, inter alia, restrictive anti-conversion laws present in several states, including Uttar Pradesh, as well as instances of illegal destruction of mosques, along with parallel claims to ownership of land on which several historical mosques stand.⁶⁵²

Since then, we have been made aware of the following reports:

- **Strengthening of anti-conversion law, and escalated invocation against Muslims:** The Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021, which proscribes religious conversions by 'unlawful' means, including force, fraud and for the purposes of inter-religious marriage, among others, while exempting 'reconversions' to Hinduism, was amended in July 2024 to introduce even more coercive

provisions, including some similar to those present under the anti-terrorism UAPA, such as reversed burden of proof.⁶⁵³ As of August 2024, as many as 1682 individuals were reported to have been arrested under the law since its enactment in 2020.⁶⁵⁴ While a religious breakdown of those arrested is not available, a report by The Guardian had revealed that Muslims accounted for all the 208 individuals arrested till June, 2021.⁶⁵⁵ Reports reviewed in 2025 indicated the continued and expanded use of the law against Muslims, including increasingly against Muslim women and girls.⁶⁵⁶

- **Heightened criminalisation and restriction of public displays of faith by Muslims:** While public displays of faith are not prohibited in India and are often actively facilitated for the Hindu majority – such as through large-scale state-backed events like the triennial Kumbh Mela, the Ram Temple inauguration in 2024, and the annual Kanwar Yatra – we reviewed reports of at least 51 Muslims across Uttar Pradesh being arrested, on various charges, for offering prayers in public malls, on government land, in instances even on their own private property, and for selling Islamic text.⁶⁵⁷ These included 12 Muslim men who were

⁶⁵² Sonja Biserko, Marzuki Darusman and Stephen Rapp (n 1) 412.

⁶⁵³ Aaratrika Bhaumik, 'How Has Uttar Pradesh Made Its Anti-Conversion Law More Stringent? | Explained' The Hindu (6 August 2024)

<<https://www.thehindu.com/news/national/how-has-uttar-pradesh-made-its-anti-conversion-law-more-stringent-explained/article68480856.ece>> accessed 29 November 2024.

⁶⁵⁴ 'Conversions in UP: 835 Cases Registered, 1,682 Arrested in 4 Years' The Times of India (9 August 2024) <<https://timesofindia.indiatimes.com/city/lucknow/conversions-in-up-835-cases-registered-1682-arrested-in-4-years/articleshow/112385144.cms>> accessed 27 November 2024.

⁶⁵⁵ Hannah Ellis-Petersen and Ahmer Khan, "'They Cut Him into Pieces": India's "Love Jihad" Conspiracy Theory Turns

Lethal' The Guardian (21 January 2022)

<<https://www.theguardian.com/world/2022/jan/21/they-cut-him-into-pieces-indias-love-jihad-conspiracy-theory-turns-lethal>> accessed 3 May 2023.

⁶⁵⁶ See Section 1.4 (Hostility and violence against Muslim women & girls) in this chapter.

⁶⁵⁷ As documented in: 'India Persecution Tracker: 2023 Overview' (South Asia Justice Campaign, January 2024)

<<https://southasiajusticecampaign.org/ipt2023/>> accessed 20 March 2026; 'India Persecution Tracker: 2024 Overview' (South Asia Justice Campaign, January 2025)

<<https://southasiajusticecampaign.org/ipt2024/>> accessed 20 March 2026; 'India Persecution Tracker: 2025 Overview' (South Asia Justice Campaign, January 2026)

<<https://southasiajusticecampaign.org/ipt2025/>> accessed 20 March 2026.

detained in Bareilly in January 2026 for offering Friday prayers inside a private home.

In 2025, authorities imposed additional restrictions on Muslim religious observance. Police in multiple districts prohibited prayers in public spaces or on rooftops ahead of Eid-ul-Fitr and Eid-al-Adha, warning of punitive consequences including cancellation of passports and driving licences. Authorities denied permission for longstanding Muslim fairs and commemorations – including the Neja Mela in Sambhal, the Jeth Mela in Bahraich, and multiple Urs ceremonies in Ayodhya and Barabanki – citing security concerns even where such events had been held for decades or centuries. In Sambhal, mosques were reportedly ordered to cover façades ahead of Holi celebrations, and local police issued directions prohibiting Muslims from offering *namaaz* even on their residential terraces.⁶⁵⁸ In September 2025, police across Uttar Pradesh – alongside authorities in other BJP-governed states – launched a coordinated crackdown on Muslims participating in the ‘I Love Muhammad’ campaign, a peaceful affirmation of faith ahead of Eid Milad-un-Nabi. Authorities treated the public display of the slogan as a law-and-order threat, registering mass FIRs, carrying out arrests, and, in some districts, sealing or demolishing Muslim-owned homes and shops.⁶⁵⁹

- **Continuing arbitrary targeting of Muslim places of worship by state and non-state actors:** We reviewed reports of multiple Muslim places of

worship, including historical mosques, being targeted by and with the support of state authorities. These have included instances of Muslim places of worship being arbitrarily demolished and several instances where they have been ‘surveyed’ by authorities based on the claims of Hindu nationalist actors that they stand atop historical Hindu temples. A recent example is that of the historical Shahi Jama Masjid mosque in Sambhal, that Muslims fear would be the first step in a campaign by Hindu groups in collusion with authorities using lawfare to make claims on the mosque, and which was the flashpoint for police violence against Muslims in November 2024. These efforts have reportedly proceeded despite the presence of federal legislation prohibiting any change in the religious character of places of religious worship.⁶⁶⁰ We also reviewed reports that Muslim mosques have been a focal point during episodes of religious violence orchestrated by Hindu extremists, and are often singled out for vandalism and destruction. We also note that these attacks on Muslims’ manifestation of faith have taken place amid an unprecedented privileging of Hindu displays of faith in the public sphere by state actors. For instance, the consecration in January 2024 of a Hindu temple at the site of the illegally-raised Babri mosque in Ayodhya in central Uttar Pradesh, by Prime Minister Modi – who was accompanied by UP CM Adityanath, among other senior state officials – was reportedly accompanied by violent attacks against Muslims by Hindu extremists across the country, including in Uttar Pradesh.⁶⁶¹ The

⁶⁵⁸ ‘Sambhal Police Ban Muslim Fair Honouring Nephew of Mahmud of Ghazni, Term it Anti-National’ (The Wire, 18 March 2025), ‘Adityanath Govt Denies Permission to Age-Old Fair in Bahraich Attended by Both Hindus and Muslims’ (The Wire, 4 May 2025), ‘UP Government Cites ‘Law and Order’, Blocks Urs Events in Ayodhya, Barabanki’ (The Wire, 14 June 2025)

⁶⁵⁹ See Section 1.2 (Continuing police abuses against Muslims) in this chapter.

⁶⁶⁰ Places of Worship (Special Provisions) Act, 1991.

⁶⁶¹ ‘India Persecution Tracker – 2024 Overview’ (South Asia Justice Campaign, January 2025)

Supreme Court verdict in 2019 that had paved the way for the construction of the temple at Ayodhya had been highlighted in the PIIE's previous report.⁶⁶²

3.2. Targeting of Muslims' cultural identity and heritage

The PIIE's previous report had highlighted a concerted effort by the BJP-led central government and state governments, including in Uttar Pradesh, to promote a Hindu majoritarian cultural project that actively targets Islam and Muslims as the 'other'.⁶⁶³ These included attempts to rewrite history, by erasing Muslim contributions while emphasising real and imagined Hindu contributions, as well as attempts to deny or restrict the cultural and linguistic practices of Muslims.⁶⁶⁴

Since then, we have reviewed reports appearing to confirm the continuation and consolidation of these trends, including through increasingly explicit civilisational rhetoric framing Muslims as historically alien to India's cultural identity. Specifically, we note:

- **Continuing attempts to erase Islamic contributions to Indian history:** Authorities in UP have continued previously highlighted attempts to rename places, including cities, streets and other landmarks, to reflect Hindu cultural symbols and erase Muslim heritage. In August 2024, Indian Railways was reported to have renamed eight railway stations in UP that previously had Urdu names, with names of Hindu religious figures.⁶⁶⁵ Moves are also reportedly apace to rename several cities such as Agra,

Aligarh, Firozabad and Muzaffarnagar, in addition to previously renamed cities such as Allahabad (now officially Prayagraj) and Faizabad (now officially Ayodhya).⁶⁶⁶ These renaming initiatives replace place names – rooted in centuries-old Indian history that the Hindu right associates with India's Muslim heritage – with names that have overt Hindu religious symbolism. The effort has been framed by senior political leaders as a 'correction' of history, but effectively replaces India's syncretic history with a narrative centred on civilisational revival and the redress of alleged historical wrongs attributed to Muslim rulers.

In addition, senior state officials and BJP leaders have continued to demean and demonise pre-colonial Muslim rulers of India. For instance, during multiple election rallies in late 2024, CM Adityanath was reported to have highlighted his decision to rename the Mughal Museum in Agra, and characterised a Mughal ruler as a 'barbaric invader'. References to present-day Muslims as 'descendants' and 'remnants' of these 'barbaric invaders' have become commonplace in Hindu nationalist parlance within political discourse in the state.

- **Continued targeting of Urdu language:** State authorities in UP have reportedly taken various measures that have sidelined Urdu, a language that is deeply interwoven with Muslim identity in Uttar Pradesh. This has reportedly taken the form of, inter alia, the cessation of publication of government orders in Urdu (despite Urdu being Uttar Pradesh's second

⁶⁶² Sonja Biserko, Marzuki Darusman and Stephen Rapp (n 1) 103.

⁶⁶³ *ibid* 48.

⁶⁶⁴ *ibid*.

⁶⁶⁵ 'Eight UP Railway Stations Renamed; Akhilesh Yadav Says "Halaat Bhi Badlo"' (28 August 2024) <[https://www.business-standard.com/india-news/eight-up-railway-stations-renamed-](https://www.business-standard.com/india-news/eight-up-railway-stations-renamed-akhilesh-yadav-says-halaat-bhi-badlo-124082800374_1.html)

[akhilesh-yadav-says-halaat-bhi-badlo-124082800374_1.html](https://www.business-standard.com/india-news/eight-up-railway-stations-renamed-akhilesh-yadav-says-halaat-bhi-badlo-124082800374_1.html)> accessed 31 January 2025.

⁶⁶⁶ 'From "Aligarh" to "Harigarh": Uttar Pradesh Continues Its Name Changing Spree' *The Wire* (8 November 2023)

<<https://thewire.in/government/from-aligarh-to-harigarh-uttar-pradesh-continues-its-name-changing-spree>> accessed 31 January 2025.

official language), the cessation of funding to Urdu academies at state-funded universities, and the cancellation of recruitment of Urdu teachers to the state's Basic Education Board.⁶⁶⁷ In February 2025, CM Adityanath was reported to have made public remarks equating the promotion of Urdu with the production of *kathmullas*, a derogatory slur used in reference to observant Muslims.⁶⁶⁸

It bears repeating that the trends highlighted above have persisted amid the preponderance of anti-Muslim hate speeches by senior state officials and other political and religious figures, who routinely seek to amplify threat perception among Hindus about Muslims and Islam, and amid a systematic crackdown on manifestation of faith by Muslims.

3.3. Targeting of Muslims' livelihoods and housing

The PIIE's previous report had highlighted a crackdown initiated by the UP government in 2017 against slaughterhouses and meat shops, mostly run by Muslims. Arbitrary closures – along with the threat of violence from state and non-state actors, fuelled by the state's cow protection law – had affected the livelihoods and incomes of Muslims engaged in the meat, leather and animal husbandry sectors, and those engaged in cattle rearing, dairy production, and agricultural trade. Such actions are not isolated or incidental, but evidently part of a broader, state-led strategy

to weaken Muslim economic life. Muslim livelihoods in Uttar Pradesh have been subject to systematic and multi-faceted targeting, carried out both through direct state action and by enabling or legitimising the actions of Hindu extremist groups.

We have reviewed the following reports:

- **Disruption of cattle-based livelihoods:** Beyond the meat and leather sector, cow protection laws and vigilante enforcement have severely impacted Muslim livelihoods in dairy production, cattle rearing, and agricultural trade. Muslim cattle herders, dairy farmers, and livestock traders have frequently faced harassment, violence, and extortion from self-styled 'cow protection' groups, often with tacit state approval.⁶⁶⁹ Livestock has been seized on the mere suspicion of smuggling or slaughter, even in cases where legal ownership and transport documents were present.⁶⁷⁰ These incidents have created a chilling effect across the rural economy in Uttar Pradesh, disrupting milk supply chains and deterring Muslim families from continuing in traditional cattle-based occupations.⁶⁷¹ The result is a systemic undermining of agricultural livelihoods that has disproportionately harmed Muslims, even in cases where their work has no connection to slaughter or meat production.

⁶⁶⁷ 'Fresh Row over Urdu, UP's Forgotten Second Official Language' Hindustan Times (21 February 2025) <<https://www.hindustantimes.com/india-news/beyond-the-news-fresh-row-over-urdu-up-s-forgotten-second-official-language-101740126969543.html>> accessed 11 March 2025; Clarion India, 'Urdu Academies of Minority Universities Not Allocated Budget in the Last 8 Years' (Clarion India, 15 December 2024) <<https://clarionindia.net/urdu-academies-of-minority-universities-not-allocated-budget-in-the-last-8-years/>> accessed 11 March 2025; 'Yogi Government Cancels Recruitment of 4000 Urdu Teachers for Basic Education Department' (India Today, 9 October 2018) <<https://www.indiatoday.in/education-today/news/story/yogi-government-cancels-recruitment-of-4000-urdu-teachers-1359082-2018-10-09>> accessed 11 March 2025.

⁶⁶⁸ 'They Want to Teach Children Urdu and Make Them "Maulvis": UP CM Yogi Adityanath Lashes out at SP' The Economic Times (18 February 2025) <https://m.economictimes.com/news/politics-and-nation/they-want-to-teach-children-urdu-and-make-them-maulvis-up-cm-yogi-adityanath-lashes-out-at-sp/amp_articleshow/118358752.cms> accessed 11 March 2025. ⁶⁶⁹ Human Rights Watch, 'Violent Cow Protection in India: Vigilante Groups Attack Minorities' (2019) <<https://www.hrw.org/report/2019/02/18/violent-cow-protection-india/vigilante-groups-attack-minorities>> accessed 17 October 2021.

⁶⁷⁰ *ibid.*

⁶⁷¹ *ibid.*

A June 2025 report by *Maktoob* documented the continuing economic toll of cow protection vigilantism on Muslim cattle traders in Uttar Pradesh, particularly in and around Aligarh, a major hub for the buffalo meat trade.⁶⁷² Despite buffalo meat being legal in the state, Muslim traders reported escalating threats, extortion, and mob violence by self-proclaimed cow protection groups, often acting with impunity and, in some cases, in coordination with local police. The report described routine closures of meat shops on Fridays and Hindu festival days due to informal pressure, a sharp decline in sales driven by fear and stigma, and growing reluctance among Muslim consumers to purchase, transport, or cook buffalo meat openly, even though such activity remains lawful. Several traders indicated that they were considering exiting the profession altogether due to fear of violence and legal harassment.

- **Widespread targeting of Muslims during the COVID-19 pandemic:** The onset of the COVID-19 pandemic in 2020 triggered an unprecedented wave of scapegoating against Muslims in Uttar Pradesh and across India. A conspiracy theory, widely disseminated by Hindu extremist groups and amplified by television media, alleged that Muslims were deliberately spreading the virus

through an organised 'Corona Jihad' campaign.⁶⁷³ In UP, as elsewhere, this led to the harassment and eviction of Muslim vendors and workers, refusal of service to Muslim patients at hospitals, and threats of violence against Muslim-run businesses.⁶⁷⁴ BJP leaders were also reported to have amplified these claims, legitimising hate speech and economic boycotts.⁶⁷⁵ Civil society observers have noted that the COVID-era vilification of Muslims served to normalise and justify ongoing economic marginalisation, including many of the discriminatory patterns now seen in the food, meat, and informal retail sectors.⁶⁷⁶

- **Continuing impacts of previously initiated crackdown on slaughterhouses:** The 2017 crackdown ordered by Chief Minister Yogi Adityanath had led to the abrupt closure of hundreds of slaughterhouses across Uttar Pradesh, most of which were run by or depended on informal Muslim labour. These closures were accompanied by new guidelines and infrastructure mandates that disproportionately targeted small-scale butchers, forcing many out of work. In cities like Kanpur and Unnao, once key hubs of India's leather industry, the combined effect of cow protection laws, and selective enforcement of environmental and pollution control laws has devastated the leather tanning ecosystem. According to a news report,

⁶⁷² Ghazala Ahmad, 'Hindutva Vigilantism Pushes UP's Cattle Traders to the Brink amid State Inaction' (*Maktoob Media*, 8 June 2025) <<https://maktoobmedia.com/india/mob-attacks-police-inaction-pushes-ups-cattle-traders-to-brink/>> accessed 20 March 2026.

⁶⁷³ Shweta Desai and Amarnath Amarasingam, '#CoronaJihad: COVID-19, Misinformation, and Anti-Muslim Violence in India - Strong Cities Network' Institute for Strategic Dialogue <<https://strongcitiesnetwork.org/en/coronajihad-covid-19-misinformation-and-anti-muslim-violence-in-india/>> accessed 17 October 2021; Jayshree Bajoria, 'CoronaJihad Is Only the Latest Manifestation: Islamophobia in India Has Been Years in the Making' (*Human Rights Watch*, 1 May 2020) <[https://www.hrw.org/news/2020/05/01/coronajihad-only-latest-manifestation-islamophobia-india-has-been-years-](https://www.hrw.org/news/2020/05/01/coronajihad-only-latest-manifestation-islamophobia-india-has-been-years-making)

[making](https://www.hrw.org/news/2020/05/01/coronajihad-only-latest-manifestation-islamophobia-india-has-been-years-making)> accessed 17 October 2021; 'Coronavirus Conspiracy Theories Targeting Muslims Spread in India' (*The Guardian*, 13 April 2020)

<<https://www.theguardian.com/world/2020/apr/13/coronavirus-conspiracy-theories-targeting-muslims-spread-in-india>> accessed 29 August 2022.

⁶⁷⁴ Shweta Desai and Amarnath Amarasingam (n 160); Jayshree Bajoria (n 160); 'Coronavirus Conspiracy Theories Targeting Muslims Spread in India' (n 160).

⁶⁷⁵ Shweta Desai and Amarnath Amarasingam (n 160); Jayshree Bajoria (n 160); 'Coronavirus Conspiracy Theories Targeting Muslims Spread in India' (n 160).

⁶⁷⁶ Shweta Desai and Amarnath Amarasingam (n 160); Jayshree Bajoria (n 160); 'Coronavirus Conspiracy Theories Targeting Muslims Spread in India' (n 160).

in Kanpur's Jajmau neighbourhood, over half the 400 tanneries had shut down by 2019, with ongoing closures also linked to Hindu religious festivals. Interviewees from the leather industry described how Muslim-owned tanneries were subjected to stricter scrutiny than other polluting industries, and how extended shutdowns, often without formal orders, crippled operations. Middlemen, small-scale traders and daily-wage workers (mainly from the Muslim and Dalit communities) lost livelihoods as corporate slaughterhouses, mostly Hindu-owned, increasingly took over the supply chain. Where Muslim entrepreneurs once thrived, many have now exited the industry entirely, migrated out of state, or shifted to less regulated sectors, citing fear, harassment, and a collapse of demand. The transformation has not only deepened the economic marginalisation of thousands of Muslim families but also erased longstanding pathways of social mobility.⁶⁷⁷

- **Continuing impacts of previously imposed meat bans near holy Hindu areas:** UP authorities have, historically, imposed localised bans on the sale of meat (and alcohol) in the immediate vicinity of major Hindu religious centres. In 2021, authorities were reported to have imposed more expansive bans—up to 250 m near temples—in cities considered holy by Hindus, such as Mathura and Varanasi.

Media reports since then have revealed the socio-economic impacts of these bans, including the loss of livelihoods and the forced eviction of Muslims from their homes.⁶⁷⁸

- **Imposition of fresh restrictions on Muslims engaged in food, hospitality and garment sectors:** In July and September, 2024, authorities in UP and in neighbouring Uttarakhand were reported to have introduced fresh measures impacting Muslims employed in the food and hospitality sectors. These included mandatory display of names of eatery owners and employees—ostensibly to ensure 'transparency'—but widely reported as enabling the easy identification and exclusion of Muslims. In some cases, Muslim staff were removed or pressured to vacate their premises along Hindu pilgrimage routes. Such measures are openly driven by the unfounded '*thook* (spit) jihad'⁶⁷⁹ conspiracy spread by Hindu-extremist social-media handles, which alleges that Muslim restaurant workers and domestic workers spit in the food they are serving. This conspiracy, which draws upon Hindu-extremist ideas of non-Hindu 'impurity', has been thoroughly debunked by fact-checking websites. Nevertheless, the UP administration seized upon it, feeding the twin purposes of fomenting anti-Muslim hate, as well as enabling the easy identification of Muslim workers and Muslim-owned businesses by Hindu extremists.

⁶⁷⁷ Sharik Laliwala, Sabah Gurmat and Prannv Dhawan, 'Anti-Pollution Norms & State Policies Cripple UP's Leather Industry, Pushing Muslim Livelihoods To The Brink' Article 14 (21 July 2023) <<https://article-14.com/post/anti-pollution-norms-state-policies-cripple-up-s-leather-industry-pushing-muslim-livelihoods-to-the-brink-64b9ed725f942>> accessed 29 January 2025.

⁶⁷⁸ Tarushi Aswani, 'In India's Holy City, BJP-Sponsored Meat Ban Targets Muslims' The New Arab (29 September 2023) <<https://www.newarab.com/features/indias-holy-city-bjp-sponsored-meat-ban-targets-muslims>> accessed 29 January 2025.

<<https://www.newarab.com/features/indias-holy-city-bjp-sponsored-meat-ban-targets-muslims>> accessed 29 January 2025.

⁶⁷⁹ An unsubstantiated conspiracy theory that alleges an organised plot by Muslims to endanger Hindus by spitting in and contaminating their food. See Alishan Jafri, "'Thook Jihad' Is the Latest Weapon in Hindutva's Arsenal of Islamophobia' The Wire (20 November 2021)

<<https://thewire.in/communalism/thook-jihad-is-the-latest-weapon-in-hindutvas-arsenal-of-islamophobia>> accessed 18 December 2024.

In 2025, similar dynamics emerged in UP's Sambhal district, where dozens of Muslim-owned jeans manufacturing and washing units were reportedly shut down between June and August following unfounded allegations of a so-called 'jeans jihad' conspiracy. Although authorities cited pollution and licensing violations, closures reportedly exclusively affected Muslim-run units, resulting in the sudden loss of employment for hundreds of Muslim workers.⁶⁸⁰ In July 2025, during the Kanwar pilgrimage, a group of Hindu pilgrims vandalised a Muslim-owned eatery in Muzaffarnagar after alleging non-compliance with identity-display norms. These developments further how conspiracy narratives propagated by Hindu nationalists have translated into concrete economic targeting of Muslim-owned businesses.

- **Disproportionate targeting of Muslims via forced evictions:** According to a *Frontline* report published in February 2025, authorities across India demolished over 7400 homes in 2024, on various pretexts, rendering over 41000 people homeless.⁶⁸¹ Uttar Pradesh reportedly accounted for 30% of all demolitions. Across India, Muslims were the targets of 37% of all demolitions. Most of these demolitions (around 75%) were undertaken in the name of 'redevelopment' projects, and targeted at slum areas.⁶⁸² Activists have alleged state-led discrimination in how these

projects are carried out, with Hindu-majority slums more likely to receive in-situ upgrades, while Muslim-majority slums are far more likely to be bulldozed, with residents forced to relocate to far-off areas with inadequate facilities.

- **Collective punishment of Muslims via home demolitions:** According to the *Frontline* report published in February 2025, around 25% of all home demolitions across India in 2024 were punitive in nature, and often linked to communal tensions and state-led retributions. The targets of these were almost exclusively Muslims. In September and October 2025, following the 'I Love Muhammad' protests and subsequent police crackdown in Bareilly, local authorities initiated a coordinated series of demolitions, sealings, and eviction notices targeting Muslim-owned properties allegedly linked to cleric Maulana Tauqeer Raza and his associates. Actions reportedly included demolition notices to at least 27 Muslim-owned homes, sealing and partial demolition of multiple residential and commercial buildings, and the bulldozing of a two-storey commercial market housing around two dozen Muslim-run shops.⁶⁸³ These examples illustrate the continuation of patterns previously identified by civil society documentation indicating that demolitions in Uttar Pradesh have frequently functioned as instruments of collective punishment, often imposed in the immediate aftermath of

⁶⁸⁰ Mohammad bin Ismail, 'Baseless "Jeans Jihad" Rumours Ruin Muslim Livelihoods from Delhi to UP' (Clarion India, 13 August 2025) <<https://clarionindia.net/baseless-jeans-jihad-rumours-ruin-muslim-livelihoods-from-delhi-to-up/>> accessed 20 March 2026.

⁶⁸¹ Anuj Behal, 'Bulldozer Raj Rolls On' *Frontline* (17 February 2025) <<https://frontline.thehindu.com/politics/bulldozer-demolitions-muslim-homes-india-hindutva-communal-violence-supreme-court-bjp-politics/article69222253.ece>> accessed 11 March 2025.

⁶⁸² *ibid.*

⁶⁸³ 'More Arrests, "Encounter": Bareilly on Edge, Houses Locked, Families Fearful' (The Indian Express, 2 October 2025) <<https://indianexpress.com/article/cities/lucknow/more-arrests-encounter-bareilly-on-edge-houses-locked-families-fearful-10283008/>> accessed 13 March 2026; "'I Love Muhammad" Row: 38 Shops on "Waqf Land" Vacated by Bareilly Admin; Locals Claim Action Unfair' *The Times of India* (30 September 2025) <<https://timesofindia.indiatimes.com/city/meerut/i-love-muhammad-row-38-shops-on-waqf-landvacated-by-bareilly-admin-action-unfair-claim-locals/articleshow/124217961.cms>> accessed 13 March 2026.

protests or communal tensions and disproportionately affecting Muslim neighbourhoods and commercial clusters.

Alongside these state-imposed measures, we reviewed reports of concerted efforts by Hindu extremist non-state actors to target Muslims' livelihoods. During episodes of violence, minority-owned businesses are often singled out for attack and destruction, leaving crippling economic impacts.

Even in times not marked by violence, Hindu extremists in UP have continued to brazenly organise boycott campaigns targeting Muslims, including street vendors and those engaged in other small businesses. For instance, in 2020, amid the COVID-19 pandemic, Muslims across the country were the targets of boycott calls (including by BJP legislators) over unfounded accusations that they were conspiring to spread the virus. In December 2024, a local BJP leader in Moradabad was reported to have threatened Muslim shopkeepers for selling non-vegetarian items in an area considered primarily inhabited by Hindus.⁶⁸⁴ Such harassment disrupts businesses and livelihoods that, in many cases, have operated without incident for many years. It is worth noting also that harassment for selling meat or non-vegetarian food is driven by the Hindu-extremist agenda of targeting Muslims rather than supposed grassroots sentiment – the Indian government's own surveys show that the majority of Hindus (and, indeed, Indians across religions) consume meat.⁶⁸⁵

⁶⁸⁴ Mayank Kumar, 'Uproar as BJP Worker Threatens Muslim Shopkeepers in U.P.'s Moradabad for Selling Meat in Hindu Area' *The Hindu* (18 December 2024) <<https://www.thehindu.com/news/national/uttar-pradesh/uproar-as-bjp-worker-threatens-muslim-shopkeepers-in-ups-moradabad-for-selling-meat-in-hindu-area/article69001077.ece>> accessed 11 March 2025.

⁶⁸⁵ Natrajan, Balmurli and Jacob, Suraj (2018) 'provincialising' vegetarianism putting Indian food habits in their place. *Economic and Political Weekly*, 53 (9). pp. 54-64; <https://www.pewresearch.org/short-reads/2021/07/08/eight-in-ten-indians-limit-meat-in-their-diets-and-four-in-ten-consider-themselves-vegetarian/>; <https://www.bbc.com/news/world-asia-india-43581122>.

3.4. Targeting of Muslims' education

Muslim educational institutions and students in Uttar Pradesh have also continued to face systemic and targeted hostility. In recent years, state authorities have escalated efforts to delegitimise, criminalise, and surveil Muslim spaces of learning – ranging from elite universities to community-run seminaries. Simultaneously, Muslim schoolchildren have reportedly been subjected to humiliation and abuse, reflecting growing religious intolerance in the classroom.

- A prominent target has been Aligarh Muslim University (AMU), one of India's premier minority educational institution, associated with Indian Muslims. Since the CAA protests in 2019, AMU students have faced repeated police violence and arrests. In January 2025, amid broader crackdowns on Muslim communities in the aftermath of the Sambhal killings, local authorities issued tax penalty notices to the university, despite its central government status.⁶⁸⁶ Chief Minister Yogi Adityanath has frequently referred to AMU in inflammatory speeches, contributing to fomenting a perception of the university as a threat rather than a centre of learning.⁶⁸⁷ Meanwhile, the central government has continued to oppose AMU's legal claim to minority status, undermining its constitutionally protected autonomy.⁶⁸⁸

⁶⁸⁶ 'Yogi Govt's Sweeping Crackdown: AMU Hit with Rs 24 Crore Tax, Sambhal MP, Mosques & Madrasas Fined Rs 11 Crore' *Organiser* (17 January 2025) <<https://organiser.org/2025/01/17/273859/bharat/yogi-govts-sweeping-crackdown-amu-hit-with-rs-24-crore-tax-sambhal-mp-mosques-madrasas-fined-rs-11-crore/>> accessed 29 January 2025.

⁶⁸⁷ Omar Rashid, 'Yogi Uses AMU Minority Status Verdict to Pit Marginalised Castes Against Muslims in Bypoll' *The Wire* (9 November 2024) <<https://thewire.in/communalism/amu-verdict-minority-muslims-caste-yogi>> accessed 31 January 2025.

⁶⁸⁸ 'Explained: What Supreme Court Ruled in AMU Minority Status Case' (*The Indian Express*, 10 November 2024) <<https://indianexpress.com/article/explained/explained->

- Muslim madrassas, which provide foundational education to large sections of Uttar Pradesh’s Muslim population, have also come under sustained scrutiny. In October 2023, the state government announced that a Special Investigation Team (SIT)—typically used for probing terrorism and organised crime—would be tasked with investigating madrassas across the state. This measure followed months of official rhetoric associating madrassas with extremism. (See Annexure: State-led crackdown on Islamic seminaries) Several madrassas were also closed or physically demolished as part of ‘encroachment drives’, deepening fears that religious education itself is being criminalised.
- Muslim children in everyday educational settings have also faced Islamophobic abuse and

discrimination. In Muzaffarnagar (August 2023), a school teacher was filmed instructing Hindu students to take turns slapping a 7-year-old Muslim boy, berating those who ‘did not slap hard enough’, and declaring, ‘I have said all Muslim children should go.’⁶⁸⁹ In Amroha (September 2024), a school principal allegedly locked a 7-year-old Muslim child in a storeroom and interrogated him on video whether the child intended to ‘convert everyone by feeding them non-vegetarian food’ and ‘blow up the school.’⁶⁹⁰ The child was also reportedly accused of vandalising a temple. In both cases, no immediate action was taken against the educators, and public officials avoided strong condemnation.

As noted previously, Muslim girls have also faced discrimination at educational institutions for wearing religious attire such as the hijab.

It bears repeating that many of the forms of targeting highlighted in this section were also openly announced and celebrated by the state Chief Minister, and that various arms and levels of the state machinery, including police and civil administrative authorities, were leveraged to ensure implementation.

law/what-supreme-court-ruled-in-amu-minority-status-case-9660677/> accessed 31 January 2025.

⁶⁸⁹ ‘Outrage in India as Teacher Tells Students to Slap Classmate Who Is Muslim’ CNN (28 August 2023) <<https://www.cnn.com/2023/08/28/india/india-muslim-student-slapped-teacher-video-intl-hnk/index.html>> accessed 27 October 2023.

⁶⁹⁰ Amir Qureshi, ‘Probe Ordered after 7-Yr-Old Muslim Boy “harassed” in UP School for “Bringing Non-Veg Food”’ ThePrint (7 September 2024) <<https://theprint.in/india/probe-ordered-after-7-yr-old-muslim-boy-harassed-in-up-school-for-bringing-non-veg-food/2256412/>> accessed 23 May 2025.

4. Denial of equal treatment

Previous sections of this report documented patterns of abuses faced by Muslims in Uttar Pradesh. This section focuses on reports of differential and unequal treatment faced by Muslims compared to other similarly situated individuals or groups, across a range of domains, including law enforcement, administration of justice, political representation, and economic, social, and cultural life.

4.1. Unequal treatment in law enforcement

The following reports were reviewed:

- **Near-exclusive targeting of Muslim suspects in ‘half encounter’ maimings:** As noted earlier, Uttar Pradesh has witnessed a recent spike in ‘half encounter’ shootings – staged non-fatal shootings where police shoot suspects in the leg, often permanently maiming them, particularly in the context of enforcement of the state’s cow protection law.⁶⁹¹ In 2024 alone, at least 54 Muslims (and two Hindus) accused of involvement in cow smuggling/slaughter were shot and grievously injured by UP Police in such incidents, with eyewitness accounts indicating that many of these individuals

were already in police custody when shot, implying that injuries were inflicted punitively.⁶⁹² As noted previously, at least more such shootings were conducted in the aftermath of religious clashes, both in Bahraich in October 2024, of Muslim men accused of involvement in the killing of a Hindu man.

This near-exclusive focus on Muslims suspects—with Muslims accounting for 97% of known victims in 2024—and the deliberate infliction of crippling injury on them without due process, while not using such measures against Hindus involved in the same incidents, is a clear example of differential policing standards based on religious identity.

- **Overrepresentation of Muslims among victims of ‘encounter’ killings:** As of 7 October 2024—the last date for which data disaggregated by religion is publicly available—207 individuals had been killed in police ‘encounters’ in Uttar Pradesh since 2017. Of these, 67 were reported to be Muslims, 20 Brahmins⁶⁹³, 18 Thakurs⁶⁹⁴, 16 Yadavs⁶⁹⁵, and 14 Dalits⁶⁹⁶.

While Thakurs, Yadavs, and Brahmins all appear in the list of victims, none are killed at a rate that significantly exceeds their

⁶⁹¹ See Section 1.2 (Continuing police abuses against Muslims) in this chapter.

⁶⁹² See Annexure IV

⁶⁹³ Brahmins are considered the ‘highest’ group in Hindu caste hierarchy. In UP, they form around 10% of the total population and have historically held considerable political and bureaucratic influence. Brahmin politics in the state has often been elite-driven, as opposed to mass-mobilisation, and their vote has historically been split among different parties. Since 2014, the BJP has reclaimed a large share of Brahmin support, notwithstanding concerns among some Brahmins over perceived ‘Thakur domination’ and ‘Brahmin neglect’ by the current Adityanath-led administration.

⁶⁹⁴ Thakurs, who are estimated to form around 8.5% of the state population, are a powerful ‘forward’ caste group in UP, long associated with landed power and significant influence in law enforcement. Under CM Adityanath—who himself is a Thakur—the community is widely perceived as wielding disproportionate influence over key political and administrative positions.

⁶⁹⁵ Yadavs, who are estimated to form around 8.5% of the state population, are part of the ‘Other Backward Classes (OBCs), a broad social category officially recognised for affirmative action. In UP, Yadavs have long been the dominant caste group backing the opposition Samajwadi Party.

⁶⁹⁶ Dalits, who are estimated to form around 20% of the state population, are members of caste groups that were historically considered ‘untouchables’, and are formally recognised as ‘Scheduled Castes’ eligible for affirmative action as well as the protection of a specialised national-level anti-discrimination law, the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act. In UP, while Dalits have historically faced discrimination and violence, they have, over the past three decades, experienced increased electoral significance after mobilising under the Bahujan Samaj Party (BSP). While traditionally not a voter base of the BJP, various studies have shown that a substantial percentage of Dalits have voted for the BJP in elections since 2014.

share of the population. Muslims, by contrast, are highly overrepresented, forming approximately 19% of the population, yet accounting for over 32% of ‘encounter’ deaths – the largest share attributed to any single religious or social group. A comparative risk analysis illustrates this disparity further: a Muslim in Uttar Pradesh is 73% more likely to be killed in a police ‘encounter’ than a Brahmin, 59% more likely compared to a Thakur, and 54% more likely compared to a Yadav.

- **Selective targeting of Muslims through religiously-motivated patterns of custodial abuse:** According to reports reviewed, Muslim detainees in UP have not only faced disproportionate levels of police violence such as ‘encounters’ and ‘half encounters’, but also forms of police ill-treatment that are explicitly religious in nature, a pattern not reported in relation to similarly situated Hindu detainees. Cases reviewed by the Panel revealed accounts of Muslims being singled out for beatings, electrocution, and other degrading treatment such as the forced chanting of Hindu religious slogans, verbal abuse invoking Islamic identity, and humiliation of Islamic identity-markers like beards and attire.⁶⁹⁷

A striking case is that of Rehan Shah⁶⁹⁸, a young Muslim man in Budaun who was detained by police in May 2022 under fabricated cow smuggling allegations. In custody, he was allegedly subjected to extreme physical and sexual abuse, despite his repeated denials of guilt. Najma⁶⁹⁹, his 65-year-old mother, was also abused by police when she tried to intervene, with officers hurling religious

abuses at her and demanding a bribe for her son’s release. Months later, Najma herself—and her husband and three of her sons – were arrested and subjected to physical abuse. At least three male family members were detained under the National Security Act, an extraordinary measure almost never applied to similarly situated Hindu suspects.

By contrast, there are no known reports of such extreme brutality or religiously degrading or collective abuse against Hindu detainees, even in cases of communal violence, lynching, or incitement. In those contexts, Hindu suspects are often neither detained nor mistreated in custody. This double standard in custodial treatment—where Muslims are not only disproportionately detained, but also subject to identity-specific ill-treatment—further underscores a pattern of religious animus within the functioning of law enforcement.

- **Unequal treatment of Muslim-led protests:** As noted earlier, the UP government’s response to Muslim-led protests since 2017 has been marked by a pattern of grave police abuses, including killings, torture, unlawful imprisonment, and post-protest persecution.⁷⁰⁰ By contrast, comparable mass mobilisations by other groups have faced far more restrained state responses.

As noted in the Panel’s previous report, during the anti-CAA protests led by Muslims in December 2019, UP Police forces opened fire on crowds in multiple

⁶⁹⁷ See Section 1.2 (Continuing police abuses against Muslims)

⁶⁹⁸ Case of Rehan Shah documented in South Asia Justice Campaign, ‘Torture and Impunity in India: Case Studies of Custodial Torture Against Muslims’ (2025) <https://southasiajusticecampaign.org/wp-content/uploads/2025/05/SAJC_Torture-in-India_May2025.pdf>.

⁶⁹⁹ Case of Najma documented in South Asia Justice Campaign, ‘Torture and Impunity in India: Case Studies of Custodial Torture Against Muslims’ (2025) <https://southasiajusticecampaign.org/wp-content/uploads/2025/05/SAJC_Torture-in-India_May2025.pdf>.

⁷⁰⁰ See Section 1.5 (Crackdown on expression, association and assembly by Muslims) in this chapter.

districts, killing 22 unarmed Muslims.⁷⁰¹ Hundreds of Muslims were arrested, including minors, and dozens of homes and shops belonging to accused Muslims were demolished or seized under the guise of recovering property damage.⁷⁰² In multiple locations, like Bijnor, police are reported to have worked in coordination with civilian volunteers who were members of Hindu extremist organisations.⁷⁰³ These actions had been preceded by CM Adityanath publicly vowing ‘revenge’ against those protesting the CAA.⁷⁰⁴ As noted earlier, a similarly harsh state response was seen more recently in Sambhal in November 2024, where police opened fire on unarmed Muslims protesting a mosque survey, killing five individuals, and subsequently exclusively subjected Muslims to mass arrests and denial of access to essential services.⁷⁰⁵

As noted earlier, this pattern extends beyond violence. Muslim-led events and protests often face delayed or denied permissions, intrusive surveillance, and pre-emptive harassment.⁷⁰⁶ Organisers are often forced to visit police stations repeatedly, sign bonds, or cancel events altogether under pressure.⁷⁰⁷ Even when protests do occur, Muslim participants report being outnumbered by police, photographed and monitored.⁷⁰⁸ This pattern was recently witnessed during state-wide protests by Muslims against

contentious remarks by hate preacher Yati Narsinghanand in October 2024, and during the ‘silent’ protests in April 2025 against the Waqf (Amendment) Act. In September 2025, even peaceful public affirmations of faith by Muslims participating in the ‘I Love Muhammad’ campaign were criminalised.

Anti-government protests by other groups have also been met with far more restraint by UP authorities. During the 2020–21 farmer protests—led largely by Sikh and Hindu farmers in Punjab and UP, respectively—authorities in UP deployed a heavy police presence but did not fire a single fatal shot, even as demonstrators blocked national highways for prolonged periods of time.⁷⁰⁹ Rather than unleashing lethal force, the central government eventually entered negotiations with protest leaders and acceded to their demands.

Hindu nationalist rallies and processions have been routinely allowed to proceed with police protection, even when participants were armed or made inflammatory statements. In 2019–20, several rallies and public events in support of the CAA were actively facilitated by the state government, and attended by senior state and federal ministers.⁷¹⁰ Other pro-CAA rallies—where, across the country, slogans like ‘shoot the traitors’ were frequently

⁷⁰¹ Sonja Biserko, Marzuki Darusman and Stephen Rapp (n 19).

⁷⁰² *ibid.*

⁷⁰³ Supriya Sharma, ‘Meet the “Friends” of the Uttar Pradesh Police Who Wielded Batons against Muslims a Month Ago’ (Scroll.in) <<https://scroll.in/article/950489/meet-the-friends-of-the-uttar-pradesh-police-who-wielded-batons-against-muslims-a-month-ago>> accessed 10 November 2021.

⁷⁰⁴ “‘Will Take Revenge’: Yogi Adityanath On Protesters Vandalising Public Properties’ (Outlook India, 19 December 2019) <<https://www.outlookindia.com/national/india-news-will-take-revenge-yogi-adityanath-on-anti-kaa-protesters-vandalising-public-properties-news-344396>> accessed 24 March 2025.

⁷⁰⁵ See Section 1.2 (Continuing police abuses against Muslims) in this chapter.

⁷⁰⁶ See Section 1.5 (Crackdown on expression, association and assembly by Muslims) in the chapter.

⁷⁰⁷ Omar Rashid, ‘Rs 10-Lakh Bonds, Notices for Silent Protests’ (n 86).

⁷⁰⁸ *ibid.*

⁷⁰⁹ ‘Tens of Thousands of Police Deployed across India to Quash Farmers’ Protests’ (France 24, 6 February 2021) <<https://www.france24.com/en/asia-pacific/20210206-tens-of-thousands-of-police-deployed-across-india-to-quash-farmers-protests>> accessed 14 June 2025.

⁷¹⁰ From our online archive, ‘Three FIRs Lodged Ahead of Shah’s Lucknow Visit as Women’s Protest against CAA Enters Fifth Day’ (The New Indian Express, 21 January 2020) <<https://www.newindianexpress.com/nation/2020/Jan/21/three-firs-lodged-ahead-of-shahs-lucknow-visit-as-womens-protest-against-kaa-enters-fifth-day-2092418.html>> accessed 14 June 2025.

used—were also organised in multiple locations in UP by local units of the BJP and its allied organisations, without intervention by police.⁷¹¹ In 2022 and 2023, in several states including UP, armed processions by Hindu mobs chanting incendiary slogans while celebrating the Ram Navami religious festival led to violence.⁷¹² Similar violence was also reported across the country, including in UP, amid Hindu celebrations during the consecration of the Ram Temple in January 2024.⁷¹³ Yet, on none of these occasions did police resort to firing or any of the other forms of collective punishment routinely meted out to Muslims. In November 2024 in Sambhal, where police shot dead five Muslim protesters, Hindu counter-protesters at the same location—who were reported to have chanted incendiary slogans—faced no action from police.

These examples point to a clear disparity in how protests and public demonstrations are policed in UP. Muslim-led protests—regardless of scale, form, or legality—are treated as threats to public order, often met with preventive restrictions, surveillance, lethal force, and, increasingly, the post-protest imposition of various forms of collective punishment. In contrast, protests and mass gatherings by other groups, including those marked by provocation or violence, are allowed to

proceed with minimal disruption or even active facilitation by the state.

- **Unequal enforcement of national security laws:** As previously noted, UP authorities have often applied stringent security laws against Muslims, even in situations where no significant threat to national security or public order was evident.⁷¹⁴ By contrast, authorities have refused to apply the same laws against Hindus in similar circumstances.

For instance, the National Security Act has been used to detain dozens of Muslims (76 in 2020 alone) without trial over allegations of involvement in cow slaughter.⁷¹⁵ Between 2018 and 2020, NSA detentions were also recorded in 20 cases related to ‘communal incidents’ in UP, all of them against Muslims.⁷¹⁶ By contrast, the NSA has not been used against Hindus in analogous situations: for example, there are no reports of its use against Hindu mobs involved in lynchings over cow-related allegations, or against Hindu religious and political leaders who have repeatedly incited hatred and violence against Muslims.

A similar double standard is visible in the application of the Unlawful Activities (Prevention) Act (UAPA), India’s principal anti-terror law. As noted earlier, dozens of Muslims in UP—including students, journalists, religious leaders, and civil society actors—have

⁷¹¹ Human Rights Watch, “‘Shoot the Traitors’: Discrimination Against Muslims under India’s New Citizenship Policy” (2020) <https://www.hrw.org/sites/default/files/report_pdf/india0420_web_0.pdf>.

⁷¹² ‘Mapping Ram Navami Communal Clashes’ The Hindu (1 May 2023) <<https://www.thehindu.com/news/national/mapping-ram-navami-communal-clashes/article66718424.ece>> accessed 14 June 2025; ‘2 Killed in Ram Navami Violence across Six States, Situation Tense as Fresh Clashes Erupt’ India Today (New Delhi, 31 March 2023) <<https://www.indiatoday.in/india/story/ram-navami-violence-situation-tense-fresh-violence-bengal-maharashtra-gujarat-2353932-2023-03-31>> accessed 4 January 2024.

⁷¹³ ‘India: Violence Marks Ram Temple Inauguration | Human Rights Watch’ (31 January 2024)

<<https://www.hrw.org/news/2024/01/31/india-violence-marks-ram-temple-inauguration>> accessed 3 March 2024.

⁷¹⁴ See Section 1.5 (Crackdown on expression, association and assembly by Muslims) in the chapter.

⁷¹⁵ Manish Sahu, ‘In Uttar Pradesh, More than Half of NSA Arrests This Year Were for Cow Slaughter’ (The Indian Express, 11 September 2020)

<<https://indianexpress.com/article/india/in-uttar-pradesh-more-than-half-of-nsa-arrests-this-year-were-for-cow-slaughter-6591315/>> accessed 18 October 2021.

⁷¹⁶ ‘Allahabad HC Quashed All 20 “Communal Incident” NSA Orders Between 2018 and 2020: Report’ The Wire (7 April 2021) <<https://thewire.in/law/allahabad-high-court-national-security-act-uttar-pradesh>> accessed 16 June 2025.

been arrested under the UAPA on broad and questionable grounds.⁷¹⁷ By contrast, UP authorities have not applied the same standards to Hindu extremist groups such as the Hindu Yuva Vahini⁷¹⁸ (a violent outfit set up by Adityanath in 2002, when he was a BJP Member of Parliament), Vishwa Hindu Parishad (VHP) and its youth wing Bajrang Dal⁷¹⁹ (both previously categorised by the CIA as religious militant organisations), and other hardline affiliates of the RSS-BJP network, whose members have been repeatedly implicated in violent assaults and murder, cow vigilantism, and anti-Muslim riots, including in Bahraich in October 2024.⁷²⁰ Hate preacher Narsinghanand has been reported to have used his position as the head priest of a Hindu temple in Dasna in Ghaziabad district to train and raise a '*dharma sena*' (religious army) of 15,000 'soldiers' to safeguard the Hindu faith from Islamic threats.⁷²¹ These organisations have continued to mobilise recruits through rallies, arms training camps and religious gatherings, reportedly to create a false sense of fear of Muslims within the Hindu community.⁷²² Yet, none of these organisations have been proscribed under the UAPA, and none of their members are known to have faced terrorism charges, or even faced any meaningful action under ordinary criminal laws.

These examples point to a clear disparity in how national security laws are applied in a highly selective manner by UP authorities, overwhelmingly targeting Muslims while effectively exempting violent Hindu supremacist actors from scrutiny.

- **Unequal enforcement of speech-related laws:** Selective treatment is also starkly visible in the enforcement of speech-related laws in UP. As noted earlier, numerous Muslims – including journalist, students, religious leaders, and protest organisers, have faced aggressive and immediate police action for speech deemed 'anti-national', 'provocative' or 'objectionable'.⁷²³ Charges have ranged from sedition, hate speech, and terrorism-related offences under laws like the UAPA and NSA. In many cases, these arrests have followed mere social media posts, slogans at protests, or expressions of religious or political opinion.

By contrast, high-profile Hindu political, religious and media figures – many closely affiliated with the BJP – and other state officials have routinely made inflammatory anti-Muslim speeches and broadcasts without facing any meaningful legal consequences.

UP-based television anchor Suresh Chavhanke, the editor-in-chief of Sudarshan News, exemplifies this disparity. His channel has repeatedly

⁷¹⁷ See Section 1.5 (Crackdown on expression, association and assembly by Muslims) in the chapter.

⁷¹⁸ 'What Is Yogi Adityanath's Hindu Yuva Vahini?' (The Indian Express, 17 May 2017) <<https://indianexpress.com/article/what-is/what-is-yogi-adityanaths-hindu-yuva-vahini/>> accessed 15 June 2025.

⁷¹⁹ 'CIA Names VHP, Bajrang Dal as "Religious Militant Organisations" in World Factbook' (The Indian Express, 15 June 2018) <<https://indianexpress.com/article/india/cia-names-vhp-bajrang-dal-as-religious-militant-organisations-in-world-factbook-5218249/>> accessed 15 June 2025.

⁷²⁰ South Asia Justice Campaign, 'Risk of Atrocities in India: An Assessment Based on UN Framework of Analysis for Atrocity Crimes' (2023) 49–51

<[https://southasiajusticecampaign.org/wp-](https://southasiajusticecampaign.org/wp-content/uploads/2024/06/ARA_India_December2023.pdf)

[content/uploads/2024/06/ARA_India_December2023.pdf](https://southasiajusticecampaign.org/wp-content/uploads/2024/06/ARA_India_December2023.pdf)> (Mobilisation, arming and funding of non-state Hindu nationalist groups).

⁷²¹ '15,000-Strong "Dharma Sena" in Uttar Pradesh Readies for War with Islamic State' The Times of India (20 January 2016) <<https://timesofindia.indiatimes.com/india/15000-strong-dharma-sena-in-uttar-pradesh-readies-for-war-with-islamic-state/articleshow/50646587.cms>> accessed 15 June 2025.

⁷²² South Asia Justice Campaign, 'Risk of Atrocities in India: An Assessment Based on UN Framework of Analysis for Atrocity Crimes' (n 211) 49–51 (Mobilisation, arming and funding of non-state Hindu nationalist groups).

⁷²³ See section 1.5 (Crackdown on expression, assembly, and association by Muslims)

aired anti-Muslim conspiracy theories, including unfounded allegations of ‘love jihad’ and even attacks on Muslim civil servants, whom the channel of accused of participating in ‘UPSC jihad’.⁷²⁴ Chavhanke has also been active at off-line events in public settings: in December 2021, he was reported administering a public oath to a crowd of young men, pledging to ‘fight, die, and if necessary, kill’ to make India a Hindu *Rashtra* (Nation).⁷²⁵ Chavhanke has also provided a platform on his television channel to other Hindu extremist leaders, who have openly threatened violence.⁷²⁶ Despite these repeated hate speeches, Chavhanke continues to broadcast daily from Noida without arrest or prosecution, with police action limited to the registering of FIRs.⁷²⁷

Similarly, hate preacher Narsinghanand, has made multiple public calls for genocide against Muslims, as well as for social and economic boycotts, as noted earlier in this report as well as the Panel’s previous report.⁷²⁸ Yet, Narsinghanand has faced no meaningful action – in January 2024, he was seen walking alongside CM Adityanath at a public event to mark the Kumbh Mela religious festival.⁷²⁹ In December 2025, after he called on Hindus to form ‘suicide squads’ against Muslims, Narsinghanand is not known to have faced arrest or any other coercive police action.

Adityanath himself is reported to have delivered at least 73 blatantly communal speeches during the 2024 General Election campaign, referring to Muslims as ‘infiltrators’, accusing them of ‘eating beef to insult Hindus’ and of ‘supporting Pakistan’.⁷³⁰ Adityanath also repeatedly portrayed Muslims as a demographic and economic threat, and celebrating UP Police’s violent record against them, reportedly declaring: ‘We deal with them so harshly that their descendants will remember.’⁷³¹ Despite widespread public coverage and outrage, not a single FIR has been registered against him to date.

Also noteworthy is anti-Muslim hate speech by active members of the judiciary, which has also remained unaddressed by authorities. Shekhar Kumar Yadav, a UP High Court judge courted controversy in December 2024 by attending an event organised by VHP, but continues to serve on the bench, with the Supreme Court in June 2025 reportedly dropping its probe into the matter. At the event, Yadav had referred to Muslims using Islamophobic slurs, and stated that India would ‘function as per the wishes of the majority’.⁷³² Another judge, Rohit Ranjan Agarwal, made unfounded claims that unlawful religious conversions at a ‘rampant pace’ and that India’s majority was at risk of turning into a majority’, also continues to serve on the High Court bench in UP.⁷³³

⁷²⁴ ‘A Trail of Violence Seems to Follow Suresh Chavhanke’s Hate-Speech Laden Travels’ (CJP, 3 August 2023)

<<https://cjp.org.in/a-trail-of-violence-seems-to-follow-suresh-chavhanke-hate-speech-laden-travels/>> accessed 16 June 2025.

⁷²⁵ ‘Suresh Chavhanke’s Oath “to Kill for Hindu Rashtra”: Delhi Court Seeks Action Taken Report’ (Maktoob media, 28 January 2022) <<https://maktoobmedia.com/india/suresh-chavhanke-oath-to-kill-for-hindu-rashtra-delhi-court-seeks-action-taken-report/>> accessed 16 June 2025.

⁷²⁶ Sumedha Pal, ‘Despite Hate Speech Case, Suresh Chavhanke Continues to Make Anti-Muslim Remarks’ The Wire (9 September 2022) <<https://thewire.in/video/watch-supreme-court-suresh-chavhanke-anti-muslim-remarks>> accessed 16 June 2025.

⁷²⁷ *ibid.*

⁷²⁸ Sonja Biserko, Marzuki Darusman and Stephen Rapp (n 1) 57.

⁷²⁹ Abhishek [@AbhishekSay] (n 105).

⁷³⁰ South Asia Justice Campaign, ‘UPDATE | General Elections | 16 March – 31 May, 2024 (Hate Speech Monitor)’ (n 5).

⁷³¹ South Asia Justice Campaign, ‘UPDATE | General Elections | 16 March – 31 May, 2024 (Hate Speech Monitor)’ (n 5).

⁷³² Ratna Singh, ‘India Will Function as per Wish of Majority; “Kathmullahs” against Nation: Allahabad HC’s Justice SK Yadav’ Bar and Bench (9 December 2024)

<<https://www.barandbench.com/news/hindustan-function-wishes-majority-justice-shekhar-kumar-yadav>> accessed 8 March 2025.

⁷³³ ‘India’s Majority Will Turn Into a Minority If Conversions in Congregations Continue: Allahabad HC’ The Wire (3 July 2024)

Such examples are not isolated. According to a study by India Hate Lab, in 2025 alone, Uttar Pradesh reported 266 hate speech events (of 1318 nationally), of which over 98% targeted Muslims.⁷³⁴ Despite a Supreme Court directive in 2022 mandating police to initiate suo motu action in cases of hate speech and incitement, UP authorities have taken no meaningful action, resulting in such events continuing to be organised by Hindu extremist organisations every day.

Thus, another consistent double standard by UP authorities becomes evident: while Muslims are swiftly and severely penalised for even minor expressions of dissent, Hindu nationalist figures promoting overt hate speech, often even inciting violence, face no comparable scrutiny or consequences.

- **Unequal enforcement of anti-conversion law:** As previously noted, the UP Prohibition of Unlawful Conversion of Religion Act, 2020, was introduced as a defence against the unsubstantiated ‘love jihad’ conspiracy.⁷³⁵ The Act, which contains a provision that explicitly allows for ‘re-conversions’ to a person’s immediate previous religion, has been used to incarcerate hundreds of Muslims accused of involvement in unlawful conversions, including religious actors as well as individuals accused of being in inter-religious relationships with Hindu women.

Studies have shown that the law has been weaponised almost exclusively against Muslims (but also Christians), with one report noting that all 208 individuals arrested in the first nine months of the law were Muslims.⁷³⁶ Tellingly, not a single Hindu man in UP is known to have been prosecuted for coercing a non-Hindu to convert to Hinduism – in fact, there were at least two reported cases of the police allegedly refusing to enforce the law against Hindu men accused by Muslim women of unlawfully converting them to Hinduism.⁷³⁷ There are also no known instances of any state action regarding reports of mass ‘re-conversion’ (known as *ghar wapsi*, or homecoming) ceremonies organised by Hindu non-state actors.⁷³⁸

- **Collusion between law enforcement actors and Hindu extremist private actors:** Also noteworthy are frequent reports of active coordination between law enforcement officials and Hindu extremists to target Muslims, during the enforcement of laws such as the state’s cow protection and anti-conversion legislation, as well as during episodes of mass violence.

As noted earlier, arrests under the UP Prohibition of Unlawful Conversion of Religion Act are often triggered not by complaints from alleged victims, but by Hindu nationalist organisations such as the VHP and the Bajrang Dal.⁷³⁹ The Act

<<https://thewire.in/law/majority-turn-into-minority-congregations-conversions-allahabad-hc>> accessed 16 June 2025.

⁷³⁴ India Hate Lab (n 10).

⁷³⁵ See Section 3.1 (Targeting of Muslims’ manifestation of faith) in this chapter.

⁷³⁶ Hannah Ellis-Petersen and Ahmer Khan (n 142).

⁷³⁷ ‘UP’s “Love Jihad” Law Partisan towards Muslim Women? Police Refuses to Take Cognisance of Cases Involving Them’ National Herald (Lucknow, 10 December 2020) <<https://www.nationalheraldindia.com/india/ups-love-jihad-law-partisan-towards-muslim-women-police-refuses-to-take-cognisance-of-cases-involving-them>> accessed 5 October 2023.

⁷³⁸ ‘Ghar Wapsi in Bulandshahr: Over 100 Return to Hinduism in UP’ OpIndia (26 December 2022)

<<https://www.opindia.com/2022/12/ghar-wapsi-in-bulandshahr-over-100-revert-to-hinduism-in-up-khurja/>> accessed 5 October 2023; Yashasvini Rajeshwar and Roy C. Amore, ‘Coming Home (Ghar Wapsi) and Going Away: Politics and the Mass Conversion Controversy in India’ 10 Religions 313.

⁷³⁹ Betwa Sharma and Ahmer Khan, ‘Hindu Vigilantes Work With Police to Enforce “Love Jihad” Law in North India’ The Intercept (3 July 2021)

<<https://theintercept.com/2021/07/03/love-jihad-law-india/>> accessed 5 October 2023; Hannah Ellis-Petersen and Ahmer Khan (n 142); Sumedha Pal, “‘Concocted Charges’:

also appears to have emboldened these non-state actors to begin a coercive campaign targeting inter-religious relationships, particularly those involving Hindu women and Muslim men. Investigative news reports have revealed the mechanics of this campaign: members of VHP and BD have reportedly fostered an expansive 'network' of informants across the state, who alert them to inter-religious relationships.⁷⁴⁰ These actors then typically attempt to 'counsel' Hindu women into leaving such relationships. If 'counselling' fails to work, they resort to coercive measures, including violence, and registering complaints under the anti-conversion Act.⁷⁴¹ In multiple cases, police officials were reported to have worked closely with members of these groups in tracking down and apprehending Muslims accused under the Act.⁷⁴² While the original version of the law enacted in 2020 allowed only family members of alleged victims to register complaints under the Act, a legislative amendment in 2024 specifically allowed unrelated third-parties to do so.⁷⁴³

A similar pattern has also been observed in the application of UP's cow protection law, which was amended in 2020 to

introduce enhanced penalties (up to ten years of imprisonment) and mandate the public disclosure of accused persons' personal details.⁷⁴⁴ While the UP cow protection law does not yet have a provision allowing the state government to authorise third parties to aid in its implementation, or provide immunity to those acting in 'good faith' under the law—a provision that has enabled cow vigilante violence in several other BJP states⁷⁴⁵—Muslim men accused of cow slaughter in UP are frequently assaulted by cow vigilantes, and some are arrested shortly after by police.⁷⁴⁶ There have also been reported instances of members of Hindu extremist groups and UP Police officials working jointly to raid meat houses and eateries accused of serving beef.⁷⁴⁷

Also worth reiterating are reports of police personnel being directly complicit in mob violence against Muslims by private actors. Police complicity in such episodes has reportedly taken several forms, from failing to intervene during an attack, delaying or denying the filing of criminal cases against assailants, and even lodging counter-cases against Muslim victims and their families. Perhaps the clearest recent case of direct collusion between police and violent

Christians in UP's Fatehpur Allege Harassment Over "Forced Conversion" Claims' *The Wire* (1 December 2022) <<https://thewire.in/communalism/christians-in-ups-fatehpur-allege-harassment-after-concocted-forced-conversion-charges>> accessed 5 October 2023.

⁷⁴⁰ Betwa Sharma and Ahmer Khan (n 230); Ananya Bhardwaj, "'We Step in When Our Women Step out with Muslim Men' – How UP Law Empowers Hindu Bully Groups' *The Print* (26 December 2020) <<https://theprint.in/india/we-operate-freely-now-how-hindu-groups-are-driving-ups-crackdown-on-love-jihad/574368/>> accessed 6 October 2023.

⁷⁴¹ Betwa Sharma and Ahmer Khan (n 230); Ananya Bhardwaj (n 231).

⁷⁴² Betwa Sharma and Ahmer Khan (n 230).

⁷⁴³ Aaratrika Bhaumik, 'How Has Uttar Pradesh Made Its Anti-Conversion Law More Stringent?' *The Hindu* (6 August 2024) <<https://www.thehindu.com/news/national/how-has-uttar-pradesh-made-its-anti-conversion-law-more-stringent-explained/article68480856.ece>> accessed 16 June 2025.

⁷⁴⁴ PTI, 'Uttar Pradesh Govt. Clears Ordinance to Prevent Cow Slaughter' *The Hindu* (10 June 2020)

<<https://www.thehindu.com/news/national/other-states/uttar-pradesh-govt-clears-ordinance-to-prevent-cow-slaughter/article31792688.ece>> accessed 16 June 2025.

⁷⁴⁵ South Asia Justice Campaign, 'Cow Slaughter Laws and Vigilante Violence in India' Briefing Note No. 2024/6 <https://southasiajusticecampaign.org/wp-content/uploads/2024/11/BN_2024-6_CowSlaughterLaws.pdf>.

⁷⁴⁶ 'Muslim Man In UP Assaulted By Cow Vigilantes, Cops File Case Against Him' (www.ndtv.com)

<<https://www.ndtv.com/india-news/uttar-pradesh-news-cow-vigilantes-muslim-man-in-uttar-pradesh-assaulted-by-cow-vigilantes-booked-by-cops-2448233>> accessed 16 June 2025.

⁷⁴⁷ 'Gau Raksha Dal Bharat Members along with Police Raid a Cafe Alleging "Cafe Jihad"' (*Hindutva Watch*, 12 July 2024) <<https://www.hindutvawatch.org/gau-raksha-dal-bharat-members-along-with-police-raid-a-cafe-alleging-cafe-jihad/>> accessed 16 June 2025.

Hindu actors emerged during the violence in Bahraich in October 2024, where a Hindu extremist mob violently attacked Muslims, looted homes and shops, and set properties ablaze. The only people shot and seriously injured by police in the context of the violence were two Muslims accused of involvement in the killing of a Hindu man.⁷⁴⁸ A widely-circulated video later captured Hindu rioters bragging that they were given two hours to riot freely by the police.⁷⁴⁹ Separate footage reportedly showed police and Hindu rioters marching together through Muslim neighbourhoods during the violence.⁷⁵⁰

These patterns collectively suggest that law enforcement in UP has routinely acted not as neutral enforcers of law and order, but as enablers of or active collaborators in Hindu extremist objectives against Muslims.

- **Disproportionate incarceration patterns:** The cumulative effect of the unequal law enforcement patterns outlined above is also starkly visible in official prison statistics. According to the latest available data (2021), Muslims are significantly overrepresented across various categories of incarceration, particularly among those held without conviction.

Muslims constitute 20% of all convicts in the state's prisons, broadly proportionate to their population share. However, they account for 26% of undertrial prisoners and a staggering 57% of all 'detenues' – persons lawfully held in custody without conviction, including those held under preventive

detention laws such as the NSA, or draconian special legislations like the anti-conversion law, the cow protection law, or the UAPA, which allow for long periods of pre-trial incarceration and make bail virtually inaccessible.⁷⁵¹

In sharp contrast, Hindus – who form around 80% of the state's population – account for 73.7% of convicts and 69.9% of undertrials, and just 26% of detenues.

These figures serve as quantitative evidence that Muslims in UP are not only more likely to be arrested or charged preemptively, but also more likely to be held without trial, bail, or conviction, often for prolonged durations and under laws that bypass ordinary due process protections.

- **Institutional bias against Muslims within UP Police:** It is pertinent to note that the patterns highlighted above are not merely episodic or the product of individuals' prejudice, but also reflections of deeper, systemic bias embedded within the structures and internal culture of UP Police.

Perhaps the clearest formal acknowledgment of this institutional bias came from the Delhi High Court's 2018 judgment in the 1987 Hashimpura massacre case, where 16 Muslim men were executed at point-blank range by personnel of the Uttar Pradesh Provincial Armed Constabulary (PAC). The Court described the killings as 'targeted,' and found that they revealed 'an institutional bias within the law enforcement agents... against persons belonging to one minority community.'⁷⁵²

⁷⁴⁸ 'Bahraich Violence: 5 Accused Held, Two Injured in Police Encounter' (The Indian Express, 18 October 2024) <<https://indianexpress.com/article/cities/lucknow/bahraich-violence-5-accused-held-two-injured-in-police-encounter-9625999/>> accessed 13 March 2026.

⁷⁴⁹ "Police Gave Us Free Hand for Two Hours," Say Bahraich's Hindu Rioters' (n 37).

⁷⁵⁰ Ibid.

⁷⁵¹ National Crime Records Bureau, 'Prison Statistics India 2022' (Ministry of Home Affairs).

⁷⁵² 'Hashimpura Massacre, a "Targeted Killing" by Police: HC, 16 Former Cops given Life Term' Business Standard (31 October 2018) <<https://www.business-standard.com/article/pti-stories/hashimpura-massacre-a->

Subsequent research confirms that this bias continues to be pervasive and systemic. According to government data cited in a 2023 report, only 17 (1.6%) out of 1063 officers in UP's State Police Services were Muslim, a figure that is reportedly the lowest in history and confirmation of the near-total absence of Muslims in key law enforcement positions.⁷⁵³ This alienation of Muslims has percolated to the local, police-station level across India (and UP), where a 2018 nationwide study revealed the preponderance of Hindu religious symbols, including often temples, and the overt practice of religion by Hindu police officers while on duty.⁷⁵⁴

Evidence on structural bias is further borne out by recent survey data from 2025 on active police personnel's attitudes. Among serving police officers in UP, 43% agreed that Muslims are 'naturally prone to committing crimes', 49% supported the use of physical violence against suspects in serious cases, 61% expressed moderate or high support for the use of torture to obtain information, and 42% believed that police should be allowed to mete out punishments without due process.⁷⁵⁵ These findings suggest that not only is religious prejudice prevalent, but also that it coexists within a broader culture of impunity and support for police excesses.

The 2018 nationwide study too had highlighted unanimous and repeated

accounts of structural anti-Muslim bias among police.⁷⁵⁶ Muslim community respondents reported a persistent sense of being selectively targeted, over-policed, and criminalised.⁷⁵⁷ Police were described as routinely entering Muslim neighbourhoods with suspicion, treating them as hubs of terrorism or crime, and displaying overt prejudice toward Muslim women who approached them wearing religious identity markers.⁷⁵⁸ Respondents also unanimously noted that Muslim-majority areas were often encircled by multiple police stations, creating an invisible but deeply felt sense of surveillance and containment.⁷⁵⁹

It is highly likely that these nationwide patterns are even more pronounced in UP, where the political leadership appears to have given carte blanche to police personnel to harass and target Muslims. These dynamics have created and entrenched a deep trust deficit between the Muslim community and the police in Uttar Pradesh.

Read together, these patterns point to a two-tiered system of law enforcement in UP, one marked by surveillance, criminalisation, and coercion against Muslims, and another of tolerance and impunity for, and even collusion with, Hindu majoritarian actors.

4.2. Unequal treatment in administration of justice

Unequal treatment of Muslims also extends into the functioning of the justice system itself. Patterns of bias are consistently visible in how

targeted-killing-by-police-hc-16-former-cops-given-life-term-118103101536_1.html> accessed 16 June 2025.

⁷⁵³ 'LEFT OUT Muslim Representation in Police Forces Lowest in History' (Clarion India, 14 December 2024)

<<https://clarionindia.net/left-out-muslim-representation-in-police-forces-lowest-in-history/>> accessed 16 June 2025.

⁷⁵⁴ Commonwealth Human Rights Initiative and Quill Foundation, 'Muslim Voices: Perceptions of Policing in India' (2018) 14

<<https://www.humanrightsinitiative.org/download/1548414445Muslim%20Voices%20Perceptions%20of%20Policing%20Jan%202019.pdf>>.

⁷⁵⁵ Common Cause and Lokniti - Centre for the Study of Developing Societies (CSDS), 'Status of Policing in India Report 2025: Police Torture and (Un)Accountability' (2025)

<https://www.commoncause.in/wotadmin/upload/SPIR_2025-a.pdf>.

⁷⁵⁶ Commonwealth Human Rights Initiative and Quill Foundation (n 245) 10–25.

⁷⁵⁷ *ibid.*

⁷⁵⁸ *ibid.*

⁷⁵⁹ *ibid.*

cases are prosecuted or dropped, how victims are compensated, and how punitive ‘justice’ measures like demolitions – increasingly known as ‘bulldozer justice’ in local parlance – are selectively imposed. When Muslims are victims of violence or abuse, impunity for perpetrators is often the norm. When they are the accused, the justice machinery moves swiftly and harshly.

A prime example is the aftermath of the 2013 Muzaffarnagar riots, one of the worst outbreaks of anti-Muslim violence in UP’s recent history (over 50 killed, mostly Muslims, and over 50,000 displaced).⁷⁶⁰ After coming to power, the Adityanath government moved to withdraw dozens of criminal cases against Hindus (including BJP politicians) charged for their role in these riots. By 2021, the government was reported to have dropped 77 riot cases, benefiting at least two sitting ministers and other ruling-party figures. Cases against 32 more accused persons were reported to have been withdrawn in October 2024, ahead of state by-elections.⁷⁶¹

In November 2025, the state government moved to withdraw prosecution in the 2015 lynching of Mohammad Akhlaq – more than a decade after the crime – seeking to drop all charges against the accused, including murder, despite the gravity of the offence and the vulnerability of the victims’ family.⁷⁶² Although a Surajpur court ultimately rejected the withdrawal plea and ordered a fast-tracked trial with day-to-day hearings in December 2025, the episode was yet another instance of the UP government attempting to shield Hindu nationalist perpetrators of anti-Muslim violence.

There are no known instances of the government intervening in a comparable manner to withdraw charges against Muslims accused in a comparable manner. In contrast, cases against Muslims accused of violence are aggressively pursued. For instance, as noted in the Panel’s previous report, in statewide police crackdowns amid the December 2019 anti-CAA protests, 22 Muslims were shot dead. Yet not a single police officer has been prosecuted to date. Instead, the state hailed the crackdown, filed hundreds of criminal cases against alleged Muslim protesters, subjected many to custodial torture, and launched punitive measures like the public posting of names on hoardings and property seizure notices. Families of the slain Muslims have, to date, not received even formal acknowledgment of the role of police in their killings.

Disparity in treatment is also visible in UP’s pattern of compensating victims of violence. For instance, after the Kasganj violence in 2018 (when a Hindu man was killed in communal clashes), the government swiftly announced compensation of Rs. 2 million to his family and a government job for a family member. In contrast, Muslims who were injured in the violence were reportedly provided compensation of only around Rs. 20,000 each.⁷⁶³ Similarly, in the aftermath of the violence in October 2024 in Bahraich (when a Hindu man was killed in communal clashes), CM Adityanath personally met with the family of the victim, announcing ex-gratia financial payment as well as a house and other benefits under government welfare schemes.⁷⁶⁴ No financial relief is known to have been granted to Muslims who faced injuries or property loss

⁷⁶⁰ ‘Months After Riots, Indian Refugees Are Still Suffering’ (Amnesty International, 28 January 2014) <<https://www.amnestyusa.org/updates/how-to-help-tens-of-thousands-of-indian-refugees/>> accessed 16 June 2025.

⁷⁶¹ Clarion India, ‘Ahead of By-Polls, UP Govt Decides to Withdraw Riots Cases Against 32 Accused’ Clarion India (10 October 2024) <<https://clarionindia.net/ahead-of-by-polls-up-govt-decides-to-withdraw-riots-cases-against-32-accused/>> accessed 7 March 2025.

⁷⁶² ‘UP Govt Moves to Withdraw All Charges against Accused in Akhlaq Lynching: Report’ (Maktoob Media, 14 November 2025) <[https://maktoobmedia.com/india/up-govt-moves-to-](https://maktoobmedia.com/india/up-govt-moves-to-withdraw-all-charges-against-accused-in-akhlaq-lynching-report/)

[withdraw-all-charges-against-accused-in-akhlaq-lynching-report/](https://maktoobmedia.com/india/up-govt-moves-to-withdraw-all-charges-against-accused-in-akhlaq-lynching-report/)> accessed 24 March 2026.

⁷⁶³ ‘UP Govt Sanctions Rs 70.22 Lakh for 35 People Affected by Kasganj Violence’ The Times of India (17 March 2018) <<https://timesofindia.indiatimes.com/city/agra/up-govt-sanctions-rs-70-22-lakh-for-35-people-affected-by-kasganj-violence/articleshow/63349123.cms>> accessed 11 June 2025.

⁷⁶⁴ ‘UP CM Yogi Adityanath Meets Bahraich Victim’s Family, Announces Rs 10 Lakh Ex Gratia, House’ The Times of India (16 October 2024)

<<https://timesofindia.indiatimes.com/city/lucknow/uttar-pradesh-cm-yogi-adityanath-supports-bahraich-violence->

during the violence. In fact, none of the Muslim victims of the abuses highlighted above—including 'encounter' killings, 'half encounter' maimings and other forms of custodial abuse, use of lethal force amid protests, and violence by Hindu extremist private actors—have even been deemed worthy by authorities for acknowledgment of harm caused, let alone reparation.

Instead, Muslim victims of abuses have increasingly—and almost exclusively—faced extra-legal measures such as demolitions, property seizure, and evictions. For instance, during the Sambhal protests in November 2024, not only were Muslim protesters shot dead, but entire Muslim neighbourhoods were subjected to water and electricity cut-offs and threats of eviction. A February 2025 report by Frontline found that 100% of all documented punitive demolitions in UP in 2024 were targeted as Muslims.⁷⁶⁵ The report also found that even when demolitions and evictions have been carried out under nominally neutral 're-development' schemes, Muslim-majority slums were far more likely to be bulldozed, while Hindu-majority slums were upgraded in situ. Another civil society database found that over 98% of all demolitions carried out between 2020 and 2024 in the aftermath of protests, riots, or accusations of dissent involved Muslim-owned properties.⁷⁶⁶ These demolitions followed a set pattern: Muslim individuals are accused of organising or participating in protests, or involvement in 'riots', and within days, their homes are declared 'illegal constructions' and demolished by authorities. The absence of parallel action against Hindus in similar circumstances strongly indicates that these are not neutral enforcement actions but collective punishments meted out along religious lines.

Read together, these practices indicate a justice system that not only denies Muslims protection and redress, but actively weaponises legal and extrajudicial measures to punish and intimidate them.

4.3. Selective political exclusion of Muslims

Despite making up around 19% of the state's population, Muslims in UP are significantly under-represented in the state's political institutions. In the current UP Legislative Assembly (elected in 2022), only 34 out of 403 (8.3%) elected legislators are Muslims, all belonging to opposition parties. This under-representation is alleged to be the result of deliberate political strategy by the BJP, which did not field a single Muslim candidate in the 2022 elections, effectively ensuring that no Muslim would sit in the ruling party's legislative ranks. This stark absence of Muslims from the corridors of power has enabled the imposition of laws and policies that overlook or even intentionally target Muslim interests, as noted previously. At the same time, the Adityanath government has repeatedly championed its record of furthering Hindu causes and interests. Underscoring the deliberate nature of this political marginalisation, Adityanath has repeatedly framed the state's electoral politics as an '80% vs 20%' battle, widely interpreted to mean 80% Hindus versus 20% Muslims.⁷⁶⁷

Muslims are also the only social or religious group in UP to have faced episodes of targeted voter suppression and intimidation, including allegations of Muslim voters being disproportionately erased from electoral rolls, most recently in the context of the ongoing Special Intensive Revision of voter rolls, as

victims-family-with-financial-aid-and-housing/articleshow/114262228.cms> accessed 11 June 2025.

⁷⁶⁵ Anuj Behal (n 168).

⁷⁶⁶ 'Tracking Punitive Demolitions In India: An Interactive Mapping Project - The Polis Project' (21 February 2025) <<https://www.thepolisproject.com/demolitions-map/>> accessed 16 June 2025.

⁷⁶⁷ 'Uttar Pradesh Gets 34 Muslim MLAs This Time, Most from Akhilesh Yadav's Party' Hindustan Times (13 March 2022) <<https://www.hindustantimes.com/elections/uttar-pradesh-assembly-election/uttar-pradesh-gets-34-muslim-mlas-this-time-most-from-akhilesh-yadav-s-party-101647149185804.html>> accessed 16 June 2025.

well as previous reports of police intimidation and violence against voters.⁷⁶⁸

Other marginalised groups—such as women, Scheduled Castes (SCs), and Scheduled Tribes—have benefited from legal protections and targeted voter inclusion drives. For instance, 86 seats in the UP Assembly (31.3%) are constitutionally reserved for SC/ST candidates, ensuring their political representation is proportionate to their population share. In 2022, SC and ST legislators together accounted for 21% of the Assembly, essentially matching their demographic presence. Women—who, like Muslims, are still denied reserved seats in state assemblies and in the national Parliament—are also underrepresented, occupying just 48 seats (11.9%) in UP. However, the Indian government has announced plans to plug this gap and introduce reserved seats for women at the state and national level. National and state-level electoral authorities have also launched several initiatives to encourage women's participation in the electoral process, including 'pink booths' staffed exclusively by women, and the provision of creche facilities at some polling booths.⁷⁶⁹ Similarly, SC/ST and disabled voters too have been the focus of recent inclusion drives.⁷⁷⁰

While the efficacy of the above-mentioned inclusion drives for other marginalised groups is unknown, the total absence of any such measures for Muslims (across India and in UP) is illuminating. There are no reports of targeted voter registration drives in Muslim neighbourhoods, or polling facilitation schemes tailored to their needs, and no mechanisms to ensure that their concerns are addressed in the democratic process. Instead, as mentioned earlier, reports suggest that urban wards with high Muslim populations in UP were particularly prone to large-scale

deletions from electoral rolls ahead of the 2024 General Election. Indeed, a key theme of the 2024 General Election, in UP and elsewhere, was the unfounded claim by the BJP that opposition parties were conspiring to 'snatch' affirmative action benefits from other marginalised groups and redistribute them to Muslim 'infiltrators'.⁷⁷¹

This comparative context suggests that Muslims are being uniquely excluded from political participation, not only underrepresented in elected bodies, but also left out of affirmative inclusion measures that benefit other marginalised groups.

4.4. Unequal treatment in the economic, social, and cultural spheres

A. Direct targeting of Muslim economic interests for the convenience of the Hindu majority

As noted previously, Muslims are the only social or religious group against whom UP state authorities have pursued targeted policies—such as the crackdown on slaughterhouses, the disruption of other cattle-based livelihoods, and the imposition of restrictions on the food and hospitality sectors. It is notable that all these measures, which have disproportionately burdened Muslims, were imposed in furtherance of the sentiments and convenience of the Hindu majority, many of whom eschew meat. The crackdown on slaughterhouses, for instance, is reported to have led to the closure of hundreds of largely Muslim-run meat businesses, displacing tens of thousands of workers. More recently, bans on meat sales near Hindu temples, compulsory display of worker identities in eateries, and boycotts driven by the unfounded 'thook jihad' conspiracy theory have exacerbated this

⁷⁶⁸ See Section 2.1 (Targeting of Muslims' ability to vote) in this chapter.

⁷⁶⁹ 'Some Voting Booths in India Have an All-Female Staff and Childcare Facilities' (Quartz) <<https://qz.com>> accessed 16 June 2025.

⁷⁷⁰ Election Commission of India, 'Voting by Tribal Communities Blossoms as ECI's Outreach to Them Bears Fruit'

<<https://www.pib.gov.in/www.pib.gov.in/Pressreleaseshare.aspx?PRID=2019294>> accessed 16 June 2025.

⁷⁷¹ Alex Travelli and Suhasini Raj, 'Modi Calls Muslims "Infiltrators" Who Would Take India's Wealth' The New York Times (22 April 2024)

<<https://www.nytimes.com/2024/04/22/world/asia/modi-speech-muslims.html>> accessed 24 July 2024.

exclusion: in 2024, many Muslim vendors were forcibly removed from Hindu pilgrimage routes.⁷⁷²

By contrast, the UP government has continued to invest relatively better in advancing the livelihoods of other marginalised groups, like Scheduled Castes, Scheduled Tribes, Other Backward Classes, and women.⁷⁷³ SCs and STs also benefit, to a limited extent, from the presence of a targeted sub-plan within the state budget, although this too has historically been marred by allegations of underfunding.⁷⁷⁴ Regardless, these communities have benefited from tailored schemes promoting entrepreneurship and employment. For instance, the current UP government has claimed to have supported over 120,000 SC youth through subsidised self-employment loans, launched leather parks and rural canteens named after SC and ST icons, and initiated subsidies and skill training for OBC fishing and artisanal communities.⁷⁷⁵ Women's self-help groups have been seeded with state funds, and some have received targeted support under Mission Shakti and other campaigns.⁷⁷⁶

Muslims, by contrast, are largely excluded from such tailored support structures although some do benefit from support measures, if they also qualify as OBCs. In traditional Muslim-majority industries, the state has offered no compensation or retraining to Muslim workers in the wake of its disruptive policies, instead leaving them to navigate economic dislocation alone.

It is also important to note that this contrast in treatment reflects a broader ideological orientation. The BJP has consistently criticised the community-specific policy recommendations of the Sachar Committee – a government committee constituted to study the deprivations faced by Muslims nationwide in socio-economic development – and dismissed them as ‘appeasement’ of Muslims.⁷⁷⁷ Instead, BJP governments have framed their welfare delivery through the lens of ‘area-based development’, targeting underdeveloped districts rather than religious or social communities. In practice, this has meant the exclusion of Muslims as a category from most livelihood initiatives, even as parallel identity-based schemes are maintained for some other disadvantaged groups.

In sum, where SCs, STs, OBCs and women have benefited to some extent from active state support aimed at improving their economic participation, Muslims have faced active targeting, displacement, and exclusion.

B. Selective targeting of Muslim religious and cultural practices

As noted previously, Muslims in UP have faced sustained hostility from state authorities targeting their religious and cultural practices, in stark contrast to the state's overt support for Hindu religious events and institutions.⁷⁷⁸

While Muslim expressions of faith have been increasingly policed and criminalised, the UP

⁷⁷² See section on targeting of Muslims' livelihoods and housing.

⁷⁷³ ‘UP Govt's Welfare Initiatives for Marginalised Bring Positive Changes in Past 8 Years’ The Times of India (14 April 2025) <<https://timesofindia.indiatimes.com/city/lucknow/up-govts-welfare-initiatives-for-marginalised-bring-positive-changes-in-past-8-years/articleshow/120262398.cms>> accessed 16 June 2025.

⁷⁷⁴ Pratikshit Singh, ‘Underfunding of SC/ST Sub-Plan in UP Budget Sparks Outcry’ The Mooknayak English - Voice Of The Voiceless (11 February 2024) <<https://en.themooknayak.com/dalit-news/underfunding-of-scst-sub-plan-in-up-budget-sparks-outcry>> accessed 16 June 2025.

⁷⁷⁵ ‘UP Lists Schemes for Dalits, Backwards’ The Times of India (15 April 2025) <<https://timesofindia.indiatimes.com/city/lucknow/up-lists-schemes-for-dalits-backwards/articleshow/120289637.cms>> accessed 16 June 2025.

⁷⁷⁶ ‘Mission Shakti Shapes Lives of Lakhs of Women’ The Times of India (9 April 2025) <<https://timesofindia.indiatimes.com/city/lucknow/mission-shakti-shapes-lives-of-lakhs-of-women/articleshow/120105333.cms>> accessed 16 June 2025.

⁷⁷⁷ ‘Bharatiya Janata Party’ (Resolution of the BJP Parliamentary Party Condemning the Muslim Appeasement steps of the UPA Government) <<https://www.bjp.org/>> accessed 16 June 2025.

⁷⁷⁸ See Section 3.1 (Targeting of Muslims' manifestations of faith)

government has gone to great lengths to promote, facilitate, and subsidise major Hindu religious occasions. In recent years, this has included the official facilitation⁷⁷⁹ of the construction and inauguration of the Ram Temple in Ayodhya in January 2024, the state-led organisation of the Kumbh pilgrimage festival in Prayagraj⁷⁸⁰ in January-February 2024, and the state's facilitation of the annual *kanwar yatra*⁷⁸¹ Hindu pilgrimage. It is noteworthy that each of these occasions has been marked by reports of anti-Muslim incitement, vandalism, and violence, and that no state support has been extended to Muslim religious observances.⁷⁸² There are no known cases of Hindus being arrested, penalised, or intimidated for public religious observances, in contrast to multiple documented instances of Muslims being detained for praying in public spaces or even within the confines of their own homes.

Muslim religious endowments and cultural spaces have also been systematically targeted. Dozens of mosques, dargahs, and madrassas have been sealed, demolished, or subjected to

investigation. The Waqf (Amendment) Act, introduced at the national level in April 2025, has been criticised by legal scholars as introducing a discriminatory legal framework that singles out Muslim religious endowments for heightened state control and reduced autonomy, creating a model of state interference that is not applied to other religious communities.⁷⁸³ In UP, as noted earlier, peaceful opposition to this law has been met with arrests and the issuing of exorbitant 'peace bonds'.⁷⁸⁴

In contrast, Hindu religious institutions enjoy open state patronage. CM Adityanath himself continues to serve as the head priest of the Gorakhnath Temple⁷⁸⁵, and the Ayodhya Ram Mandir Trust—set up for the construction of the Ram Temple—has received direct and indirect state support, from security arrangements to facilitation of land and funding.⁷⁸⁶ No comparable administrative structure exists to support Muslim religious institutions. Instead, as noted earlier, Muslim places of worship are treated as sites of suspicion and state scrutiny.

⁷⁷⁹ Mayank Kumar, 'In the Name of Ram: Uttar Pradesh Government's Initiatives to Appropriately His Identity' *The Hindu* (10 September 2023) <<https://www.thehindu.com/news/national/in-the-name-of-ram-uttar-pradesh-governments-initiatives-to-appropriate-his-identity/article67291402.ece>> accessed 16 June 2025.

⁷⁸⁰ 'The Pop-up Megacity: How the Kumbh Mela Prepared for 660m Hindu Devotees' *The Guardian* (17 March 2025) <<https://www.theguardian.com/global-development/2025/mar/17/india-megacity-hindu-festival-ganges-maha-kumbh-mela-sangam-660million-pilgrims-waste-pollution-water>> accessed 16 June 2025.

⁷⁸¹ 'Across 4 Districts, Flowers Showered on Kanwariyas from Choppers as Yatra Reaches the Last Leg' *The Indian Express* (2 August 2024) <<https://indianexpress.com/article/cities/lucknow/as-yatra-reaches-last-leg-up-officials-shower-flowers-on-kanwariyas-from-choppers-9490031/>> accessed 16 June 2025; 'After Muzaffarnagar, UP Govt Extends across State Order on Kanwar Yatra Route Eateries' *The Indian Express* (19 July 2024) <<https://indianexpress.com/article/india/muzaffarnagar-up-govt-extends-eateries-order-across-state-9463755/>> accessed 16 June 2025.

⁷⁸² 'India's Hindu Festivals Bring Increasing Anti-Muslim Violence' (Human Rights Watch, 5 April 2023) <<https://www.hrw.org/news/2023/04/05/indias-hindu-festivals-bring-increasing-anti-muslim-violence>> accessed 29 August 2023; 'India: Violence Marks Ram Temple Inauguration' (Human Rights Watch, 31 January 2024) <<https://www.hrw.org/news/2024/01/31/india-violence-marks-ram-temple-inauguration>> accessed 16 June 2025;

Aditya Menon, Avani Kumar and Syed Faheem Ahmed, 'Kanwar Yatra 2024: 20 Violent Incidents Involving Kanwariyas Across 4 States' *The Quint* (6 August 2024) <<https://www.thequint.com/news/politics/kanwar-yatra-2024-violence-haryana-uttar-pradesh-muzaffarnagar-hindutva-muslims>> accessed 16 June 2025.

⁷⁸³ Grasmir Soni and Sweety Gautam, 'Weaponising Reform: The Waqf (Amendment) Act, 2025 and Its Assault on Religious Freedom' (Oxford Human Rights Hub, 9 June 2025) <<https://ohrh.law.ox.ac.uk/weaponising-reform-the-waqf-amendment-act-2025-and-its-assault-on-religious-freedom/>> accessed 16 June 2025.

⁷⁸⁴ See Section 1.5 (Crackdown on expression, association and assembly by Muslims)

⁷⁸⁵ 'UP CM Adityanath Performs His Other Duty: As Gorakhnath Temple Priest' *The Times of India* (29 September 2017) <<https://timesofindia.indiatimes.com/india/up-cm-adityanath-performs-his-other-duty-as-gorakhnath-temple-priest/articleshow/60876825.cms>> accessed 16 June 2025; 'Uttar Pradesh: CM Yogi Adityanath Holds "Janta Darshan" at Gorakhnath Temple' *The Economic Times* (12 May 2025) <<https://economictimes.indiatimes.com/news/politics-and-nation/uttar-pradesh-cm-yogi-adityanath-holds-janta-darshan-at-gorakhnath-temple/articleshow/121095947.cms?from=mdr>> accessed 16 June 2025.

⁷⁸⁶ Jayant Pankaj, 'Ayodhya Ram Mandir: The Cost and the Funding' *BusinessLine* (17 January 2024) <<https://www.thehindubusinessline.com/data-stories/data-focus/ayodhya-ram-mandir-the-cost-and-the-funding/article67748796.ece>> accessed 16 June 2025.

Also worth noting are the state's championing of Sanskrit⁷⁸⁷ (the primary sacred language of Hinduism) while denigrating and sidelining Urdu⁷⁸⁸ (a language associated with Indian Muslim identity), and the renaming of places⁷⁸⁹ reflecting Indo-Islamic cultural legacy to instead reflect Hindu religious symbols.

C. Selective targeting of Muslims' educational avenues

As noted previously, Muslim educational institutions in UP, ranging from elite universities to community-run seminaries, have faced various forms of targeted hostility from state authorities.

This has been in stark contrast to UP authorities' approach towards unregulated Hindu religious schools and *ashram*-run institutions, which have not faced a statewide survey or mass closure campaigns. Similarly, no incursions or crackdowns have occurred at universities seen as Hindu (such as Banaras Hindu University) during student-led agitations, in contrast to the state's targeting of universities like Aligarh Muslim University.

Also noteworthy is the UP government's discontinuation or under-funding of scholarship schemes for minority students,

impeding educational opportunities for tens of thousands of Muslim youth (including girls).⁷⁹⁰ For instance, the 2025-26 state budget earmarks Rs. 968 crore (~\$ 116 million) for scholarships for SC students.⁷⁹¹ For Muslims, the 2025-26 budget earmarks only Rs. 365 crore (~ \$ 42 million), despite Muslims (19%) accounting for nearly as much of the state's population as Scheduled Castes (21%).⁷⁹²

D. Gendered targeting faced by Muslim women

Also important to note is the double burden faced by Muslim women in UP, who are reportedly targeted not only for being Muslim but also for being women in a patriarchal society. As noted earlier, patterns of abuse have included police violence, sexual assault, and selective ill-treatment at educational, as well as vilification and threats by Hindu extremists.⁷⁹³ Reported incidents include Muslim women being shot, beaten, or dying during police raids, public humiliation and sexual assault in the aftermath of interfaith relationships, and the expulsion of hijab-clad girls from schools.⁷⁹⁴ These experiences stand in contrast to the treatment of Hindu women in similar settings, who are not known to face communalised, gendered abuse and violence.

The examples presented in this section reveal a consistent pattern of unequal treatment faced by Muslims in Uttar Pradesh across multiple spheres of life. In situations where other groups were met with restraint, Muslims were frequently subjected violent and responses by state authorities. Taken together, these patterns suggest that Muslims are routinely singled out for harsher, more exclusionary, and often collective forms of state action.

⁷⁸⁷ 'UP Government Announces Scholarships for All Students in Sanskrit Schools' India Today (28 August 2024) <<https://www.indiatoday.in/education-today/news/story/up-government-announces-scholarships-for-all-students-in-sanskrit-schools-2589210-2024-08-28>> accessed 16 June 2025.

⁷⁸⁸ See Section 3.2. (Targeting of Muslims' cultural identity and heritage).

⁷⁸⁹ Ibid.

⁷⁹⁰ 'UP Budget 2025-26 Reflects Government's Indifference Towards Muslims' Clarion India (21 February 2025) <[https://clarionindia.net/up-budget-2025-26-reflects-](https://clarionindia.net/up-budget-2025-26-reflects-governments-indifference-towards-muslims/)

[governments-indifference-towards-muslims/](https://clarionindia.net/up-budget-2025-26-reflects-governments-indifference-towards-muslims/)> accessed 11 June 2025.

⁷⁹¹ 'UP Govt Champions Dalit Rights through Targeted Initiatives in UP' (The Impressive Times, 14 April 2025) <<https://impressivetimes.com/latest/news-4448/>> accessed 16 June 2025.

⁷⁹² 'UP Budget 2025-26 Reflects Government's Indifference Towards Muslims' (n 283).

⁷⁹³ See Section 1.4 (Hostility and violence against Muslim women & girls)

⁷⁹⁴ Ibid.

5. Persons and groups responsible

5.1. State actors

The majority of the acts detailed in the previous sections were committed by state actors. These included:

A. The executive branch, led by the Chief Minister: Ajay Singh Bisht, known as Yogi Adityanath, in his capacity as Chief Minister and Home Minister, has held ultimate authority over the state police force and the executive machinery of Uttar Pradesh since March 2017. As noted in the Panel's previous report, policies and executive practices affecting Muslims have been formulated and implemented by departments within the State Government, and the Law Department bears responsibility for ensuring that legislation and executive action comply with constitutional and international standards. The executive branch has remained central to the formulation and coordinated implementation of measures affecting Muslims in the state, including the authorisation and public endorsement of so-called 'encounter' policing, the direction of large-scale demolition, eviction, and property-sealing drives in Muslim-concentration localities framed as law-and-order or anti-crime initiatives, the use of preventive detention and security legislation in the context of protests and religious violence, and the selective enforcement or non-enforcement of criminal law in cases involving anti-Muslim violence. These measures have been operationalised at the district level through District Magistrates, municipal authorities, and other local executive officials responsible for issuing demolition and attachment orders, cancelling trade licences, authorising preventive detention, imposing prohibitory

orders, and coordinating police action. Administrative and policy oversight lies with the Home Department, including the State Home Secretary, under the supervision of the Chief Minister. Public statements by the Chief Minister have repeatedly framed punitive policing and exemplary administrative action as necessary responses to alleged disorder or criminality. In light of his formal command authority over the police and administration, his supervisory role over key departments, and the structured implementation of these policies through district and municipal authorities, ultimate responsibility for their design, direction, and operationalisation rests with the Chief Minister.

B. Uttar Pradesh Police: Physical abuses against Muslims in Uttar Pradesh have largely been perpetrated by the UP Police, acting under the control and direction of the state executive through the Home Department. This has included the use of lethal force in so-called 'encounter' and 'half encounter' incidents, crowd control operations involving excessive force, large scale arrests and detention in the context of protests and communal incidents, and participation in demolition and property-sealing drives carried out by civil authorities in Muslim-concentration localities. Police personnel have also been implicated in the selective registration of cases, failure to effectively investigate anti-Muslim violence, and the use of criminal and security laws in a manner that disproportionately affects Muslim individuals. Operational responsibility spans the institutional hierarchy – from Station House Officers (SHOs) and district Superintendents of Police to

Range Deputy Inspectors General, Zonal Inspectors General, and the Director General of Police—while administrative and policy oversight lies with the Home Department under the supervision of the State Government. In addition to frontline officers, senior police officials bear administrative responsibility for patterns of conduct documented above in districts where such abuses occurred.

Additionally, judicial authorities have played a key role in reviewing executive action in Uttar Pradesh, including in matters relating to ‘encounter’ killings, demolition drives, hate speech, and mob violence. The Allahabad High Court and the Supreme Court of India have exercised inadequate oversight in a range of matters arising from the measures described above, while constitutional bodies such as the Uttar Pradesh Human Rights Commission and the National Human Rights Commission have also been largely ineffective despite having received complaints relating to these patterns. The effectiveness, scope, and limitations of judicial and institutional oversight mechanisms are examined in greater detail in Section IV (The Right to an Effective Remedy).

5.2. Non-state actors

Organised non-state actors have also been repeatedly implicated in intimidation and

violence targeting Muslims in Uttar Pradesh. This has included Hindu nationalist organisations such as the Vishwa Hindu Parishad (VHP) and Bajrang Dal, which form part of the broader Rashtriya Swayamsevak Sangh (RSS) network, within which the Bharatiya Janata Party (BJP) functions as the principal political wing. Members and affiliates of these organisations have been linked to recurrent patterns of vigilante violence, including mob attacks under the pretexts of cow protection, interfaith relationships, and allegations of religious conversion.

In addition to these organisations, other actors, including religious leaders and other organised groups not formally linked to the BJP, RSS, or state institutions, have also engaged in incitement and violence directed against Muslims. While these actors do not necessarily operate under formal governmental authority, reports reviewed indicate that episodes of heightened anti-Muslim mobilisation have often coincided with, and at times followed, public statements by the Chief Minister and other senior public officials (and party leaders) endorsing punitive policing and other administrative action. In this context, discriminatory state action and hostile public messaging from state officials appear, in certain instances, to have been read by some non-state actors as a permissive signal for coercion and violence.

III. Analysis of International Law Violations

1. Violations of International Human Rights Law

1.1. Right to life

International legal standards

The UDHR states that everyone has the right to life, liberty and security of person.⁷⁹⁵ The ICCPR, in addition to recognising this inherent right, explicitly prohibits arbitrary deprivation of life and emphasises that this right is non-derogable.⁷⁹⁶ ‘Arbitrariness’ denotes actions that lack a legal basis or are otherwise inconsistent with ‘life-protecting laws and procedures’ – assessing whether a deprivation of life is arbitrary requires an analysis of the elements of reasonableness, necessity, and proportionality.⁷⁹⁷

The ICERD requires State parties to guarantee the right to security of person and protection by the State against violence or bodily harm, whether inflicted by public officials or by any individual group or institution.⁷⁹⁸

International law also faces strict limitations on the use of force by public authorities. According to the UN HRCtee, the use of lethal force in self-defence is not arbitrary only if such use of force is (i) strictly necessary in view of the threat posed by the attacker, (ii) represents a method of last resort after all other alternatives have been exhausted or deemed inadequate, (iii) the amount of force applied does not exceed the amount strictly needed to respond to the threat, (iv) the force applied is carefully directed, only against the attacker,

and (v) the threat responded to involves imminent death or serious injury.⁷⁹⁹

According to the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty with strict adherence to national principles of proportionality.⁸⁰⁰ They are required to, as far as possible, apply non-violent means before resorting to the use of force and firearms.⁸⁰¹ Firearms may be used only when a suspected offender offers armed resistance or otherwise jeopardises the lives of others, and less extreme measures are insufficient to restrain or apprehend the suspected offender.⁸⁰² The UN HRCtee has clarified that lethal force cannot be used to prevent the escape from custody of a suspected criminal or convict who does not pose a serious and imminent threat to the lives or bodily integrity of others.⁸⁰³

Extra-legal, arbitrary and summary executions or killings are prohibited under all circumstances, including, inter alia, situations of custodialisation, internal armed conflict, excessive or illegal use of force by public officials, or by other persons acting in an official capacity or by a person acting at the instigation, or with the consent or acquiescence of such a person.⁸⁰⁴ The UN HRCtee has further stated that any loss of life occurring in custody in unnatural circumstances creates a

⁷⁹⁵ Universal Declaration of Human Rights 1948 art 3.

⁷⁹⁶ International Covenant on Civil and Political Rights 1966 art 6(1); *ibid* 4(2).

⁷⁹⁷ UN Human Rights Committee, ‘CCPR General Comment No. 36: Article 6 (Right to Life)’ (2019) CCPR/C/GC/36 paras 11–12.

⁷⁹⁸ International Convention on the Elimination of All Forms of Racial Discrimination 1965 art 5(b).

⁷⁹⁹ UN Human Rights Committee, ‘CCPR General Comment No. 36: Article 6 (Right to Life)’ (n 290) paras 10–12.

⁸⁰⁰ Code of Conduct for Law Enforcement Officials 1979 art 3 and accompanying Commentary.

⁸⁰¹ Basic Principles on the Use of Force and Firearms by Law Enforcement Officials 1990 Principle 4.

⁸⁰² Code of Conduct for Law Enforcement Officials art 3 and accompanying Commentary.

⁸⁰³ UN Human Rights Committee, ‘CCPR General Comment No. 36: Article 6 (Right to Life)’ (n 290) 12.

⁸⁰⁴ Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions 1989 para 1.

presumption of arbitrary deprivation of life, which can only be rebutted based on proper investigation.⁸⁰⁵

States are required to establish a legal and institutional framework that effectively protects the right to life; to proactively implement measures to protect persons at risk and minimise foreseeable threats to life (including from private actors); and to criminalise, investigate, and prosecute all unlawful deprivations of life.⁸⁰⁶ Where breaches occur, they are required to ensure access to effective remedies, including, inter alia, reparations for victims and accountability for perpetrators.⁸⁰⁷

These standards and principles are also enshrined in India's constitutional and legal framework. The Constitution guarantees that 'no person shall be deprived of his life or personal liberty except according to procedure established by law'.⁸⁰⁸ The Supreme Court of India has expansively interpreted this provision and ruled, inter alia, that state actions restricting life and liberty must not only have a legal basis but must also be just, fair and reasonable. Regarding the use of force, the SC has emphasised that extrajudicial killings must be subject to independent investigation, and that custodial deaths are presumptively unlawful unless the state establishes otherwise. The National Human Rights Commission (NHRC) too has laid down guidelines requiring mandatory judicial inquiries into all cases of police 'encounters' and custodial deaths.

Assessment of violations in Uttar Pradesh

⁸⁰⁵ UN Human Rights Committee, 'CCPR General Comment No. 36: Article 6 (Right to Life)' (n 290) para 29.

⁸⁰⁶ ICCPR art 6(1); UN Human Rights Committee, 'CCPR General Comment No. 36: Article 6 (Right to Life)' (n 290) paras 18, 21, 26-27.

⁸⁰⁷ UN Human Rights Committee, 'CCPR General Comment No. 36: Article 6 (Right to Life)' (n 290) paras 26-28.

⁸⁰⁸ The Constitution of India 1950 art 21.

⁸⁰⁹ See Section 1.2. in Part II (Factual Findings) of this chapter.

⁸¹⁰ These maimings are covered in the next Section (Right to liberty and security; and to freedom from torture and other cruel, inhuman treatment and punishment).

After reviewing available facts⁸⁰⁹, we are of the opinion that the Government of Uttar Pradesh is in violation of international law vis-à-vis the right to life in the following contexts:

- Arbitrary deprivation of life of Muslim men following 'encounter' shootings by police forces

Extrajudicial executions of suspected criminals are completely devoid of due process, denying victims the opportunity to defend themselves in accordance with the rule of law. They are, in all circumstances, arbitrary deprivations of life.

The ongoing spate of killings (and maimings⁸¹⁰) of alleged criminals in seemingly staged police shootings in Uttar Pradesh began in 2017, shortly after Yogi Adityanath assumed charge as the state's Chief Minister. Colloquially referred to as 'encounters', these shootings had been highlighted in December 2018 by several UN Special Procedures mandate-holders, who noted that at least 15 of the cases they examined, all involving Muslims, constituted prima facie cases of extrajudicial killings resulting from excessive use of force by members of the security forces.⁸¹¹ In September 2024, the UN Human Rights Committee too had highlighted, inter alia, widespread violence against India's Muslims by state and private actors, as well as impunity for suspected perpetrators.⁸¹²

Media reports citing official figures indicate that between March 2017 and 29 December 2025, Uttar Pradesh Police conducted over 16,284 such 'operations', resulting in the killing of 266 individuals.⁸¹³ Media reports also indicate that at least 48 people were killed in

⁸¹¹ Special Rapporteur on extrajudicial, summary or arbitrary executions and others, 'Special Procedures Communication to India' (2018) UA IND 27/2018.

⁸¹² UN Human Rights Committee, 'Concluding Observations on the Fourth Periodic Report of India' (2024) CCPR/C/IND/CO/4 paras 13-16, 45-46.

⁸¹³ '48 Killed In UP Encounters In 2025, Highest Under Yogi Adityanath Since 2017' (NDTV, 31 December 2025) <<https://www.ndtv.com/india-news/up-police-killed-48-criminals-in-encounters-in-2025-highest-under-adityanath-since-2017-10141715>> accessed 16 February 2026.

alleged police ‘encounters’ in 2025 alone, marking the highest annual toll since 2017. While the state has not released an updated religious breakdown for 2025, analysis of previously disclosed data (as of September 2024) confirmed that over 32 percent of those killed (67 of 207 victims) were Muslims, despite Muslims constituting only approximately 19 percent of the state’s population.⁸¹⁴ Media reporting confirms that at least six Muslims were among those killed in alleged ‘encounters’ in 2025 – in light of past trends and the absence of disaggregated official data, the actual number is likely to be higher. (We were unable to access detailed reporting or independently verifiable information regarding several of the Muslims killed in alleged ‘encounters’ in 2025. Media coverage of such incidents appears to have diminished over time, often limited to brief police press releases reproducing official accounts without substantive scrutiny. In a context where the annual death toll in ‘encounters’ has reached an all-time high, the apparent decline in detailed public scrutiny is itself a matter of concern.)

Previously documented patterns appear to have continued in the ‘encounter’ killings we reviewed.⁸¹⁵ All deaths we reviewed in Uttar Pradesh are reported to have occurred as a result of the use of lethal force by UP Police personnel acting in their official capacity. According to police accounts, all victims were suspected criminals, with one victim (in Rampur in November 2023) being a man whom they suspected was about to commit a crime (slaughtering a cow).

Review of available information, however, does not suggest that the victims posed an immediate and imminent threat that warranted the use of lethal force. In some instances where police claimed to have recovered firearms from the victims (or that they snatched or attempted to snatch weapons

from police personnel), witnesses and families have reportedly raised credible counter-allegations that the weapons were planted, and that the victims were not trained militants who would be proficient in their use. Further, there appears to be no credible evidence to suggest that the police attempted alternative, non-lethal measures before shooting live bullets. In several cases, the victim was reportedly outnumbered by police personnel. In cases where medical reports are available, the accounts of injuries are inconsistent with police claims of self-defence gunfire. As such, the use of force by police in each case appears to have been disproportionate to the alleged threat posed.

The killing of Matin (also known as Bilal) in Muzaffarnagar on 16 January 2024 illustrates these concerns.⁸¹⁶ Police alleged that Matin, a 23-year-old Muslim man, was involved in a car theft case and opened fire on officers during a vehicle stop, prompting retaliatory fire in self-defence. However, his family maintains that he was a vegetable vendor with no criminal history, and that he telephoned them shortly before his death stating that he had been shot by police. When relatives arrived at the hospital, they reportedly found him lying wounded and surrounded by police personnel. Medical information provided to the family indicated a single bullet wound to the abdomen, fatally damaging his intestines. No independent witnesses have corroborated the alleged shootout, and the only persons present at the scene are reported to have been police officers. Despite a complaint filed by the family accusing named officers of murder, no FIR was registered in relation to the killing. The available information raises serious doubts as to whether Matin posed any imminent threat at the time he was shot, whether lethal force was strictly necessary, and whether any independent investigation was undertaken.

⁸¹⁴ India TV News (n 21).

⁸¹⁵ See Annexure I.

⁸¹⁶ ‘Kin Say Muslim Youth Killed in “fake Encounter” with UP Cops’ (n 23); ‘Police Kill 23-Year-Old Muslim in UP: Family

Refutes Theft Accusation, Encounter Killing Claims’ (Maktoob, 27 January 2024) <<https://maktoobmedia.com/india/police-kill-23-year-old-muslim-in-up-family-refutes-theft-accusation-encounter-killing-claims/>> accessed 16 February 2026.

It bears repeating that these ‘encounters’ continue to be openly endorsed by Chief Minister Adityanath and other senior officials in public statements. Four of the killings (reported between February and April 2023, all connected with alleged gangster Atiq Ahmed) had reportedly been preceded by an open threat by Adityanath that the ‘mafia’ operating in the state would be ‘reduced to dust’.⁸¹⁷ The government commission specifically constituted to investigate these four killings reportedly concluded, in August 2024, that the police had acted in self-defence, and at least six policemen involved were publicly rewarded with Police Gallantry medals for their ‘extraordinary’ actions.⁸¹⁸

In December 2025, publicly celebrated the state’s ‘encounter’ policy yet again, warning alleged criminals: ‘Yamaraj (the Hindu god of death) will be waiting for you at the next crossroads, to cut your ticket to hell, and your path to hell is decided.’⁸¹⁹ Such rhetoric by the head of government is a clear indicator of how the use of lethal force is normalised rather than treated as an exceptional measure of last resort.

Beyond these reviewed killings, UP authorities have reportedly continued to resist efforts at ensuring accountability for the broader pattern of ‘encounter’ killings by police forces. In August 2023, India’s Supreme Court was reported to have asked the state government to file a comprehensive affidavit on the progress of investigation in 183 ‘encounters’ reported in the state since 2017.⁸²⁰ In its reply, the government was reported to have found no evidence of any police malfeasance in any of the cases.⁸²¹

⁸¹⁷ “‘Mitti Me Mila Denge’, Said Yogi: From Umesh Pal Murder to Atiq Son’s Encounter, All in 50 Days’ (India Today, 13 April 2023) <<https://www.indiatoday.in/india/story/mafia-ko-mitti-me-mila-denge-2359626-2023-04-13>> accessed 25 November 2024.

⁸¹⁸ ‘Inquiry Commission on Killing of Gangster-Politician Atiq Ahmed, Brother Gives Clean Chit to Police’ (The Indian Express, 1 August 2024) <<https://indianexpress.com/article/cities/lucknow/atiq-ashraf-killing-judicial-commission-rules-out-pre-planned-conspiracy-police-negligence-9489809/>> accessed 25 November 2024; ‘Gallantry Medal for 17 UP Cops, Officers Involved in Killing Atiq Ahmad’s Son among Recipients’ Hindustan Times (14 August 2024) <<https://www.hindustantimes.com/india->

Read together, the ‘encounter’ killings we reviewed appear to constitute instances of arbitrary deprivation of life, as they resulted from the unnecessary and disproportionate use of lethal force by police personnel. The broader pattern of such ‘encounter’ killings across Uttar Pradesh appears to be institutionally entrenched and publicly endorsed at the highest levels of government, leading to a climate in which lethal force is deployed in circumstances that do not meet the strict requirements of necessity and proportionality under international law.

Investigations into these killings have failed to meet the basic standards of independence, impartiality, and effectiveness, leaving victims’ families without compensation, reparations, or access to justice. Despite the well-documented and ongoing nature of these killings, authorities have taken no demonstrably effective preventive measures to ensure accountability or curb future abuses.

- Arbitrary deprivation of life of five Muslim men in Sambhal amid police firing at protestors

The deaths of five Muslim men in Sambhal on 24 November, 2024⁸²² appear to constitute instances of arbitrary deprivation of life, with available facts indicating that they occurred as a result of the use of lethal force by police forces that was neither necessary nor proportionate.

While police officials have offered conflicting explanations, available evidence strongly

news/gallantry-medal-for-17-up-cops-officers-involved-in-killing-atiq-ahmad-s-son-among-recipients-101723634211111.html> accessed 31 January 2025.

⁸¹⁹ “‘Yamaraj Will Be Waiting For You’: Yogi Adityanath On Encounters’ (n 13).

⁸²⁰ ‘SC Asks UP Govt to Show Records of 183 Encounters in Uttar Pradesh since 2017’ Deccan Herald (11 August 2023) <<https://www.deccanherald.com//india/uttar-pradesh/sc-asks-up-govt-to-show-records-of-183-encounters-in-uttar-pradesh-since-2017-2645049>> accessed 21 February 2025.

⁸²¹ See Part IV of this chapter on Right to Effective Remedy.

⁸²² See Section 1.2 (Continuing police abuses against Muslims) in Part II (Factual Findings) of this report.

indicates that all five deaths were the result of the use of force by police personnel. Initial statements from police claimed that only ‘warning shots’ were fired by them, while later statements asserted that all five deaths were the result of ‘cross-firing’ by protesters. However, witness testimonies, along with video footage purportedly from the scene, appear to confirm that police officers were carrying and discharging live ammunition. Additionally, the families of at least two victims (Naeem and Bilal) separately claim to have been told by the deceased prior to their deaths that they were shot at by police personnel. No evidence has been presented to suggest that anyone other than security forces fired the shots that led to the deaths.

Available evidence does not indicate that any of the victims posed an immediate and imminent threat that warranted the use of live ammunition. At least some of those killed were reportedly not participating in the protests, and in no instance has it been established that the victims were armed or attacking police, requiring the use of lethal force. There is also no indication that alternative, non-lethal measures were deployed before the police opened fire. Additionally, all five victims are reported to have sustained bullet injuries above the waist, raising serious concerns as to whether the force used was directed toward neutralising an imminent threat, as required under the principles of necessity and proportionality.

Authorities are yet to provide forensic or ballistics reports that could independently verify the circumstances of the killings. Families of the deceased have also alleged being denied access to post-mortem reports, raising concerns that key evidence is being suppressed. The hurried burial of victims, reportedly under pressure from police, further reinforces concerns that the killings were not only unlawful, but are now being actively covered up.

Despite the serious nature of these killings, authorities have failed to take any meaningful steps to ensure accountability. No FIRs are known to have been registered against the police personnel accused of involvement. On 28 November, four days after the killings, the state government was reported to have ordered a judicial probe into the violence, apparently merely hours before the Supreme Court was scheduled to hear a petition filed by the mosque’s caretakers. The timing of the announcement raises questions about whether the inquiry was initiated in good faith or as a pre-emptive measure to deflect judicial scrutiny. The findings of the inquiry have not been published yet.

Beyond the killings, authorities have reportedly engaged in a wider crackdown on the local Muslim community following the violence, with reports of mass arrests of Muslims, and other retaliatory measures such as water and electricity cuts. At least one Muslim political leader (MP Zia-ur-Rehman Barq) was reportedly subject to punitive action, including the demolition of his home. These measures raise concerns that the killings were not isolated instances of excessive force, but part of a broader strategy of repression.

The events in Sambhal in November 2024 must be understood against the backdrop of prior and continuing international concern regarding the use of excessive use of force against Muslim protesters in Uttar Pradesh: In its 2024 Concluding Observations on India, the UNHRCtee had expressed concern about ‘the frequent disruption of demonstrations and cases of excessive use of force’ in various contexts across India.⁸²³ In a 2020 communication to the Indian government, eight UN Special Procedures expressed ‘grave concern over the reportedly excessive use of force by police and security forces’ amid widespread protests across the country, including in Uttar Pradesh, against the

⁸²³ UN Human Rights Committee, ‘Concluding Observations on the Fourth Periodic Report of India’ (n 305) para 51.

Citizenship (Amendment) Act in December 2019, and highlighted ‘allegations of excessive use of force, arrests and arbitrary detention of protesters.’⁸²⁴ The Special Procedures explicitly noted ‘allegations of excessive force used against protesters, including the use of live ammunition, rubber bullets, large amounts of tear gas, and the beating of protesters with batons, which have caused hundreds of injuries and resulted in a number of deaths.’⁸²⁵ They reiterated that ‘only the minimum use of force necessary should be used and only if less indiscriminate and intrusive means of managing the situation have failed.’⁸²⁶

The PIIE’s previous report too had examined the police killings of Muslims in UP in December 2019, which had occurred shortly after the Chief Minister’s public pledge that his government would take ‘revenge’ on demonstrators.⁸²⁷ We had concluded that those and related actions targeting Muslims may have amounted to crimes against humanity.⁸²⁸

- Arbitrary deprivation of a Muslim man’s life in Baghpat after custodial torture

Any loss of life occurring in custody in unnatural circumstances creates a presumption of arbitrary deprivation of life that can only be rebutted based on proper investigation.⁸²⁹ The death of Sajid Abbasi⁸³⁰ in Baghpat in July 2023 shortly after his release from police custody, appears to be such a case.

Witnesses have claimed to have seen the victim being ‘picked up’ by police personnel and taken to a police check post, where he was allegedly beaten by at least three police officials. Police have reportedly claimed that

the victim was ‘detained’ on suspicion but subsequently released due to want of evidence. Despite these unnatural circumstances surrounding the death, the police are not reported to have registered an FIR in the case.

The failure of authorities to initiate even an investigation into the death, despite credible allegations of custodial torture, constitutes a clear violation of the state’s duty to protect the right to life, to investigate and prosecute all unlawful deprivations of life, and to ensure effective remedies, including accountability for perpetrators.

- Deaths of 15 Muslims as a result of targeted violence by Hindu extremist non-state actors

We reviewed reports of at least 15 targeted killings of Muslims by Hindu extremist non-state actors in Uttar Pradesh since 2022, in incidents where religious identity appears to have been a motivating or aggravating factor.⁸³¹ These cases indicate that previously documented patterns of mob violence against Muslims are continuing unabated, with the State repeatedly failing to prevent foreseeable threats, to protect individuals at risk, and to ensure effective accountability.

In most of the cases we reviewed, the alleged assailants are reported to have confirmed or previously known the religious identity of the victims before attacking them. In several cases, the killings occurred in contexts where tensions had already escalated, or where prior events indicated a foreseeable risk of violence, yet there is no indication that the authorities took preventive measures to protect the victims. Several of the killings reviewed occurred in contexts involving allegations of cow slaughter, interfaith relationships, alleged

⁸²⁴ From Special Rapporteur on the rights to freedom of peaceful assembly and of association and others, ‘AL IND 3/2020’ (28 February 2020) <<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25080>>.

⁸²⁵ *ibid.*

⁸²⁶ *ibid.*

⁸²⁷ Sonja Biserko, Marzuki Darusman and Stephen Rapp (n 1) 22.

⁸²⁸ *ibid.* 51.

⁸²⁹ UN Human Rights Committee, ‘CCPR General Comment No. 36: Article 6 (Right to Life)’ (n 290) para 29.

⁸³⁰ Namita Bajpai, ‘Uttar Pradesh: 28-Year-Old Sajid Abbasi Dies Following “Custodial Torture”’ The New Indian Express (3 July 2023)

<<https://www.newindianexpress.com/nation/2023/Jul/03/uttar-pradesh-28-year-old-sajid-abbasi-dies-following-custodial-torture-2591031.html>> accessed 25 November 2024.

⁸³¹ See Annexure II.

theft, or religious observance—circumstances in which anti-Muslim rhetoric and prior incidents had already heightened tensions. The recurrence of such attacks across districts demonstrates that the risk to Muslim men and boys was foreseeable.

In none of the cases we reviewed was there any indication that authorities took immediate and effective actions to investigate the killings, prosecute the perpetrators, or provide redress to the victims' families. In Aligarh in June 2024 (where Mohammed Fareed was reportedly lynched by a mob), an FIR was registered against the victim posthumously instead of the suspected perpetrators. In Shamli in July 2024 (where Firoz Qureshi was reportedly lynched by a mob), police denied a religious angle and instead focused on the victim's alleged drug use, and subsequently registered an FIR against five Muslims, including two journalists, for sharing 'malicious' online posts about the killing.

In July 2025, several UN Special Procedures mandate holders sent an allegation letter to India, expressing concern regarding 'a pattern of physical violence causing death by vigilante groups... which are allegedly disproportionately targeting the minority Muslim community,' including in Uttar Pradesh.⁸³² They further referred to an 'apparent inability to prevent or adequately respond' to such violence and highlighted a 'general context of impunity.'

The PIIE's previous report too had highlighted a steady rise in hate crimes against Muslims across India since 2014, including targeted killings allegedly carried out by Hindu

extremist non-state actors.⁸³³ These attacks, motivated by the victims' religious identity, have frequently taken the form of mob lynchings, public executions, and other forms of violence, often under the pretext of 'cow protection' and other religious justifications.⁸³⁴ We had also highlighted a recurring pattern of state inaction and, in several instances, outright police complicity in such crimes.⁸³⁵ In multiple cases, police were reported to have either failed to intervene, delayed registering FIRs, or actively investigated the victims and their families instead of the suspected perpetrators.⁸³⁶ Reports also indicated that Hindu nationalist vigilante groups, some with direct or indirect ties to ruling party structures, have exercised influence over law enforcement, obstructed justice, and impeded efforts to ensure accountability.⁸³⁷ The failure of state actors to take preventive measures despite the foreseeability of such crimes, we had noted, pointed to a broader pattern of violations of the right to life of members of the Muslim community.⁸³⁸

Our concerns were also echoed in September 2024 by the UN HRCtee, who further called on the Indian government to prevent, combat and sanction violent attacks against religious minorities.⁸³⁹

These continuing patterns raise serious concerns regarding the broader climate of impunity in Uttar Pradesh. The state's repeated failure to prevent foreseeable violence, to ensure prompt and impartial investigation, and to secure effective prosecution of alleged perpetrators, is inconsistent with its obligations under international human rights law.

⁸³² AL IND 6/2025

⁸³³ Sonja Biserko, Marzuki Darusman and Stephen Rapp (n 1) 24.

⁸³⁴ *ibid.*

⁸³⁵ *ibid.*

⁸³⁶ *ibid.*

⁸³⁷ *ibid.*

⁸³⁸ *ibid.*

⁸³⁹ UN Human Rights Committee, 'Concluding Observations on the Fourth Periodic Report of India' (n 305) paras 45–48.

1.2. Right to liberty and security; and to freedom from torture and other cruel, inhuman treatment and punishment

International legal standards

The UDHR recognises the rights to life, liberty and security of a person and further states that no one shall be subject to arbitrary arrest, detention, or exile.⁸⁴⁰ The ICCPR too recognises the right to liberty and security of a person, and states that no one shall be subject to arbitrary arrest or detention or deprived of their liberty except on grounds and procedures established by law.⁸⁴¹

Arbitrary detention includes, *inter alia*, detention without a clear legal basis (which include detentions based on overly broad or vague laws), detention resulting from the exercise of protection, and detentions imposed in a discriminatory manner.⁸⁴² Additionally, violations of fair trial rights—such as prolonged pre-trial detention without judicial review, denial of access to legal counsel, and the use of coerced confession—can render a deprivation of liberty arbitrary.⁸⁴³ Detainees are entitled to a range of procedural protections, including the rights to be promptly informed of charges, to be brought before a legal authority, and to trial within a reasonable time.⁸⁴⁴ By depriving individuals of their liberty, the state assumes the responsibility to protect their life and bodily integrity. It is a universally recognised principle that all persons deprived of their liberty must be treated with humanity and with respect for their dignity.⁸⁴⁵ Additionally,

states are required to take appropriate measures to protect the liberty and security of persons against deprivation by third parties.⁸⁴⁶

Freedom from torture and cruel, inhuman, or degrading treatment is a non-derogable right.⁸⁴⁷ Torture is understood as any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official, for purposes such as extracting information, punishment, intimidation, or coercion.⁸⁴⁸ This prohibition is absolute and applies to all persons and in all circumstances. Additionally, any extra-custodial use of force that lacks a lawful purpose (legality), is unnecessary for a legitimate objective (necessity), or causes disproportionate harm (proportionality) amounts to cruel, inhuman, or degrading treatment or punishment.⁸⁴⁹

States must not only refrain from acts of deprivation of liberty and torture, but also take proactive measures to prevent such violations and, where they occur, ensure effective remedies, including accountability for perpetrators, and reparations for victims.

It is notable that India has yet to ratify the UN Convention Against Torture (UNCAT) and the absence of a specific anti-torture law, as well as the constitutional sanction for preventive detention laws, remain lingering weaknesses.

⁸⁴⁰ UDHR arts 3, 9.

⁸⁴¹ ICCPR art 9.

⁸⁴² UN Human Rights Council, 'Methods of Work of the Working Group on Arbitrary Detention' (2017) A/HRC/36/38 para 8.

⁸⁴³ *ibid.*

⁸⁴⁴ ICCPR art 9(2-3); UN Human Rights Committee, 'CCPR General Comment No. 35: Article 9 (Liberty and Security of Person)' (2014) CCPR/C/GC/35 para 37.

⁸⁴⁵ ICCPR art 9(4); UN Human Rights Committee, 'CCPR General Comment No. 21: Article 10 (Humane Treatment of Persons Deprived of Their Liberty)' (1992) CCPR/C/GC/10 para 4.

⁸⁴⁶ UN Human Rights Committee, 'CCPR General Comment No. 35: Article 9 (Liberty and Security of Person)' (n 338) paras 7, 9.

⁸⁴⁷ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984.

⁸⁴⁸ *ibid.* 1.

⁸⁴⁹ UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, 'Extra-Custodial Use of Force and the Prohibition of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment' (2017) A/72/178 para 62(c).

Assessment of violations in Uttar Pradesh

After reviewing the available facts, we are of the opinion that the Government of Uttar Pradesh is in violation of international law vis-à-vis the right to liberty and security, and the prohibition on torture and ill-treatment, in the following contexts:

- Arbitrary deprivation of liberty of Muslims in various contexts

We reviewed reports of Muslims across Uttar Pradesh being subjected to arrest or detention under various legal provisions and in multiple contexts. While detailed information on individual cases was not available, we believe that many of these arrests amount to arbitrary deprivation of liberty under international law.

Available information indicates that such deprivations of liberty increasingly occur also occur through large-scale and preventive policing measures, including the use of mass FIRs naming hundreds or thousands of individuals (often with the majority listed as ‘unknown persons’), preventive detention under the National Security Act, and the imposition of coercive “peace bonds” requiring substantial financial sureties. These measures appear to have been exclusively applied in Muslim-majority localities following episodes of communal tension or protest, exposing large segments of the community to prolonged legal precarity and the constant risk of arrest.

The Panel’s previous report had highlighted the vague and overly broad provisions of India’s national security laws (like UAPA), preventive detention laws (like NSA), and state-level anti-conversion and cow protection laws, which allow for arbitrary interpretation and enforcement.⁸⁵⁰ According to reports we reviewed, these laws continue to be selectively applied against Muslims in Uttar Pradesh. Without prejudging the circumstances of each arrest, we reiterate that international law considers all detentions without a clear legal

basis, including those under overly broad or vague laws, as instances of arbitrary deprivation of liberty.

Recent reporting further indicates that preventive detention powers have been invoked in circumstances lacking demonstrable imminence of threat, including following communal incidents where individuals were detained on sweeping allegations of rioting or disturbance without individualised evidence. In several instances, detention orders appear to have been used to prolong custody after bail was granted, or to pre-empt anticipated participation in public events.

We also reviewed reports of Muslims being arrested for engaging in protected activities, such as participation in peaceful protests, engagement in journalistic activities and social media expression, and public and peaceful manifestations of faith.

Without prejudging the specific circumstances of each arrest, we reiterate that under international law, the freedoms of peaceful assembly, expression, and religion are protected rights. Any deprivation of liberty resulting from the exercise of these rights constitutes arbitrary detention.

Additionally, we reviewed reports of unlawful mass arrests of Muslims following episodes of communal violence, where Hindu perpetrators reportedly avoided detention. Muslims have also been subjected to targeted arrests due to selective enforcement of anti-conversion and cow protection laws. In 2025, Bengali-speaking Muslims across the country, including in Uttar Pradesh, were subjected to mass detention and forced expulsion as part of a crackdown on alleged ‘illegal immigrants.’ As stated earlier, arrests and detentions carried out in a discriminatory manner are inherently arbitrary under international law.

⁸⁵⁰ Sonja Biserko, Marzuki Darusman and Stephen Rapp (n 1) 44–45, 36–39.

Our concerns have previously also been expressed by the UN Special Procedures. For instance, in a June 2020 communication, several UN mandate-holders expressed grave concerns over the arrests, detention, and charges against 11 human rights defenders involved in peaceful protests against the Citizenship (Amendment) Act, noting that these charges ‘appear to constitute an attempt to silence dissent... in particular from minority Muslim voices.’⁸⁵¹ While the letter had concerned multiple states, a number of the individuals referenced were arrested in Uttar Pradesh.

We also note that the UN Working Group on Arbitrary Detention has examined one such case in Uttar Pradesh in detail – the arrest and detention of Yunus Shah in Badaun district in May 2022. In an Opinion issued in August 2024, the Working Group found Yunus’ detention to be arbitrary under categories I (deprivation of liberty without legal basis), III (violation of fair trial rights), and V (discriminatory deprivation of liberty) of its mandate.⁸⁵² According to the findings, Yunus, a 67-year-old Muslim man, had been arrested under the NSA in reprisal for pursuing justice in a custodial torture case involving his son.⁸⁵³ The Working Group observed that the authorities used an unrelated public disturbance as a pretext to detain Yunus and his family, and that the NSA was invoked to prolong his custody after he secured bail.⁸⁵⁴

Yunus’ case, adjudicated by a UN expert mechanism, exemplifies broader concerns over the misuse of preventive detention and national security laws in Uttar Pradesh, particularly to suppress dissent, penalise Muslims seeking legal redress, and shield police misconduct from accountability.

- Arbitrary detention and custodial torture of Rehan Shah and his mother Najma

The detention of Yunus’ wife (the 65-year-old Najma) and son (Rehan Shah)⁸⁵⁵ also appear to meet the threshold of arbitrary detention. Rehan was detained on 2 May 2022 by police in Budaun district, under fabricated allegations of cow smuggling. There is no indication that this arrest was based on credible evidence, nor that it followed lawful procedures. His family was not informed of any formal charges at the time of arrest, and Rehan was reportedly not produced before a magistrate following his initial detention. Instead, he was subjected to brutal custodial violence without due process. The arbitrary nature of his detention was compounded by subsequent reprisals against his family for pursuing a complaint, including the detention of multiple relatives under vague and sweeping accusations of rioting and ‘clashes with police’, which appear to have been fabricated as retaliation.

Najma’s detention also appears to have been arbitrary. She was reportedly not named in the FIR at the time of arrest, but was later added during the course of the investigation. She was reportedly held in Budaun District Prison from 17 May to 7 August 2023 and charged under serious non-bailable offences without any clear basis.

The treatment inflicted on both Rehan and Najma constitutes torture as defined under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). Rehan was subjected to sustained physical and sexual violence, including beatings, electric shocks, and the insertion of a stick into his anus, causing him to lose consciousness. This violence was

⁸⁵¹ From Special Rapporteur on the rights to freedom of peaceful assembly and of association and others, ‘AL IND 10/2020’ (11 June 2020).

⁸⁵² Working Group on Arbitrary Detention, ‘Opinion No. 45/2024 Concerning Yunus Shah (India)’ (Human Rights Council 2024) A/HRC/WGAD/2024/45.

⁸⁵³ These cases – the custodial torture of Yunus’ wife Najma and son Rehan – are examined separately in our report.

⁸⁵⁴ Working Group on Arbitrary Detention (n 349).

⁸⁵⁵ As documented in: South Asia Justice Campaign, ‘Torture and Impunity in India: Case Studies of Custodial Torture Against Muslims’ (2025) <https://southasiajusticecampaign.org/wp-content/uploads/2025/05/SAJC_Torture-in-India_May2025.pdf>.

inflicted by public officials with the intent to extract a confession, intimidate the victim, and punish him based on his religious identity, making it both purposeful and discriminatory in nature.

Najma was also physically and verbally abused while in custody. She was slapped, beaten on her hands with lathis, injured in the eye, and verbally threatened by male officers. Both Rehan and Najma were targeted with religious slurs and humiliation during detention, including threats involving pork consumption, a deliberate attempt to degrade their Muslim identity. These actions were not isolated but part of a broader pattern of religiously motivated custodial ill-treatment documented by the Panel.

Taken together, the lack of legal basis for arrest, the deliberate infliction of severe physical and psychological pain by state actors, and the discriminatory intent involved satisfy the elements of arbitrary detention and torture under international human rights law.

- Arbitrary detention and torture of Muslims injured in police ‘half-encounters’

A previous section had highlighted the ongoing spate of extrajudicial killings of alleged criminals – disproportionately Muslims – through seemingly staged ‘encounter’ shootings by UP Police, as part of an officially sanctioned state campaign purportedly to curb crime.⁸⁵⁶ In addition to these, we reviewed reports of a spike in ‘half-encounters’, a colloquial term for similarly staged shootings that do not result in death but leave the victims with serious injuries, disproportionately affecting Muslim men, particularly those accused of cattle smuggling.

We reviewed reports of at least 56 Muslims and 2 Hindus across Uttar Pradesh being shot at and sustaining grievous bullet injuries in such settings in the year 2024, as a result of the use of excessive force by police personnel

acting in their official capacity.⁸⁵⁷ All of these cases were acknowledged and shared on social media by different, district-level units of UP Police. Police have alleged that at least 54 of the injured Muslims were ‘wanted’ criminals involved in cattle smuggling, while two are accused of involvement in the murder of a Hindu man amid communal violence. All were subsequently subjected to formal arrest following the shootings.

While most victims have remained silent about the circumstances behind their arrest due to fear of reprisal, witness accounts indicate that many, if not most, were already in police custody before being injured in staged ‘half encounters’. Even in cases where prior custody is not clearly established, there is no credible evidence to suggest that they posed an immediate and imminent threat that warranted the use of force. In many instances where police claimed to have recovered firearms from the victims, there have been credible counter-allegations that the weapons were planted, and that the victims, including those who may or may not have been involved in cattle smuggling, were not trained militants who would be proficient in their use. Moreover, the similarity in victim/witness accounts and corresponding repetition in police claims strongly indicate a pattern and tacit permission, rather than anomalous violence in these cases. In all cases, the force used by police appears to be grossly disproportionate to the alleged threat posed. The nature of injuries sustained – predominantly resulting from live ammunition fired at close range, frequently targeting the lower limbs but causing severe and permanent damage – and the nature of police allegations raised against the victims suggest an intentional infliction of severe pain and suffering by state officials for the purpose of intimidating and punishing Muslims, and thus amounts to torture. Where individuals were already effectively under police control, the deliberate shooting of detainees cannot be justified as a legitimate use of force and instead

⁸⁵⁶ See analysis in Section 1.1. (Right to Life)

⁸⁵⁷ See Annexure IV.

constitutes cruel, inhuman or degrading treatment, and in several cases amounts to torture within the meaning of international law.

Read together, police authorities in UP appear to have sanction to arbitrarily deprive the liberty of Muslims, particularly those accused of involvement in cattle smuggling, and to subject them to torture and cruel, inhuman or degrading treatment or punishment. The practice of formally arresting victims only after they have been shot further suggests that the shootings function as a punitive and extrajudicial extension of detention, rather than a lawful response to an imminent threat.

It may also be noted that the Indian Supreme Court's guidelines that are meant to be followed in cases of 'encounters' – and which are routinely flouted and rendered ineffective, as highlighted earlier – do not contain clear instructions regarding procedures to be followed regarding 'half encounters', a gap local lawyers have claimed has resulted in a situation where such incidents are not investigated at all.⁸⁵⁸

In February 2026, the UN Special Procedures mandate-holders on extrajudicial executions and torture jointly characterised 'half-encounters' in Uttar Pradesh as part of a 'systemic' pattern of law enforcement violence, and noted that if substantiated, they would constitute violations of *jus cogens* norms including the absolute prohibition of torture.⁸⁵⁹

In January 2026, the Allahabad High Court, which has jurisdiction over UP, reportedly observed that the shooting of accused persons in the leg had 'become a routine feature' in the state. The Court reiterated and strengthened mandatory safeguards governing police

'encounters', including the registration of a separate FIR in every case involving death or grievous injury, independent investigation by a separate police unit or Crime Branch under senior supervision, prompt medical treatment for the injured, and the recording of statements before a Magistrate or Medical Officer. The Court further cautioned that non-compliance could expose responsible officers, including supervisory officials, to contempt proceedings.

While these latest observations are welcome and indicate judicial recognition of the systemic nature of such shootings, previous Supreme Court guidelines have remained inconsistently implemented in practice. The existence of reiterated or fresh safeguards does not, in itself, address the entrenched pattern of impunity highlighted above.

Additionally, the failure of authorities to investigate these cases, despite credible allegations of custodial torture, constitutes a clear violation of the state's duty to protect the right to liberty and security, to investigate and prosecute all unlawful deprivations of liberty and security, and to ensure effective remedies.

- Targeted attacks on the liberty and security of Muslims by non-state actors

A previous section had highlighted instances of targeted, religiously motivated killings of Muslims by non-state actors.⁸⁶⁰ In addition to these, we reviewed reports of dozens of further instances of Muslims in Uttar Pradesh, including minors, being violently assaulted by private individuals and members of organised Hindu extremist groups.⁸⁶¹

Many of these assaults were reportedly carried out following allegations of involvement in cattle smuggling/slaughter, by members of

⁸⁵⁸ Saurav Das (n 23).

⁸⁵⁹ UN Special Procedures, 'India: UN experts warn of systemic policing failures over reports of deaths and torture in custody' (OHCHR, 25 February 2026).

⁸⁶⁰ See analysis under Section 1.1. (Right to Life)

⁸⁶¹ As documented in 'Torture and Ill-Treatment (Non-State Actors) in 'India Persecution Tracker: 2023 Overview' (South Asia Justice Campaign, January 2024)

<<https://southasiajusticecampaign.org/ipt2023/>> accessed 20 March 2026; 'India Persecution Tracker: 2024 Overview' (South Asia Justice Campaign, January 2025)

<<https://southasiajusticecampaign.org/ipt2024/>> accessed 20 March 2026; 'India Persecution Tracker: 2025 Overview' (South Asia Justice Campaign, January 2026)

<<https://southasiajusticecampaign.org/ipt2025/>> accessed 20 March 2026.

organised groups specifically claiming to work for the protection of cows (like Gau Raksha Dal), and of other groups claiming to work for wider Hindu causes (like Bajrang Dal). Members of Bajrang Dal are alleged to have been involved in several other violent assaults, including those against Muslims accused of being in inter-faith relationships, engaging in theft, or merely being present in Hindu-majority spaces. In at least three instances, minors were targeted.

Beyond these individual hate crimes, we reviewed reports of large-scale anti-Muslim violence orchestrated by organised extremist groups like Bajrang Dal, particularly during Hindu religious festivals and other religiously and politically charged periods. Members of these same groups have been documented leading provocative (and often, armed) processions, raising incendiary slogans, and, in many cases, engaging in direct acts of physical aggression against Muslim communities, including physical assaults as well as large-scale arson and destruction of Muslim owned property.

The activities of these organised private groups are well-known and widely publicised by the perpetrators themselves, including on social media, and continue to be reported with alarming frequency.⁸⁶² Despite the foreseeable nature of these attacks, state authorities have

consistently failed to take preventive measures or hold perpetrators to account. In some cases, such as in Bahraich in October 2024, police personnel were reportedly seen marching alongside Hindu rioters as they engaged in anti-Muslim violence, arson and vandalism. A viral video later had showed two Hindu men claiming that police had given them a ‘free hand’ to commit violence for two hours. While these men were subsequently arrested, authorities dismissed their claims instead of conducting a meaningful investigation into potential police complicity. Following episodes of mass violence, police across UP are routinely reported conducting disproportionate arrests and other punitive actions (including home demolitions) against Muslims, the primary targets and victims of such violence, while Hindu perpetrators routinely avoid accountability.

The state’s failure to prevent foreseeable violence, its tolerance of organised Hindu extremist groups operating with impunity, and its routine punitive targeting of Muslim victims of violence instead of perpetrators all indicate a broader pattern of state-led anti-Muslim discrimination.⁸⁶³ These patterns also amount to a clear violation of the state’s obligation to protect the liberty and security of all individuals, to prevent and punish acts of violence by private actors, and to provide effective remedies to victims.

⁸⁶² Center for the Study of Organised Hate, ‘Streaming Violence: How Instagram Fuels Cow Vigilantism in India’ (2024) <<https://www.csohate.org/2024/11/19/instagram-fuels-cow-vigilantism-in-india-report/>>.

⁸⁶³ See analysis under Section 1.10 (Violations of the Prohibition of Discrimination)

1.3. Right to a fair trial

International legal standards

The UDHR and the ICCPR guarantee that everyone is entitled in full equality to a fair public hearing by an independent and impartial tribunal in the determination of any criminal charge, and that anyone accused of an offence has the right to be presumed guilty until proven guilty according to law.⁸⁶⁴

According to the ICCPR, which enshrines the right to liberty and security of person, any deprivation of liberty must be on grounds and according to principles established by law.⁸⁶⁵ Persons who are arrested must be informed immediately of the reasons and promptly of any charges, and must be brought promptly before a judge to review the lawfulness of their detention.⁸⁶⁶ The ICCPR further guarantees certain minimum defence rights, including to be informed of charges, to have adequate time and facilities to prepare a defence, to be tried without undue delay, to defend oneself through counsel of one's choosing, to examine prosecution witnesses and call defence witnesses, and to not be compelled to confess guilt.⁸⁶⁷ Total or partial non-observance of international norms relating to fair trial rights, including excessive pre-trial detention, denial of access to counsel or courts, and discriminatory legal processes, are grounds to render any deprivation of liberty to be arbitrary and unlawful.⁸⁶⁸

The UN HRCtee has stated that the presumption of innocence is 'fundamental to the protection of human rights', imposing on the prosecution the burden to prove guilt beyond reasonable doubt.⁸⁶⁹ The HRCtee has also emphasised that the requirements of competence, independence, and impartiality

of a tribunal are an absolute right not subject to any exception, and that trials must be conducted fairly, expeditiously, and with respect for these guarantees.⁸⁷⁰

State authorities are thus obligated to ensure that no one is arrested or punished without due process, and that every person receives a fair, impartial, and timely trial by an independent judiciary.

Assessment of violations in Uttar Pradesh

After reviewing the available facts, we are of the opinion that the fair trial rights of UP's Muslims appear to have been systematically violated, with the state failing its obligation to administer justice impartially and without prejudice, and with respect for due process. Instead, there appears to be a deep bias in the administration of justice, wherein state actors align with the majority's narrative and act with prejudice against Muslims, rather than impartially upholding the law. Specifically, the Government of Uttar Pradesh appears to be in violation of international law vis-à-vis the right to a fair trial in the following contexts:

- Pattern of Muslims being subjected to prolonged pre-trial detention and denied due process and access to justice

As detailed in the previous section, authorities in UP are reported to have arbitrarily deprived Muslims of their liberty in various contexts, including through the selective and arbitrary interpretation and enforcement of vague and overbroad laws (such as the UAPA, NSA, the state anti-conversion law, and the state cow protection law), and following Muslims' participation in protected activities (such as participation in peaceful protests, engagement

⁸⁶⁴ UDHR arts 10, 11; ICCPR art 14(1), 14(2).

⁸⁶⁵ ICCPR art 9(1).

⁸⁶⁶ *ibid* 9(1), 9(2).

⁸⁶⁷ *ibid* 14(3)(a-g).

⁸⁶⁸ UN Human Rights Council, 'Methods of Work of the Working Group on Arbitrary Detention' (n 336) para 8(c).

⁸⁶⁹ UN Human Rights Committee, 'CCPR General Comment No. 32: Article 14 (Right to Equality before Courts and Tribunals and to a Fair Trial)' (2007) CCPR/C/GC/32 para 30.

⁸⁷⁰ *ibid* 15.

in journalistic activities and social media expression, and public and peaceful manifestations of faith). Authorities are also reported to have subjected Muslims to disproportionate and discriminatory mass arrests following episodes of inter-communal violence, where Hindu perpetrators largely avoided detention.

We reviewed accounts from victim families, suggesting that once in custody, Muslim detainees in UP routinely face prolonged pre-trial detention and delays in judicial review, in breach of the requirement of a timely trial as guaranteed by international law. This is also reflected in official statistics – an analysis of prison data between 1998 and 2014 found that over 80% of Muslim prisoners in UP were non-convicts.⁸⁷¹ According to official data, the share of Muslims as a proportion of the undertrial prisoner population in UP has risen further under the Yogi Adityanath government, from 26.8% in 2017 to 27.8% in 2022, the latest year for which data is available.⁸⁷² While such data is not yet available for subsequent years, these patterns indicate disregard for Muslims' right to be tried promptly or to be released.

Other recurring patterns in the witness and family statements we reviewed included:

- Accounts of Muslims being denied access to lawyers and courts, particularly at the early stages of a case. Several of those arrested were reportedly held incommunicado for extended periods or not informed of their rights, impeding their ability to challenge their detention or prepare a defence. Families further alleged that defence lawyers routinely faced harassment, threats and intimidation.
- Accounts of police refusing to register complaints or FIRs when Muslims attempted to report crimes (especially when the alleged perpetrators were state actors or influential non-state

actors), effectively blocking Muslims from accessing the justice system.

- Accounts of police effectively stonewalling investigations into anti-Muslim abuses by not recording victims' statements or by misclassifying offences.
- In cases where suspects are Muslims, accounts of police conducting pre-trial investigations that are neither independent nor impartial. Several families further alleged that police routinely tamper with evidence or coach witnesses to build false cases.
- Accounts of police extracting 'confessions' or signatures on blank papers, and then using those as evidence against Muslims.

These patterns indicate that police authorities in UP are not only failing to uphold due process but are actively facilitating miscarriages of justice through intimidation, obstruction, and coercion.

- Pattern of selective prosecution and discriminatory application of laws against Muslims

As highlighted in the previous section, the pattern of law enforcement in UP shows a palpable bias, with Muslims appearing to be far more likely to be targeted for arrest and harsh charges, whereas members of the majority and the ruling party often enjoy impunity for comparable or graver offenses.⁸⁷³

Alongside, officials have also actively withdrawn or declined to pursue cases where the alleged perpetrators are Hindu extremists. On multiple instances, the UP government under Adityanath has reportedly sought to withdraw criminal cases against Hindu individuals accused of involvement in violence against Muslims, including members of the BJP (and against Adityanath himself, on one occasion), even in deadly incidents –

⁸⁷¹ Irfan Ahmad and Md Zakaria Siddiqui, 'Democracy in Jail: Over-Representation of Minorities in Indian Prisons' (2017) 52 Economic and Political Weekly 98.

⁸⁷² National Crime Records Bureau (n 242) 67.

⁸⁷³ Also see the analysis under Section 1.10 (Violations of the Prohibition on Discrimination)

effectively nullifying accountability for attacks on Muslims.⁸⁷⁴ While courts have reportedly blocked some of these withdrawals as unjustified, the attempts themselves signal the administration's bias.⁸⁷⁵

Another striking case occurred in Bulandshahr district in 2018, when a mob of Hindu extremists had killed a police inspector and a young man during a riot sparked by rumours of cow slaughter. Rather than vigorously prosecuting those responsible for the violence (who included members of a hardline Hindu group and a local BJP youth leader), the police immediately turned their focus to arresting Muslim villagers for alleged cow slaughter. A senior UP police official was reported to have openly stated to reporters, 'The cow-killers are our top priority. The murder and rioting case is on the backburner for now.'⁸⁷⁶

These examples further illustrate the prevalence in UP of the kind of unequal administration of justice that international law forbids. It mirrors the broader trend in the state, highlighted earlier, of discriminatory laws (like the cow protection law and the anti-conversion law) being enforced almost exclusively against Muslims (and Christians), often based on dubious evidence, while violence by Hindu extremist groups is ignored or met with lenience.

This discriminatory application of the law violates the fair trial right to equality before the courts and contravenes the prohibition on religious discrimination.⁸⁷⁷

- Pattern of judicial bias against Muslims

In February 2025, an International Commission of Jurists (ICJ) report noted that the independence of the judiciary in India is 'under heavy strain due to structural deficiencies in judicial governance, irregularities in judicial appointments, and improper interference and influence by political actors.'⁸⁷⁸

Several recent examples further illustrate the prevalence of these nationwide patterns in UP: in December 2024, a senior active judge of the Allahabad High Court (which has jurisdiction over UP) attended an event organised by Vishwa Hindu Parishad (VHP), a Hindu extremist group, and made derogatory remarks towards Islam and Muslims, while endorsing majoritarian Hindu nationalist rule.⁸⁷⁹ The judge is also reported to have used several religious slurs while referring to Muslims.⁸⁸⁰ While the Supreme Court is reported to have 'taken note' of the judge's statement, it is a matter of concern that he remains active and free to adjudicate on cases involving Muslims.⁸⁸¹

⁸⁷⁴ India (n 252); 'UP Withdrew 77 Muzaffarnagar Riots Cases without Giving Reason, SC Told' (The Indian Express, 25 August 2021) <<https://indianexpress.com/article/india/up-withdrew-77-muzaffarnagar-riots-cases-without-giving-reason-sc-told-7469295/>> accessed 8 April 2023; 'Muzaffarnagar Riots: Adityanath Govt Trying to Withdraw Case Against 3 BJP MLAs, Leader' (The Wire)

<<https://thewire.in/government/muzaffarnagar-riots-adityanath-withdraw-cases-sanjeev-balyan>> accessed 30 April 2021; 'Yogi Govt Issues Order to Scrap Case against Yogi Adityanath' The Indian Express (27 December 2017) <<https://indianexpress.com/article/india/yogi-adityanath-government-issues-order-to-scrap-case-against-yogi-5000402/>> accessed 7 March 2025.

⁸⁷⁵ 'UP Government Denied Permission To Close 74 Cases In Muzaffarnagar Riots' NDTV.com <<https://www.ndtv.com/india-news/yogi-adityanath-government-withdraws-20-more-muzaffarnagar-riots-cases-2074830>> accessed 7 March 2025.

⁸⁷⁶ 'Bulandshahr Police: Will First Probe Carcass, Then Killing of Inspector Subodh Kumar Singh' The Indian Express (7 December 2018)

<<https://indianexpress.com/article/india/bulandshahr-police-will-first-probe-carcass-then-killing-of-inspector-5482485/>> accessed 7 March 2025.

⁸⁷⁷ Also see the analysis under Section 1.10 (Violations of the Prohibition on Discrimination)

⁸⁷⁸ International Commission of Jurists, 'Judicial Independence in India: Tipping the Scale' (2025) <<https://www.icj.org/wp-content/uploads/2025/02/Judicial-Independence-in-India.pdf>>.

⁸⁷⁹ Ishita Mishra, 'Allahabad High Court Judge Shekhar Kumar Yadav at VHP Event: "India Will Run as per Wishes of Its Majority"' The Hindu (8 December 2024)

<<https://www.thehindu.com/news/national/india-will-run-as-per-wishes-of-its-majority-allahabad-high-court-judge-shekhar-kumar-yadav-at-vhp-event/article68962493.ece>> accessed 8 March 2025.

⁸⁸⁰ Ratna Singh (n 223).

⁸⁸¹ Debayan Roy, 'Supreme Court Seeks Report from Allahabad HC after Justice SK Yadav's Remarks on Muslims' (Bar and Bench - Indian Legal news, 10 December 2024)

<<https://www.barandbench.com/news/litigation/supreme->

Courts in UP are also reported to be using majoritarian, Hindu nationalist rhetoric while delivering judgements in cases involving Muslims. In October 2024, while ruling on a case of alleged sexual assault, a judge is reported to have cited the unfounded 'love jihad' conspiracy theory as a factor while sentencing the accused (a Muslim man), despite the alleged victim (a Hindu woman) later recanting her allegations and claiming that she had filed the complaint under pressure from Hindu extremist groups.⁸⁸²

These examples are indicative of a judiciary that is neither independent nor impartial, in violation of international legal guarantees.

- Pattern of Muslims being subjected to summary punishments by authorities

We note that several of the violations detailed in other sections—such as the extrajudicial killing or maiming of alleged criminals, and the punitive demolition of homes and property of Muslims – are also flagrant violations of fair trial rights.

Each of these instances involved UP government officials inflicting summary punishment on Muslims, without following due process or allowing for meaningful judicial review, in a manner wholly outside the trial process. Muslims were effectively denied the presumption of innocence and punished as guilty before any court verdict, with outcomes pre-decided by the state government, making any subsequent legal proceedings a mere formality.

court-seeks-report-allahabad-hc-justice-sk-yadavs-remarks-muslims> accessed 8 March 2025.

⁸⁸² “‘Love Jihad’ Being Waged by Certain Community, Poses Major Threat to Nation’s Unity: U.P. Court Judge’ The Hindu (2 October 2024)

<<https://www.thehindu.com/news/national/uttar-pradesh/love-jihad-being-waged-by-certain-community-poses-major-threat-to-nations-unity-up-court/article68711006.ece>> accessed 8 March 2025.

1.4. Rights to freedom of expression, association, assembly

International legal standards

According to the OHCHR, civic space is the ‘environment that enables civil society to play a role in the political, economic and social life of our societies. In particular, civic space allows individuals and groups to contribute to policy-making that affects their lives, including by: accessing information; engaging in dialogue; expressing dissent or disagreement; and joining together to express their views.’⁸⁸³ The three ‘basic’ rights that are considered crucial for civic space are the rights to free opinion and expression; peaceful assembly; and association, the protections of which are guaranteed by the UDHR and given legal force by the ICCPR.⁸⁸⁴

The ICCPR guarantees everyone the right to hold opinions without interference and to seek, receive, and impart information and ideas of all kinds.⁸⁸⁵ Any limitations on this right are to be provided by law, and necessary for the rights or reputation of others or for the protection of national security, public order, or public health or morals.⁸⁸⁶ The UNHRCtee has stressed that any limits on speech ‘must not put in jeopardy the right itself’ and that the relationship between the right and restriction ‘must not be reversed’, meaning that censorship or criminalisation of speech is allowed only in exceptional circumstances, and vague or overbroad laws are not to be used to chill critical expression.⁸⁸⁷ The UN Human Rights Council has repeatedly called for the protection of journalists and condemned government reprisals against reporters. For instance, a resolution in 2020 on the safety of

journalists called on states to end the misuse of overbroad laws and surveillance to intimidate journalists.⁸⁸⁸

The ICCPR also similarly guarantees the right to peaceful assembly, mandating that restriction placed on this right must be in conformity with the law and necessary in the interests of national security or public safety, public order, public health or morals, or the protection of the rights and freedoms of others.⁸⁸⁹ The UNHRCtee has underscored that states have the positive obligation to facilitate peaceful assemblies, and that any limitations (such as blanket bans or use of excessive force) violate international standards if they are not narrowly tailored. Assemblies are to be presumed to be peaceful, and isolated incidents of violence do not render an entire protest non-peaceful.⁸⁹⁰ The UN Human Rights Council has passed numerous resolutions warning against undue restrictions on protests, including those in the form of internet shutdowns. An OHCHR report in 2022 noted that internet shutdowns have indiscriminate and widespread impacts, and rarely meet the proportionality test.⁸⁹¹

The right to freedom of association, which includes the right to form and join organisations (such as NGOs, unions, or political groups), is also protected by the ICCPR, which specifies that restrictions on this right must be prescribed by law and be necessary in the interests of national security or public safety, public order, public health or morals or the rights and freedoms of others.⁸⁹² The UN Human Rights Council has called on

⁸⁸³ ‘OHCHR and Protecting and Expanding Civic Space’ (OHCHR) <<https://www.ohchr.org/en/civic-space>> accessed 10 March 2025.

⁸⁸⁴ UDHR arts 19, 20.; ICCPR arts 19, 21, 22.

⁸⁸⁵ ICCPR art 19.

⁸⁸⁶ *ibid* 19(3).

⁸⁸⁷ UN Human Rights Committee, ‘CCPR General Comment No. 34: Article 19: Freedoms of Opinion and Expression’ (2011) CCPR/C/GC/34 para 21.

⁸⁸⁸ UN Human Rights Council, ‘The Safety of Journalists’ (2020) A/HRC/RES/45/18.

⁸⁸⁹ ICCPR art 21.

⁸⁹⁰ UN Human Rights Committee, ‘CCPR General Comment No. 37: Article 21 (Right of Peaceful Assembly)’ (2020) CCPR/C/GC/37 para 17.

⁸⁹¹ UN High Commissioner for Human Rights, ‘Internet Shutdowns: Trends, Causes, Legal Implications and Impacts on a Range of Human Rights’ (2022) A/HRC/50/55 para 13.

⁸⁹² ICCPR art 22(1-2).

states to repeal laws and regulatory measures that unduly restrict civil society organisations' access to foreign funding.⁸⁹³

In parallel, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) requires States parties to prohibit and eliminate racial discrimination in the enjoyment of civil and political rights, including the rights to freedom of opinion and expression, peaceful assembly, and association.⁸⁹⁴ ICERD guarantees equality before the law in the enjoyment of these rights without distinction as to race, colour, descent, or national or ethnic origin.⁸⁹⁵

Broadly, any restrictions on the above rights must be clearly prescribed by law (*legality*), pursue a legitimate aim (*necessity*), and be the least restrictive means available (*proportionality*). Restrictions cannot be overly broad, arbitrarily applied, or used to suppress dissent.

These freedoms are also enshrined in India's Constitution, which guarantees the freedom of speech and expression, the right to assemble peaceably and without arms, and the right to form associations.⁸⁹⁶ While the Constitution permits certain 'reasonable restrictions' on these rights, the Supreme Court has, on multiple occasions, affirmed that such restrictions must be narrowly tailored and not excessive. Notably, the SC has held that indefinite suspension of internet services violates the fundamental rights to freedom of expression and assembly.⁸⁹⁷ The SC also held that prohibitory orders on assembly must not be used to suppress legitimate dissent, and that such orders must be narrowly tailored, time-bound, and subject to judicial review.⁸⁹⁸ In practice, however, these constitutional safeguards have been weakened by judicial approaches that have limited their effective operation. Courts have frequently failed to

provide timely or substantive relief in cases involving restrictions on expression, assembly, and association, including by deferring to executive claims of public order or necessity, delaying adjudication, or disposing of challenges without meaningful scrutiny of proportionality. As a result, restrictive measures have often remained in force for extended periods without effective judicial oversight, undermining the protective value of constitutional standards that are premised on immediacy and strict review. This gap between constitutional principle and judicial enforcement has allowed restrictions that would be difficult to sustain on their face to operate in practice with limited accountability, contributing to the progressive erosion of freedoms of expression, association, and peaceful assembly.

Assessment of violations in Uttar Pradesh

We note the presence—and escalation—of arbitrary restrictions on freedom of expression, association, and peaceful assembly in Uttar Pradesh, particularly where Muslims engage in protest, journalist, organised civil society activity, or religious expression:

- **Targeting of Muslim journalists and of press freedom:** Since 2017, authorities in UP are reported to have routinely harassed, booked under serious charges, and arrested numerous journalists who reported on government abuses and religious violence by Hindu extremists. A recent example is Mohammad Zubair, a prominent fact-checker, who has faced multiple FIRs in UP, including under sedition provisions. In July 2024, two Muslim journalists who reported on the suspected lynching of a Muslim man by Hindu extremists were booked on charges of promoting religious enmity. Another journalist, Siddique Kappan, reportedly remained jail for 28 months without trial before his release in February

⁸⁹³ UN Human Rights Council, 'General Principles and Guidelines on Ensuring the Right of Civil Society Organisations to Have Access to Resources' (2023) A/HRC/53/38/Add.4 para 30.

⁸⁹⁴ ICERD art 5(d)(viii-ix).

⁸⁹⁵ *ibid.*

⁸⁹⁶ The Constitution of India art 19(1)(a-c).

⁸⁹⁷ *Anuradha Bhasin v Union of India* [2020] Supreme Court of India WP (Civil) No. 1031 of 2019, (2020) 3 SCC 637.

⁸⁹⁸ *ibid.*

2023, after he was arrested and charged under anti-terror provisions, shortly after he attempted to report on the rape and murder of a Dalit girl. In November 2024, a BJP legislator in UP, Shalabh Mani Tripathi, was reported to have circulated a list of Muslim journalists on social media, accusing them of spreading misinformation and dubbing them ‘media jihadists’⁸⁹⁹, exposing them to further abuse and violence. Available information suggests that no action was taken against him by the police or by the BJP as a matter of internal party discipline. These events indicate that the UP government is targeting Muslim journalists reporting on societal or police violence or debunking extremist propaganda, in gross violation of their right to freedom of expression. All arms of the state, including the legislature, are obligated to uphold human rights. Thus, the actions of UP legislator Shalabh Mani Tripathi also constitutes a direct and egregious violation of the right to freedom of expression. The police failure to take action against him additionally constitutes a failure to *protect* the right to freedom of expression of Muslim journalists. This pattern of targeting journalists also suppresses press freedom more broadly, in violation of international law.

- Suppression of academic freedom: Broadly, educational institutions associated with Muslims have been persistently maligned by state officials. For instance, it may be recalled that the premises of Aligarh Muslim University (AMU) were stormed by police in December 2019, amid protests against the CAA, and its students brutally attacked and later arrested on various charges. Since then, numerous AMU students have reportedly been detained or booked for participating in protests on other issues. This pattern of

official intimidation against a university undermines academic freedom and the freedoms of association and assembly of the students.

- Policing of free expression on digital spaces: Authorities in UP are reported to be routinely registering cases against Muslim social media users who share information relating to religious violence or otherwise criticise government actions. Such actions clearly amount to unlawful attempts to suppress free expression.
- Suppression of peaceful protests and assembly: It may be recalled that authorities in UP had responded to Muslim-led, anti-CAA protests across the state in December 2019 with the use of excessive force, opening fire in multiple districts, killing at least 22 Muslims, and arresting over 1000 individuals. Authorities had also imposed blanket bans on assemblies and shut down internet services in multiple districts.⁹⁰⁰

UP authorities’ response to subsequent protests in the state has been similarly sweeping and severe. For instance, in Sambhal in November 2024, police are reported to have opened fire amid peaceful protests, killing 5 Muslim men. In the aftermath of the violence, authorities reportedly imposed internet shutdowns, restricted public access to the district, carried out mass arrests—including of minors and at least one lawyer—and disconnected water and electricity supply in Muslim localities. Posters displaying the names and images of alleged protestors were also reportedly put up publicly. Such measures raise serious concerns

⁸⁹⁹ Omar Rashid, ‘BJP MLA Circulates List of Muslim Journalists Reporting on Foul Play in UP By-Polls’ *The Wire* (21 November 2024) <[https://thewire.in/communalism/bjp-mla-](https://thewire.in/communalism/bjp-mla-circulates-list-of-muslim-journalists-reporting-on-foul-play-in-up-by-polls)

[circulates-list-of-muslim-journalists-reporting-on-foul-play-in-up-by-polls](https://thewire.in/communalism/bjp-mla-circulates-list-of-muslim-journalists-reporting-on-foul-play-in-up-by-polls)> accessed 31 January 2025.

⁹⁰⁰ Sonja Biserko, Marzuki Darusman, and Stephen Rapp (n 20) 22.

regarding collective punishment and disproportionate restrictions on peaceful assembly.

Across the state, authorities are reported to regularly impose blanket prohibitory orders on assembly to prevent anticipated protests, often with little justification. For instance, in October 2024, when Muslims across the state planned gatherings to protest incendiary remarks by hate preacher Yati Narsinghanand, the state clamped down with statewide restrictions on assembly, and arrested at least 17 Muslims for attempting to protest lawfully. In several instances, the prohibition on assembly was reportedly accompanied by localised shutdown of internet services.

In late March 2025, Muslims in several districts, including Muzaffarnagar, Lucknow, and Sitapur, were reportedly served notices requiring them to furnish 'peace bonds' of up to INR 10,00,000 (around \$1100) under preventive provisions of the Bharatiya Nagarik Suraksha Sanhita, after wearing black armbands during Friday and Eid prayers in protest against the Indian government's legislative changes targeting Muslim religious endowments (*waqfs*). No violence or public disorder was reported in connection with these gatherings.

Additionally, as was seen across UP during the anti-CAA protests in 2019, protests led by Muslims have often been accompanied by punitive state measures against the local Muslim community as a whole, including home demolitions and denial of access to other essential services. In September 2025, peaceful expressions of religious affirmation by Muslims using the slogan 'I Love Muhammad' were reportedly met with multiple FIRs, detentions—including of minors—

prohibitory orders, and internet shutdowns across parts of the state, particularly in Bareilly district, alongside demolition and sealing drives targeting Muslim-owned properties.

Read together, UP authorities' handling of peaceful protests by Muslims demonstrates a wholesale disregard for both international standards and India's own constitutional and legal standards. Peaceful protest is treated by the state as a law-and-order threat rather than as a right, and Muslims are selectively subjected to collective punishment, indicating discrimination.

- Targeting of civil society: Authorities in UP are also reported to have cracked down on organised dissent and Muslim civil society action, constraining the freedom of association. This has taken the form of bans on organisations (such as that imposed on Popular Front of India by central authorities, who accused it of involvement in terrorism, and arrested hundreds of its members), raids on NGOs (such as those carried out at the offices of Islamic charity Rahbar Foundation, accused of violating FCRA rules), and other forms of harassment by state authorities, including against human rights defenders.

The following further patterns may be noted:

- Many of the actions highlighted above lack a transparent legal basis, and are carried out via executive fiat and the misuse of overbroad laws. For example, punitive demolitions of homes of alleged criminals are not sanctioned by any law and are a form of arbitrary punishment handed out entirely outside the trial process. Other actions, such as blanket bans on

assembly, skirt the intent of the laws invoked, meant only for emergencies.

- Most of the state-led measures highlighted above, such as the use of lethal force against unarmed protesters, bulldozing homes for involvement in protests, and the slapping of serious charges on journalists are grossly disproportionate responses that cannot be justified as necessary for maintaining public order or national security.
- Most of the patterns noted above are particularly pronounced against Muslims. Religious hate speech, violence and other unlawful activities by organised Hindu groups (such as Bajrang Dal) rarely, if ever, invite similar scrutiny by UP authorities.

Read together, UP authorities' actions highlighted above appear to amount to unlawful and unreasonable restrictions on

Muslims' rights to free opinion and expression, association, and assembly.

In its review of India in September 2024, the UNHRCtee had expressed its concerns about each element in this triad of civic space rights. Specifically, the Committee noted 'arbitrary restrictions in law and practice of freedom of expression online and offline [...] including the broad and frequent use of internet shutdowns, 'the misuse of vague and broadly formulated provisions of legislation [...] which is misused for the arbitrary arrest and prosecution of minority groups, journalists and other individuals expression minority views and exercising their right to peaceful assembly', and 'the misuse of the Foreign Contribution (Regulation) Act [...] which is used to target non-governmental organisations critical of the Government and to silence dissenting voices, including non-governmental organisations working on human rights issues.'⁹⁰¹ The patterns documented in Uttar Pradesh indicate the continuation – and in several respects the intensification – of these nationwide concerns.

⁹⁰¹ UN Human Rights Committee, 'Concluding Observations on the Fourth Periodic Report of India' (n 305) paras 49, 53.

1.5. Right to freedom of religion or belief

International legal standards

The freedom of religion or belief (FoRB) is protected by the UDHR and the ICCPR, and encompasses, broadly, the freedoms to adopt, change or renounce a religion or belief; the freedom of thought; the freedom from coercion; and the right to manifest one's religion or belief.⁹⁰²

The ICCPR reinforces this with a clause explicitly prohibiting coercion that would impair one's freedom to have or adopt a religion or belief.⁹⁰³ The UN HRCtee has clarified that 'coercion' includes 'use of threat or physical force or penal sanctions to compel believers to adhere to their religious beliefs,' and extends to 'policies or practices having the same intention or effect'.⁹⁰⁴

In addition to the right to have or 'adopt' a religion, the ICCPR also guarantees the right to manifest one's religion or belief, either individually or in community with others, and in public or private, through 'worship, observance, practice, and teaching'.⁹⁰⁵ The UN HRCtee has also clarified that the concept of 'worship' extends to 'ritual and ceremonial acts giving direct expression to belief [...]' and to 'the building of places of worship'.⁹⁰⁶ This protection is further strengthened under the ICCPR's provisions on the freedom of opinion and expression, which protects the freedom to 'seek, receive and impart information of all kinds [...]'⁹⁰⁷ For religious minorities, the protection is strengthened even further with a specific clause stating that persons belonging

to minority groups shall not be denied the right to, *inter alia*, profess and practice their own religion.⁹⁰⁸

The ICCPR specifies that the freedom of thought, conscience and religion is non-derogable and may not be suspended even in times of public emergency.⁹⁰⁹ Certain limitations may be placed on the manifestation of religion, provided that such limitations are 'prescribed by law' and are 'necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.'⁹¹⁰ The UN HRCtee has clarified that limitations on the manifestation of religion may be applied 'only for those purposes for which they were prescribed and must be directly related and proportionate to the specific need on which they are predicated.'⁹¹¹ Further, restrictions may not be imposed for discriminatory purposes or applied in a discriminatory manner.'⁹¹²

Broadly, FoRB is acknowledged to have two dimensions: (i) *forum internum*, the 'inner nucleus' of a person's religious convictions, including the right to have or adopt a religion, which is absolute and cannot be restricted under any circumstances, and (ii) *forum externum*, the external manifestations of one's religion or belief, which may be subject to limitations under the conditions set out above.

In parallel, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) prohibits discrimination in the enjoyment of freedom of

⁹⁰² Universal Declaration of Human Rights 1948 art 18; ICCPR art 18; UN Human Rights Committee, 'CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion)' (1993) CCPR/R/21/Rev.1/Add. 4.

⁹⁰³ ICCPR art 18(2).

⁹⁰⁴ UN Human Rights Committee, 'CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion)' (n 398) para 5.

⁹⁰⁵ ICCPR art 18(1).

⁹⁰⁶ UN Human Rights Committee, 'CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion)' (n 398) para 4.

⁹⁰⁷ ICCPR art 19(2).

⁹⁰⁸ *ibid* 27.

⁹⁰⁹ *ibid* 4(2).

⁹¹⁰ *ibid* 18(3).

⁹¹¹ UN Human Rights Committee, 'CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion)' (n 398) para 8.

⁹¹² *ibid*.

thought, conscience and religion where such discrimination is based on race, colour, descent, or national or ethnic origin.⁹¹³ ICERD expressly guarantees freedom of thought, conscience and religion without racial discrimination, and defines racial discrimination as any distinction, exclusion, restriction or preference that has the ‘purpose or effect’ of impairing the equal enjoyment of human rights.⁹¹⁴ The Committee on the Elimination of Racial Discrimination (CERD) has clarified that ICERD protections extend to persons whose religious identity has been ‘racialised’ and used as a basis for discrimination, and that discrimination under the Convention includes both ‘purposive or intentional discrimination’ and discrimination ‘in effect’.⁹¹⁵

India’s Constitution too guarantees the freedom of conscience and the right to freely profess, practice, and propagate religion.⁹¹⁶ However, it does not make a distinction between *forum internum* and *forum externum*, and subjects both dimensions to ‘public order, morality and health’. Over previous decades, the Supreme Court has diluted FoRB further, ruling, inter alia, that the right to ‘propagate’ religion does not include the right to convert another person to one’s own religion, that only matters that are ‘integral’ or ‘essential’ to religion enjoy constitutional protection⁹¹⁷, and ruling that India’s various provincial-level anti-conversion laws are constitutionally valid.⁹¹⁸ The SC is yet to rule on the validity of legal provisions that are present in newly enacted/amended anti-conversion statutes. A petition challenging these laws has been

pending before the Supreme Court since 2020.⁹¹⁹

Assessment of violations in Uttar Pradesh

After reviewing the available facts, we are of the opinion that the Government of Uttar Pradesh is, prima facie, in violation of international law vis-à-vis the right to freedom of religion or belief in the following contexts:

1. Incompatibility of the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2020, with international standards, and its coercive and discriminatory enforcement

The Panel’s previous report had highlighted the presence of provincial level anti-conversion legislations in several Indian states, including Uttar Pradesh, where the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act (UP Anti-Conversion Act, from here on) was introduced in 2020.⁹²⁰ In a 2023 joint communication, the Special Rapporteurs on FoRB and Minority issues expressed concern over the ‘failure to clearly define a forced conversion and the use of vague terms’ in such laws, warning that these obscurities give authorities ‘unfettered discretion to accept or reject the legitimacy of religious conversions,’ and may be used as ‘a tool of persecution by those who are genuinely opposed to religious tolerance.’ They further reiterated that the ‘choice of religion or belief is part of the *forum internum*, which allows for no limitations,’ and that ‘a general prohibition on conversion by a State necessarily enters into conflict with applicable international standards.’⁹²¹ These concerns were also flagged

⁹¹³ ICERD art 1(1).

⁹¹⁴ *ibid* 5(d)(vii), 1(1).

⁹¹⁵ Gay McDougall, ‘Introductory Note to the International Convention on the Elimination of All Forms of Racial Discrimination’ (United Nations Audiovisual Library of International Law 2021) <<https://legal.un.org/avl/ha/cerd/cerd.html>>; Committee on the Elimination of Racial Discrimination, ‘CERD General Recommendation No. 32: The Meaning and Scope of Special Measures in the International Convention on the Elimination of All Forms of Racial Discrimination’ (2009) para 7.

⁹¹⁶ The Constitution of India art 25(1).

⁹¹⁷ *Sardar Sarup Singh v State of Punjab* 1959 AIR 860; *Shayara Bano v Union of India* AIR 2017 SUPREME COURT 4609

⁹¹⁸ *Rev. Stanislaus v. State of Madhya Pradesh and Orissa* 1977 AIR 908

⁹¹⁹ Supreme Court Observer, ‘Constitutionality of Anti-Conversion Laws’, <https://www.scobserver.in/cases/cjp-v-state-of-up-constitutionality-of-anti-conversion-laws-case-background/>.

⁹²⁰ Sonja Biserko, Marzuki Darusman and Stephen Rapp (n 1) 39.

⁹²¹ From Special Rapporteur on Minority Issues and Special Rapporteur on freedom of religion or belief, ‘AL IND 8/2023’ (16 August 2023).

in September 2024 by the UN HRCtee, which called on the Indian government to repeal or amend all legislation, including those relating to religious conversion, that discriminate on the basis of conscience and religion.⁹²²

After reviewing provisions of the UP Anti-Conversion Act in detail, as well as available information regarding its enforcement, we note the following major infirmities:

- **Necessity of the law and potential discriminatory intent against Muslims:** The Act was enacted following a report by the UP State Law Commission, an officially-constituted advisory body. The Commission's report recycled the thoroughly debunked "love jihad" conspiracy, alleging a 'rising trend of Muslim men converting Hindu girls to Islam and marrying them' and referred to 'a conspiracy to destroy India's civilisation and religion and to inspire converts to spew venom against their own ancestors.'⁹²³ As evidence for this conclusion, the report included newspaper clippings relating to three cases of Hindu women complaining to police that they were forcibly converted to Islam by Muslim men, and four cases of Christian pastors being arrested after local Hindus (and not the alleged victims) complaining to police that they were converting Hindus. The Commission's report also contained draft text that was

eventually repeated verbatim in the legislation, which included an explanation that 'conversion by solemnisation of marriage or relationship in the nature of marriage' through prohibited means shall come under the ambit of the law.⁹²⁴

While the isolated cases highlighted in the Commission's report may potentially have amounted to a disturbance of 'public order' (detailed facts are not available to us) the enactment of a law prescribing expansive restrictions on religious propagation, imposing strong criminal penalties, and further facilitating violence against minorities cannot be argued to be necessary or proportionate to the aim of maintaining public order. The inclusion of inter-religious marriages within the ambit of the Act appears particularly unnecessary as there are other remedies available in India's family laws (all personal laws recognise religious conversion as grounds for divorce). Given this legal redundancy, this coercive regulation of inter-religious marriages strongly indicates that the law was introduced with discriminatory intent against Muslims. This is further evident in multiple statements by the Chief Minister, who justified the law as a defence against 'love jihad's'⁹²⁵ agenda of undeclared terrorism.⁹²⁶ Such rhetoric has

⁹²² UN Human Rights Committee, 'Concluding Observations on the Fourth Periodic Report of India' (n 305) para 48.

⁹²³ Justice Aditya Nath Mittal, 'Eighth Report of VII State Law Commission on Freedom of Religion (along with Draft Bill of The Uttar Pradesh Freedom of Religion Bill, 2019)' (Uttar Pradesh Law Commission 2019) s Preface.

⁹²⁴ Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act 2021 s 3(1)(Explanation).

⁹²⁵ 'Love jihad' is a long-standing, unfounded and discredited but widely believed conspiracy theory that alleges an organised plot by Muslim men to convert Hindu women to Islam. The conspiracy theory has been leveraged to enact similar laws in multiple states governed by the BJP. See: Charu Gupta, 'Hindu Women, Muslim Men: Love Jihad and Conversions' (2009) 44 *Economic and Political Weekly* 13; 'NIA Ends Kerala Probe, Finds There's Love but No Jihad' *Hindustan Times* (New Delhi,

18 October 2018) <<https://www.hindustantimes.com/india-news/nia-ends-kerala-probe-says-there-s-love-but-no-jihad/story-wlpWR7BMNcdJHkb1MUso4J.html>> accessed 5 October 2023; 'Mood of the Nation Poll: 54% See a "Love Jihad" Conspiracy to Convert Hindu Women to Islam' (India Today, 22 January 2021) <<https://www.indiatoday.in/mood-of-the-nation/story/majority-of-indians-see-love-jihad-conspiracy-to-convert-hindu-women-to-islam-mood-of-the-nation-poll-1761707-2021-01-22>> accessed 5 October 2023; Anna Juzaszek, 'Indian "Love Jihad" Goes to Court' in Mateusz Stepień and Jan Bazyli Klakla (eds), *Law and Culture: Reconceptualization and Case Studies* (Springer International Publishing 2022) <https://doi.org/10.1007/978-3-030-81193-8_4> accessed 4 September 2023.

⁹²⁶ "'Love Jihad' an Agenda of "Undeclared Terrorism" against Humanity: Yogi after Watching Movie' *The Indian Express*

continued to accompany enforcement actions in subsequent years, reinforcing the perception that the law is applied within a broader political narrative portraying interfaith relationships involving Muslim men as inherently suspect.

- **Provisions enabling coercion:** The Act compels individuals seeking to change their religion to declare their intention in advance to state authorities, who are empowered to ascertain the 'real intention and cause' of the conversion'. This potentially amounts to direct intrusion by the state into the individual's *forum internum*, and could be interpreted as a form of coercion. The Act further requires those seeking to change their religion to display their personal details, including address and old and new religious affiliation, on a public notice board, potentially fostering coercion by non-state actors. Given that violent harassment of inter-religious couples by Hindu-extremist groups is well-established in UP, the government would be well-aware of this risk. It could be inferred that the law is designed to foment exactly this sort of violence. Potential coercion by non-state actors is further enabled by an amendment of the Act in 2024, following which parties unconnected to the individual seeking to change their religion are allowed to file complaints under the Act.
- **Provisions enabling arbitrary invocation and repression by state:** The definitions of many of the prohibited forms of conversion appear vague and expansive, and open to multiple interpretations. For instance, the lack of a definition for 'misrepresentation', a prohibited form

of conversion, leaves it open to arbitrary interpretation by state authorities. 'Allurement' encompasses 'offer of any temptation' in the form of, inter alia, 'any gift, gratification, easy money or material benefit either in cash or kind' or 'better lifestyle, divine displeasure or otherwise.' Going by this vague definition, any propagation of religion by an adherent of any faith that prescribes positive benefits for believers (or negative consequences for non-believers) could be interpreted by the state as unlawful allurement, even if such a tenet is an essential part of that faith. Even the gifting of a copy of a holy scripture could potentially amount to allurement. The definition of 'undue influence' as the 'unconscientious use' by a person of their 'power or influence' over another too appears ripe for arbitrary interpretation by the state, carrying the potential for abuse against any faith leader – or perhaps even a parent or family member – who exerts persuasive influence over other.

The various offences proscribed in the Act are all non-bailable and invite fines and substantial jail terms up to life imprisonment. Moreover, police officials are empowered to make warrantless arrests. Criminal liability is fixed not only on persons committing the deemed offences, but also on those who 'enable', 'aid or abet', or 'counsel, convince, or procure' others to commit the offence.⁹²⁷ The burden of proof is reversed and laid on persons who have 'caused' or 'facilitated' the conversion. Taken together, these provisions have the potential to foster a repressive environment in which extended incarceration (not to mention the possibility of harassment and violence)

(Lucknow, 13 May 2023)
<<https://indianexpress.com/article/cities/lucknow/love-jihad-an-agenda-of-undeclared-terrorism-against-humanity-yogi-after-watching-movie-8606565/>> accessed 6 October 2023.

⁹²⁷ Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act s 11(i-iv).

is virtually guaranteed to a whole host of individuals involved in conversions that the state may deem unlawful. This too could potentially amount to coercion by the state. As such, this legislation violates the state's obligation to respect and protect the freedom of religion and belief. It also, *prima facie*, appears incompatible with the right to a fair trial.

- **Discriminatory exemption for 're-conversions':** The Act specifically keeps 're-conversions' to an individual's 'immediate previous religion' out of its ambit. This potentially implies that even a 're-conversion' caused or facilitated through any of the prohibited means of conversion would be considered lawful. This preferential treatment is clearly discriminatory towards religious minorities.
- **Arbitrary and discriminatory enforcement against Muslims:** Available information further indicates that the Act is being arbitrarily enforced against Muslims. A news report in January 2022 suggested that of the 208 individuals arrested in the first nine months of the Act, all were Muslim.⁹²⁸ In June 2021, the UP Police's Anti-Terrorist Squad (ATS) was reported to have been directed by the State Government to also invoke laws meant to curb terrorism and organised crime in cases of religious

conversion.⁹²⁹ Further underlining the arbitrary and punitive nature of the Act's enforcement are multiple reports of the police seizing the personal property of those arrested.⁹³⁰

In contrast, there have been numerous reported cases of the police allegedly refusing to enforce the law against Hindu men accused by Muslim women of unlawfully converting them to Hinduism.⁹³¹ There are also no known instances of any state action regarding reports of mass 're-conversion' (known as *ghar wapsi*, or homecoming) ceremonies organised by Hindu non-state actors.⁹³² This is not surprising, as Chief Minister Adityanath has personally claimed to have organised the 're-conversion' of hundreds of thousands of Muslims and Christians in the past.⁹³³

- **Climate of impunity for non-state actors:** There have also been widespread reports of arrests, and at least one conviction, following complaints by third parties with no apparent connection to the alleged crimes.⁹³⁴ In several cases, arrests were reported at the behest of members of organisations like the Vishwa Hindu Parishad (VHP) and Bajrang Dal (BD).⁹³⁵ VHP and BD are armed Hindu militant groups with a long history of organising and participating in violence against Muslims across the country.⁹³⁶ In multiple cases, police

⁹²⁸ Hannah Ellis-Petersen and Ahmer Khan (n 142).

⁹²⁹ 'UP Govt: Invoke NSA against Those Involved in Religious Conversion' (The Indian Express, 23 June 2021) <<https://indianexpress.com/article/india/up-govt-invoke-nsa-against-those-involved-in-religious-conversion-7371256/>> accessed 1 September 2022.

⁹³⁰ 'Conversions: 855 Arrests in UP since 2020' The Times of India (Lucknow, 13 May 2023) <<https://timesofindia.indiatimes.com/city/lucknow/conversions-855-arrests-in-up-since-2020/articleshow/100197618.cms?from=mdr>> accessed 5 October 2023; Sumedha Pal (n 230).

⁹³¹ 'UP's "Love Jihad" Law Partisan towards Muslim Women? Police Refuses to Take Cognisance of Cases Involving Them' (n 228).

⁹³² 'Ghar Wapsi in Bulandshahr: Over 100 Return to Hinduism in UP' (n 229); Yashasvini Rajeshwar and Roy C. Amore (n 229).

⁹³³ As cited in Justice Aditya Nath Mittal (n 419) 22.

⁹³⁴ Fatima Khan, 'Many Anti-Conversion Arrests in UP Defy the Law They Are Based On' The Quint (10 April 2023) <<https://www.thequint.com/news/india/exclusive-many-religious-conversion-arrests-uttar-pradesh-defy-the-law-they-are-based-on>> accessed 5 October 2023.

⁹³⁵ Betwa Sharma and Ahmer Khan (n 230); Hannah Ellis-Petersen and Ahmer Khan (n 142); Sumedha Pal (n 230).

⁹³⁶ Christophe Jaffrelot, *Modi's India: Hindu Nationalism and the Rise of Ethnic Democracy* (Princeton University Press 2021) 212-216.

officials were reported to have worked closely with members of these groups in tracking down and apprehending those accused under the Act.⁹³⁷ The Act also appears to have emboldened these non-state actors to begin a coercive campaign targeting inter-religious relationships, particularly those involving Hindu women and Muslim men. Following a 2024 amendment permitting unrelated third parties to initiate complaints, this pattern has become further institutionalised, allowing vigilante actors to directly trigger criminal proceedings under the Act, with no corresponding evidence of state action against harassment or intimidation carried out in its name.

In conclusion, the UP Anti-Conversion Act, which appears to have been enacted with discriminatory intent towards Muslims, falls far short of international legal standards vis-à-vis religious freedom and the right to a fair trial. It intrudes upon *forum internum*, which is unconditionally protected under international law, and enables both state and non-state actors to interfere with individuals' right to adopt or change their religion. The Act also imposes unnecessary, disproportionate, and discriminatory restrictions on individuals from minority faiths seeking to propagate their beliefs as a manifestation of their religion. Additionally, its enforcement appears to be arbitrary and discriminatory, with Muslims disproportionately targeted while Hindus accused of similar actions are exempt, thereby *prima facie* breaching the right to equality before the law. Furthermore, the Act has seemingly enabled a climate of impunity for Hindu nationalist non-state actors, who openly and proudly coerce and harass Muslims in UP.

2. Criminalisation of Muslim religious practices and public worship

In addition to the arbitrary and discriminatory invocation of the UP Anti-Conversion Act against Muslims, we reviewed reports of dozens of Muslims being criminalised and arrested across UP after they engaged in peaceful display of their religious faith in public or even private spaces. These restrictions on religious manifestation too are violations of FoRB. These cases have included arrests for offering Friday prayers in public malls, on government land, and even inside private residences, as well as for selling Islamic texts. In January 2026, for example, 12 Muslim men were reportedly detained in Bareilly for offering Friday prayers inside a private home.⁹³⁸

The legal provisions reported to have been invoked in these cases include offences relating to 'promoting enmity between different groups'⁹³⁹ and 'public mischief'/'statements conducing to public mischief'⁹⁴⁰, alongside the use of prohibitory orders⁹⁴¹ meant to be used in urgent cases of nuisance or apprehended danger. These long-standing offences are vague and overly broad, allowing for discretionary enforcement without clear justification. We also note that there is no legal provision in India that explicitly prohibits the peaceful display of faith.

There is no evidence in any of the cases that public order was actually disturbed as a result of Muslims offering prayers. Instead, police are reported to have applied preventive police measures to acts that posed no direct or imminent threat, indicating that these arrests were not aimed at maintaining public order, but at pre-emptively criminalising Islamic religious manifestation. These actions were clearly and unjustifiably excessive.

⁹³⁷ Betwa Sharma and Ahmer Khan (n 230).

⁹³⁸ '12 Detained for Offering Namaz in Empty House "without Permission" in UP' The Hindu (18 January 2026)

<<https://www.thehindu.com/news/national/uttar-pradesh/12-detained-for-offering-namaz-in-empty-house-without-permission-in-up/article70521661.ece>> accessed 24 March 2026.

⁹³⁹ Section 153A of the (now-repealed) Indian Penal Code, and Section 196 of Bharatiya Nyaya Sanhita.

⁹⁴⁰ Section 505 of the IPC and Section 353(1) of BNS.

⁹⁴¹ Section 144 of the (now-repealed) Code of Criminal Procedure, and Section 163 of the Bharatiya Nagarik Suraksha Sanhita.

This pattern was most visibly illustrated in September 2025, when authorities across Uttar Pradesh – particularly in Bareilly – launched a sweeping crackdown against Muslims expressing support for the ‘I Love Muhammad’ campaign, a peaceful affirmation of faith ahead of Eid Milad-un-Nabi. Police registered multiple, detained large numbers of individuals including minors, and imposed prohibitory orders and internet shutdowns. Civil society fact-finding documented hundreds of detentions nationwide, with Bareilly among the worst-affected districts. In the aftermath, local authorities initiated sealing and demolition drives targeting Muslim-owned homes and commercial establishments allegedly linked to participants. The public display of a religious slogan was thus treated as a law-and-order threat warranting mass criminalisation and punitive administrative action.

The arbitrary and discriminatory nature of these arrests is further evident in their selective application. While Muslims have been arrested for praying inside malls and even in their own homes, similar public religious expressions by Hindu groups are not known to have invited similar state action. Large-scale Hindu religious gatherings, including processions marked by inflammatory slogans, have routinely been facilitated with police protection rather than prohibited or criminalised.

The UP government thus appears to be fostering a hostile environment where religious freedom is not equally protected for all communities.

3. Destruction and targeting of Muslim places of worship

We reviewed numerous reports of Muslim places of worship across Uttar Pradesh being subject to demolitions, forced evictions, seemingly frivolous legal disputes, and mob violence, with authorities either directly involved in or failing to prevent such

violations. These too raise serious concerns under international law, particularly in light of state obligations to respect and protect religious sites.

- **Demolitions and other arbitrary state actions against Muslim religious sites:** Public authorities have reportedly demolished multiple Muslim places of worship, including some of historical importance, without due process. For instance, the demolition of the 16th century Shahi Masjid in Prayagraj in January 2023 was reportedly carried out despite a pending legal challenge, pre-empting court proceedings. Another reported demolition, of the Mustafa Syed Baba Shrine and adjacent prayer space in Raebareli, was demolished in February 2024 allegedly without prior notice. In several cases, demolitions or sealing actions have also followed episodes of communal tension or protest, indicating that administrative powers are being used in a retaliatory or punitive manner against Muslim religious spaces.

These actions, taken without meaningful consultation with affected communities or proper legal recourse, indicate a pattern of state interference of Muslim religious sites and a stark failure to respect the right to freedom of religion.

- **Judicial disputes and state-sanctioned surveys:** In its previous report, the Panel had noted that the Supreme Court’s Ayodhya judgement of November 2019, granting the title to the 16th century Babri Masjid mosque to Hindu parties the court acknowledged were complicit in its destruction, had applied a differential standard of proof

for majority Hindus and minority Muslims.⁹⁴²

We note that several Muslim religious sites in UP, such as the Gyanvapi Mosque in Varanasi and the Shahi Idgah mosque in Mathura, have remained the focal points of similar, ongoing legal disputes, despite federal legislation prohibiting changes to the religious character of places of worship. The Shahi Jama Masjid in Sambhal, which became the flashpoint for police killings of Muslims in November 2024, was similarly subjected to a state-ordered survey following a petition by Hindu nationalist actors.

In a context where organised Hindutva groups and political actors have repeatedly questioned the legitimacy of several Islamic places of worship, the repeated judicially sanctioned surveying of mosques—despite the Places of Worship Act, 1991—indicates state scepticism toward the continued religious character of Muslim sites. In Sambhal, the survey of the Shahi Jama Masjid immediately preceded communal mobilisation and lethal police action, and appears to have functioned as a trigger point in a retaliatory sequence of events. In such circumstances, the state's facilitation of these claims and surveys constitutes, at a minimum, a failure to respect the right to freedom of religion and risks conveying state endorsement of efforts to undermine the continued existence of Muslim places of worship.

- **Mob violence and other attacks against Muslim religious sites by non-state actors:** We also reviewed numerous reports of attacks on mosques during episodes of religious

violence orchestrated by Hindu extremist groups, with such sites often singled out for vandalism or destruction (also see section on Right to liberty and security). These attacks have tended to coincide during phases of heightened communal tensions, such as the violent attacks against Muslims across India in January 2024, during the consecration of a Hindu temple at the site of the demolished Babri Masjid mosque, as well as during Hindu religious festivals. Given the predictable nature of these cycles of violence, the authorities had a clear obligation to take proactive preventive measures to protect Muslims' religious sites. Authorities' failure to deploy adequate security measures suggests, at a minimum, a pattern of negligence or tacit complicity in allowing these attacks to unfold. Further, there is little evidence that authorities have meaningfully investigated these incidents or held perpetrators accountable.

In addition, numerous episodes of communal tension have been triggered by organised Hindu religious processions deliberately routed past mosques and Muslim-concentration neighbourhoods, during which participants played inflammatory music, raised violent anti-Muslim slogans, and in some instances displayed weapons. Such conduct has been repeatedly documented during Ram Navami, Durga Puja and other festival-linked mobilisations in Uttar Pradesh. In several instances, police presence did not result in preventive intervention. The repeated failure to restrain aggressively Islamophobic chanting and intimidation in close proximity to Muslim places of worship, despite their foreseeably escalatory

⁹⁴² Sonja Biserko, Marzuki Darusman and Stephen Rapp (n 1) 39–40.

character, constitutes a failure to comply with the state's positive obligation to protect peaceful access to

religious sites and prevent interference by third parties.

1.6. Prohibition of advocacy of hatred and incitement to discrimination, hostility or violence

International legal standards

The UN has defined hate speech as ‘any kind of communication in speech, writing or behaviour, that attacks or uses pejorative or discriminatory language with reference to a person or a group on the bases of who they are, in other words, based on their religion, ethnicity, nationality, race, colour, descent, gender, or other identity factor.’⁹⁴³

Key international legal instruments that address hate speech include, inter alia, the UDHR, which prohibits discrimination and incitement to discrimination, the ICCPR, which in addition to prohibiting discrimination also directly prohibits incitement to discrimination, hostility, or violence, the ICERD, and the Genocide Convention, which criminalises incitement to genocide.⁹⁴⁴

The ICCPR specifically requires states to prohibit, by law, ‘any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence’.⁹⁴⁵ This requirement is to be read in conjunction with the limited restrictions that the ICCPR permits the freedom of opinion and expression.⁹⁴⁶

In addition, the ICERD imposes specific and mandatory obligations on States to combat racist hate speech and incitement. It requires States to condemn and prohibit the ‘dissemination of ideas based on racial superiority or hatred,’ ‘incitement to racial

discrimination,’ and ‘acts of violence or incitement to such acts’ against protected groups.⁹⁴⁷ ICERD further requires States to declare illegal and prohibit organisations and ‘organised propaganda activities’ which promote or incite racial discrimination, and expressly provides that ‘public authorities or public institutions, national or local,’ shall not ‘promote or incite racial discrimination.’⁹⁴⁸

In the Rabat Plan of Action, the OHCHR identified six factors that must be assessed to determine the severity necessary to criminalise incitement: (i) the social and political context, (ii) the position and status of the speaker, (iii) the speaker’s intent to incite, (iv) the content and form of the speech, (v) the extent of its dissemination, and (vi) the likelihood of harm, including imminence.⁹⁴⁹

Consistent with the Rabat Plan of Action, the CERD has also noted the particular significance of racist hate speech emanating from ‘political leaders and other public opinion-formers,’ given their role in contributing to the creation of a ‘negative climate’ towards groups protected by the ICERD.⁹⁵⁰ The Committee has emphasised that the ‘position or status of the speaker in society’ and the audience to which the speech is directed are critical contextual factors in assessing the meaning and potential effects of racist hate speech.⁹⁵¹ In this context, the CERD has also clarified that incitement may seek to influence others to engage in certain forms of conduct, including through advocacy or

⁹⁴³ United Nations, ‘Strategy and Plan of Action on Hate Speech’ (2019) <https://www.un.org/en/genocideprevention/documents/advising-and-mobilizing/Action_plan_on_hate_speech_EN.pdf>.

⁹⁴⁴ UDHR art 7; ICCPR art 20(2); Convention on the Prevention and Punishment of the Crime of Genocide 1948.

⁹⁴⁵ ICCPR para 20(2).

⁹⁴⁶ *ibid* 19(3).

⁹⁴⁷ ICERD art 4.

⁹⁴⁸ *ibid*.

⁹⁴⁹ United Nations High Commissioner for Human Rights, ‘Report of the United Nations High Commissioner for Human Rights on the Expert Workshops on the Prohibition of Incitement to National, Racial or Religious Hatred’ (United Nations 2013) A/HRC/22/17/Add.4 s Appendix, para 29.

⁹⁵⁰ Committee on the Elimination of Racial Discrimination, ‘CERD General Recommendation 35: Combating Racist Hate Speech’ (2013) CERD/C/GC/35 para 15.

⁹⁵¹ *ibid*.

threats, and that States should take into account the 'likelihood' that the conduct desired or intended by the speaker will result from the speech in question.⁹⁵²

Additionally, in a guidance note, the OHCHR has made a distinction between three categories of hate speech, and the corresponding obligations of states to address each in their national laws:

- iv. 'Bottom level' hate speech, which may be offensive, shocking, or disturbing – such as blasphemy, insults to religious beliefs, or genocide denial. These must be protected, unless they constitute incitement.⁹⁵³
- v. 'Intermediate level' hate speech, such as those amounting to threats of violence and harassment based on victims' identity, may be prohibited under international law, provided such restrictions are in pursuit of a legitimate aim, such as the protection of the rights or reputation of others, the protection of national security, or of public order, public health or morals.⁹⁵⁴
- vi. 'Top level' hate speech, which includes incitement to genocide; national, racial or religious hatred constituting incitement to discrimination, hostility or violence; and ideas based on racial superiority or hatred, incitement to racial discrimination, and incitement to such acts. States are obligated to prohibit such speech.⁹⁵⁵

The CERD has clarified that racist hate speech under ICERD is 'not confined to explicitly racial remarks,' that speeches attacking particular racial or ethnic groups may 'employ indirect language in order to disguise its targets and objectives,' and that States must

give due attention to 'all manifestations of racist hate speech.'⁹⁵⁶ The Committee has further noted that racist hate speech addressed in its practice has included speech directed against groups protected under the Convention on grounds of 'race, colour, descent, or national or ethnic origin,' including immigrants or non-citizens, migrant domestic workers, refugees and asylum seekers.⁹⁵⁷ Such speech must be assessed in light of the broader social context and its potential effects, and not solely on the basis of explicit wording.⁹⁵⁸

To combat religious intolerance and incitement, the UN Human Rights Council has urged states to, inter alia, ensure public officials do not discriminate based on religion, promote religious freedom and pluralism, encourage equal representation in all sectors, counter religious profiling in law enforcement, provide updates on implementation efforts, protect places of worship from vandalism and destruction, and foster international dialogue on tolerance and peace.⁹⁵⁹

Under ICERD too, States' obligations in relation to racist hate speech extend beyond the adoption of criminal prohibitions. The Convention requires States to take 'immediate and positive measures' to eliminate incitement and discrimination, and the CERD has stressed that effective implementation requires investigations of offences, and, where appropriate, the prosecution of offenders.⁹⁶⁰ The CERD has expressed particular concern where racist expressions emanating from public authorities or institutions are met with inaction or impunity.⁹⁶¹

The CERD has repeatedly emphasised that comprehensive legislation against racial discrimination, including civil, administrative,

⁹⁵² *ibid.*

⁹⁵³ United Nations (n 4) 15–16.

⁹⁵⁴ *ibid* 15–16.

⁹⁵⁵ *ibid.*

⁹⁵⁶ Committee on the Elimination of Racial Discrimination, 'CERD General Recommendation 35: Combating Racist Hate Speech' (n 445) para 7.

⁹⁵⁷ *ibid* 6.

⁹⁵⁸ *ibid.*

⁹⁵⁹ UN Human Rights Council, 'Combating Intolerance, Negative Stereotyping and Stigmatization of, and Discrimination, Incitement to Violence and Violence against, Persons Based on Religion or Belief' (2011) A/HRC/RES/16/18.

⁹⁶⁰ Committee on the Elimination of Racial Discrimination, 'CERD General Recommendation 35: Combating Racist Hate Speech' (n 445) paras 10, 17.

⁹⁶¹ *ibid* 22.

and criminal law measures, is indispensable to combating racist hate speech effectively.⁹⁶² The Committee has also cautioned that the adoption of vague or overly broad restrictions on freedom of expression risks misuse, and has emphasised that measures to combat racist hate speech ‘should not be used as a pretext’ to curtail expressions of protest, social discontent, or opposition.⁹⁶³ At the same time, it has made clear that freedom of expression must be exercised with ‘special duties and responsibilities’ and does not extend to speech that undermines equality and non-discrimination.⁹⁶⁴

These international standards find only limited and uneven reflection in India’s current domestic legal framework. India does not have a dedicated hate-speech law. Instead, the criminal law framework retains a set of offences criminalising conduct such as ‘promoting enmity between different groups’, ‘assertions prejudicial to national unity’, ‘deliberate and malicious acts intended to outrage religious feelings’, and ‘uttering words with intent to wound religious feelings’.⁹⁶⁵ Comparable restrictions also exist in election law and the Model Code of Conduct for political parties and candidates.

However, these provisions diverge from the international understanding of hate speech and incitement, which treats such conduct not merely as a public-order concern but as speech by powerful actors that, assessed in its social and political context, foreseeably reinforces existing power asymmetries and enables discrimination, hostility, or violence against protected groups, most often minorities. By contrast, India’s hate speech-related provisions remain largely oriented towards maintaining public order, safeguarding national unity, and protecting religious sentiments, and are framed in formally symmetrical terms across communities. They

do not account for structural inequality between speakers, nor do they distinguish between speech by dominant political actors and speech by marginalised groups. As a result, the domestic framework does not incorporate the core international concern with incitement as a mechanism of group-based harm.

In practice, this formal symmetry has facilitated selective and uneven enforcement, including the use of hate-speech provisions against minorities and critics, while speech by powerful actors that stigmatises or dehumanises minority communities frequently escapes scrutiny, despite its foreseeable capacity to generate discrimination, hostility, or violence.

Assessment of violations in Uttar Pradesh

Available information reviewed by the Panel indicates that anti-Muslim hate speech and incitement have continued and intensified in Uttar Pradesh in recent years. Senior state officials, Hindu nationalist religious figures, and aligned media platforms have repeatedly disseminated rhetoric portraying Muslims as infiltrators, demographic threats, traitors, and civilisational enemies, in a context marked by recurrent violence and state-led targeting of Muslim communities. Specifically, we note the following patterns:

- **Continuing anti-Muslim incitement by CM Adityanath and other state officials:** Yogi Adityanath⁹⁶⁶ (born Ajay Mohan Bisht), who has been the Chief Minister of Uttar Pradesh since March 2017, has an extensive history of anti-Muslim hate speech and incitement.

In 2007, Adityanath, then a Member of Parliament, is reported to have exhorted a crowd in Gorakhpur district to indulge in violence, following the

⁹⁶² *ibid* 9.

⁹⁶³ *ibid* 20.

⁹⁶⁴ *ibid* 10, 19.

⁹⁶⁵ Bharatiya Nyaya Sanhita 2023 ss 196, 197, 298, 302 The BNS is applicable to offences on or after 1 July, 2024. Similar

provisions are also present in the Indian Penal Code (which was replaced with the BNS) in Sections 153A, 153B, 295A, 298, and are still applicable to offences before 1 July, 2024.

⁹⁶⁶ See Annexure V.

murder of a Hindu youth allegedly at the hands of a Muslim: *'For every Hindu they kill we will kill ten of theirs. If Hindu shops and homes are set on fire none can stop you from the doing the same to them. Anything can be done to defend the Hindu honour. Be prepared to fight by yourself... If we don't act now for the welfare of the Hindus our future generations will never forgive us. Prepare for the final battle. If you stand up just once you will see that Gorakhpur will be peaceful for years to come.'*⁹⁶⁷ Following this speech, which bears the hallmarks of incitement to genocide, Hindu mobs led by members of Hindu Yuva Vahini—a militia founded by Adityanath—are reported to have attacked and set on fire Muslim homes, businesses, and places of worship.⁹⁶⁸

In June 2017, shortly after assuming the position of CM, Adityanath is reported to have publicly acknowledged his government's policy of 'knocking down' criminals: 'Those who were in the illegal slaughtering business, they are now unemployed. For employment, they will have to work as labourers, they have MNREGA. But if they resort to crimes, we will knock them down.'⁹⁶⁹ [Adityanath to a private TV channel in June 2017. The reference to 'illegal slaughtering business' alludes to Muslims, who dominate the meat industry in UP.] As noted in previous sections, this policy of

'knocking down' criminals has involved the killing of 200+ and maiming of thousands of individuals, with Muslims disproportionately accounting for the victims. Further, Adityanath has made public statements that his police forces had 'no need to worry' about consequences, handed out special awards and cash prizes to policemen implicated in such shootings, and repeatedly cited this policy as a major success of his government.⁹⁷⁰

In December 2019, when widespread protests were expected across the state against the recently-enacted Citizenship (Amendment) Act, Adityanath publicly warned that his government would 'take revenge' on protesters.⁹⁷¹ As detailed in other sections, a day after Adityanath's proclamation, UP Police gunned down 22 Muslim protesters and bystanders across the state. In subsequent days and weeks, hundreds of UP's Muslims including children were detained, tortured and had their property seized by authorities. A week after the shootings, Adityanath's office posted on social media: *'Every rioter is shocked. Every demonstrator is shocked. Everyone has been silenced after seeing Yogi Adityanath government's stern intentions. [...] Every violent protester will cry now because there is a Yogi government in Uttar Pradesh.'*⁹⁷²

⁹⁶⁷ Ajit Sahi, 'EXCLUSIVE: The UP Government's Colossal Cover-Up Attempt to Protect Adityanath' (The Wire, 27 July 2017) <<https://thewire.in/communalism/adityanath-anti-muslim-cover-up>> accessed 3 May 2023.

⁹⁶⁸ *ibid.*

⁹⁶⁹ Arunabh Saikia, "'Thok Do': Adityanath Government's 'Zero Tolerance' of Crime Leaves a Trail of Victims' (Scroll.in, 16 September 2021) <<https://scroll.in/article/1005307/thok-do-adityanath-governments-zero-tolerance-of-crime-leaves-a-trail-of-victims>> accessed 16 December 2021.

⁹⁷⁰ 'Those Who Believe in Language of Gun, Should Be Answered in Same Way: Yogi Adityanath' The Economic Times (9 February 2018) <<https://economictimes.indiatimes.com/news/politics-and-nation/those-who-believe-in-language-of-gun-should-be-answered-in-same-way-yogi>>

adityanath/articleshow/62846470.cms?from=mdr> accessed 24 March 2025; Neha Dixit (n 23); Omar Rashid, 'Gallantry Award for Cops Who Shot Dead Ex-MP Atiq Ahmad's Son' (n 103); Piyush Rai, 'Yogi Govt Lists Encounters as Part of Achievements to Be Highlighted on R-Day' The Economic Times (26 January 2019) <<https://economictimes.indiatimes.com/news/politics-and-nation/yogi-govt-lists-encounters-as-part-of-achievements-to-be-highlighted-on-r-day/articleshow/67699717.cms?from=mdr>> accessed 24 March 2025.

⁹⁷¹ "'Will Take Revenge': Yogi Adityanath On Protesters Vandalising Public Properties' (n 192).

⁹⁷² Scroll Staff, 'CAA Protests: Adityanath Justifies Police Crackdown in UP, Says Everyone Has Been Silenced' (Scroll.in, 28 December 2019) <<https://scroll.in/latest/948079/caa>>

This open celebration by Adityanath of police brutality towards Muslims has continued throughout his tenure as CM. In April and May 2024, amid India's General Election, Adityanath was reported to have made at least 73 'top' and 'intermediate' level hate speeches—which are prohibited in India, and prohibited under international law if it amounts to incitement—targeting Muslims.⁹⁷³ On at least one occasion, Adityanath is reported to have said, while referring to Muslim 'infiltrators', '*We deal with them so harshly that their descendants will remember.*'⁹⁷⁴ Media reporting indicates that this pattern continued in 2025. In February 2025, Adityanath reportedly referred to Muslims using a religious slur while speaking in the Uttar Pradesh Legislative Assembly. In multiple speeches during the late-2025 election campaign in Bihar, he reiterated conspiracy narratives including 'love jihad', 'land jihad', and 'Ghazwa-e-Hind' during public speeches in Uttar Pradesh districts.

While reserving analysis on the intent to incite, we reiterate that Adityanath's speeches highlighted above were all widely disseminated, contained direct mentions of Muslims along with conspiracy theories and other dangerous falsehoods, and were made against the backdrop of recurrent and widespread violence being perpetrated against Muslims by both state and private actors. It is highly probable that such speeches by the highest-ranking elected public official in Uttar Pradesh would have the effect of legitimising anti-Muslim hostility, discrimination

and violence in the eyes of potential perpetrators.

- **Continuing anti-Muslim incitement by senior Hindu nationalist religious figures:** Uttar Pradesh has remained a hotbed of anti-Muslim hate speeches by influential Hindu extremists, including religious figures. Public rallies, including those attended by armed participants, continue to be reported from across the state, where powerful Hindu nationalist figures continue to label Muslims as traitors and other pejoratives, and glorify violence against them. According to a civil society report, India witnessed 1318 such in-person 'hate speech events' across the country in 2025, with Uttar Pradesh recording the highest number of events (266) among all states.⁹⁷⁵ The report further noted that approximately 98% of such events targeted Muslims, and that hundreds included explicit calls for violence, including calls to arms. The lack of meaningful legal repercussions for the organisers—usually BJP-allied outfits like Bajrang Dal and Vishwa Hindu Parishad—and attendees of such events is likely to further normalise and entrench anti-Muslim hostility, and further embolden perpetrators of anti-Muslim violence.

In October 2022, India's Supreme Court had directed the Government of Uttar Pradesh (as well as Uttarakhand and Delhi, and later all states in India) to take *suo motu* action to formally register criminal cases as and when any speech/action took place that are grounds for hate-speech related offences in domestic law, without

protests-adityanath-justifies-police-crackdown-in-up-says-everyone-has-been-silenced> accessed 24 March 2025.

⁹⁷³ South Asia Justice Campaign, 'UPDATE | General Elections | 16 March - 31 May, 2024 (Hate Speech Monitor)' (n 5).

⁹⁷⁴ HindutvaWatch [@HindutvaWatchIn], 'Location: Berhampore, West Bengal Date: April 30 "Infiltrators Are Let

into West Bengal with the Aim of Changing Your Demography. If Anybody Dares Ito Interrupt Hindu Festivals in UP, We Deal with Them so Harshly That Their Descendants Will Remember," Said Yogi Adityanath <https://t.co/NPU84o7kR3>' (n 9).

⁹⁷⁵ India Hate Lab (n 10).

waiting for victims to file complaints with the police. However, this directive has largely remained unheeded, as hate speech events continue to be reported on an almost daily basis. Even when police have registered cases, perpetrators have remained free to make further inflammatory speeches. The impunity enjoyed by Yati Narsinghanand, an extremist priest whose public speeches in 2021 had been found by the PIIE to have potentially amounted to public and direct incitement to genocide, is a case in point.⁹⁷⁶ In December 2024, Narsinghanand claimed that a *dharam sansad* (religious assembly similar to the gatherings in 2021 where genocidal remarks were made) he had planned to convene (in neighbouring Uttarakhand state) was cancelled due to police intervention.⁹⁷⁷ Less than a month later, Narsinghanand, who has several hate speech-related cases registered against him in multiple states, was reportedly seen walking along with CM Adityanath at a public event, underscoring the nexus between the state and dangerous private actors.⁹⁷⁸ In December 2025, Narsinghanand was reported calling on Hindus to form 'suicide squads' to target Muslims, but is not known to have faced any police action.

- **Continuing amplification of anti-Muslim incitement by TV channels and social media platforms:** As highlighted in the Panel's previous report, videos of anti-Muslim hate speeches by public figures continue to be spread over social media and on

pro-government television networks, significantly amplifying their reach.⁹⁷⁹ We note that many of these television networks are headquartered in and operate from Noida, a part of the India's National Capital Region that falls within the legal jurisdiction of Uttar Pradesh. Authorities in UP, or indeed anywhere in India, have failed to take any meaningful steps to address the proliferation of inflammatory hate content on television. Sudarshan News, a free-to-air Hindu language news channel, is a prime example. Its owner and chief anchor, Suresh Chavhanke, had been one of the speakers at the *dharam sansad* in Uttarakhand in December 2021, where he had administered an oath (*'We make a resolution until our last breath: We will make India a Hindu nation, and keep it a Hindu-only nation. We will fight and die if required, we will kill as well.'*) to those in attendance. In June 2022, after a court order stopped a planned mass gathering in Uttarakhand that threatened violence against local Muslims if they did not vacate their shops, Chavhanke platformed the event organisers on his television channel. Chavhanke, who claims to enjoy close relations with the top leadership of the BJP, reportedly has multiple hate speech cases registered against him, but continues to air content that vilifies, dehumanises, and openly incites hostility and violence towards Muslims.

In conclusion, the available information indicates that authorities in Uttar Pradesh led by CM Adityanath have permitted—and in many instances directly engaged in—rhetoric

⁹⁷⁶ Sonja Biserko, Marzuki Darusman and Stephen Rapp (n 1) 57.

⁹⁷⁷ Roshni Nair, 'Dharma Sansad Cancelled after Police Intervention, Says Yati Narasinghanand' *The Economic Times* (19 December 2024) <<https://economictimes.indiatimes.com/news/india/dharma-sansad-cancelled-after-police-intervention-says-yati-narasinghanand/articleshow/116471045.cms?from=mdr>> accessed 24 March 2025.

⁹⁷⁸ Abhishek [@AbhishekSay] (n 105); Aurangabad Times, 'Controversial Priest Yati Narsinghanand Spotted with UP CM Yogi Adityanath at Maha Kumbh Mela' <<https://www.instagram.com/aurangabadtimes/reel/DErvmWoM7rn/>> accessed 17 February 2026.

⁹⁷⁹ Sonja Biserko, Marzuki Darusman and Stephen Rapp (n 1) 107.

that fosters an environment in which anti-Muslim hatred and hostility thrive. State officials, Hindu extremist figures, and media networks have continued to freely amplify dehumanising narratives about Muslims narratives with near-total impunity. The documented increase in the frequency of hate speech events in 2025, including events involving explicit calls for violence and arms, heightens concerns under international standards prohibiting advocacy of hatred that constitutes incitement to discrimination, hostility or violence.

This unchecked incitement is likely to further entrench religious intolerance and significantly heighten the risk of atrocity crimes. It constitutes a clear state failure to respect its obligations in relation to incitement of discrimination and hostility, and to protect Muslims from such incitement by private actors.

In its previous report too, the Panel had highlighted several instances of senior state officials and individuals associated with the BJP engaging in incitement to discrimination, hostility and violence against the Muslim community in public spaces across India and in online platforms.⁹⁸⁰ These speeches, the PIIE noted, ‘when analysed collectively, echo the

predominant sentiment of the othering of the Muslim community, equating them as infiltrating outsiders, anti-national and traitors, terrorists and much more, in addition to directly calling for their violent targeting.’⁹⁸¹

The unchecked preponderance of such speeches had led the UN’s Special Adviser on the Prevention of Genocide to express its concern in May 2020.⁹⁸² In subsequent years, other UN experts have continued to sound the alarm, particularly following a *dharam sansad* (religious assembly) event in Uttarakhand state in December 2021, where multiple religious leaders had made open calls for violence and genocide targeted at Muslims⁹⁸³. The UNHRCtee, in its latest concluding observations on India published in September 2024, expressed its concern about ‘reports of public officials engaging in hate speech and inciting public violence against religious minorities,’ and called on India to increase its efforts to prevent and investigate such acts.⁹⁸⁴ Various Special Procedures mandate-holders have, on multiple occasions, including most recently in the aftermath of India’s 2024 General Election, highlighted reports of anti-Muslim hate speeches by senior public officials, including Prime Minister Narendra Modi and Uttar Pradesh Chief Minister Yogi Adityanath.⁹⁸⁵

⁹⁸⁰ *ibid* 35.

⁹⁸¹ *ibid*.

⁹⁸² From United Nations Special Adviser on the Prevention of Genocide, ‘Note to Media on India’ (18 May 2020) <https://www.un.org/en/genocideprevention/documents/18052020_SA%20note%20to%20media%20on%20India_final.pdf>.

⁹⁸³ Cecilia Jacob and Mujeeb Kanth, ‘“Kill Two Million of Them”: Institutionalised Hate Speech, Impunity and 21st

Century Atrocities in India’ (2023) 15 *Global Responsibility to Protect*.

⁹⁸⁴ UN Human Rights Committee, ‘Concluding Observations on the Fourth Periodic Report of India’ (n 305) paras 45–46.

⁹⁸⁵ Special Rapporteur on minority issues, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on freedom of religion or belief, ‘Special Procedures Communication to India’ (2024) AL IND 5/2024.

1.7. Right to participate in public affairs and to vote

International legal standards

Article 25 of the ICCPR states as follows:

"Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in Article 2 and without unreasonable restrictions:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

(c) To have access, on general terms of equality, to public service in his country."

Article 25 of the ICCPR recognises and protects the right of every citizen to take part in the conduct of public affairs, the right to vote and to be elected and the right to have access to public service. It has further been held that any conditions which apply to the exercise of the rights protected by Article 25 should be based on objective and reasonable criteria and the exercise of these rights by citizens may not be suspended or excluded except on grounds which are established by law and which are objective and reasonable.⁹⁸⁶

The right to vote and the right to be elected are qualified rights, but Article 25 makes clear that restrictions on these rights must be reasonable, procedurally clear, and enshrined in law.⁹⁸⁷ Other distinctions, such as favouring natural-born citizens over naturalized citizens, must be justified and shown to be necessary and proportionate.⁹⁸⁸

The UN Human Rights Committee's General Comment 25 on Article 25 clarifies that elections must be genuine and fair, i.e. at predictable, reasonably spaced intervals, free from manipulation, and designed to facilitate the free expression of the electorate's will⁹⁸⁹. Secrecy of the ballot is necessary and the electoral process should be monitored by independent authorities.⁴²⁶

General Comment 25 further outlines electoral integrity measures that state parties should implement, including:⁹⁹⁰

- Ensuring all eligible citizens can register and vote;
- Facilitating voter registration, without unreasonable obstacles;
- Prohibiting voter intimidation, coercion, or fraud;
- Providing voter education campaigns;
- Enabling disabled or illiterate voters to receive independent assistance;
- Ensuring ballots are available in minority languages.

The UN Guidelines for States on Effective Implementation of the Right to Participate in Public Affairs also emphasise that states should take special measures if needed to ensure that marginalized groups, including women, ethnic minorities, and persons with disabilities, have genuine access to participation in public affairs, including voting, contesting, and being adequately represented in government institutions.⁹⁹¹

⁹⁸⁶ , 'Report of the Panel of Independent International Experts' (n 1) Page 210

⁹⁸⁷ United Nations Human Rights Committee General Comment No. 25: The right to participate in public affairs, voting rights and the right of equal access to public service (Art. 25): 12/07/96. ICCPR/C/21/Rev.1/Add.7, General Comment No. 25. (General Comments).

⁹⁸⁸ Ibid

⁹⁸⁹ Ibid

⁹⁹⁰ Ibid

⁹⁹¹ Office of the High Commissioner of Human Rights 'Guidelines for States on the Effective Implementation of the Right to Participate in Public Affairs' ,Page 10

Citizens must have access to judicial review when their right to vote or stand for elections is restricted.⁹⁹² It follows that complaints against election officials and electoral bodies should be reviewable, and electoral bodies should provide transparent justifications for their decisions.⁹⁹³

The UN Guidelines for States on Effective Implementation of the Right to Participate in Public Affairs emphasise the need for independent election commissions, as well as independent election monitors, both domestic and international.⁹⁹⁴

General Comment 25 as well as the Guidelines note that freedom of expression, media independence, and freedom of association and assembly are crucial for fair elections.⁹⁹⁵

Assessment of violations in Uttar Pradesh

Available information about developments in Uttar Pradesh since 2022 raise serious concerns under Article 25 of the ICCPR, including risks of discriminatory exclusion of Muslim voters and coercive interference with the free expression of the electorate's will. The patterns documented below suggest that restrictions on the right to vote have not consistently been applied in an objective, reasonable, and procedurally fair manner:

- **Heightened risk of exclusion of Muslims from electoral rolls under the ongoing Special Intensive Revision (SIR):** Major concerns regarding Muslims' voting rights have arisen in connection with the ongoing Special Intensive Revision of electoral rolls in Uttar Pradesh. While the process remains ongoing at the time of writing, multiple political and civil society actors have alleged that the SIR mechanism is being used to facilitate large-scale deletion of Muslim voters from the rolls. In Uttar Pradesh, the opposition Samajwadi Party reported

that BJP-linked actors were using pre-filled Form-7 deletion forms containing voters' names and electoral ID numbers to seek deletion of 'legitimate minority voters' at scale. If substantiated, such practices would be incompatible with Article 25's requirement that any restrictions on voting rights be objective, reasonable, and applied through clear and lawful procedures, rather than through mass or discriminatory deletion requests driven by third parties.

- **Voter roll deletions and administrative exclusion of Muslims in recent elections:** Earlier allegations documented during the 2024 national elections indicate that Muslim voters in some constituencies faced exclusion linked to roll errors and missing documentation. In Mathura parliamentary constituency, many Muslim voters reportedly found their names missing from electoral rolls, while others in Muslim-majority areas reported being denied voter IDs or voting slips. The constituency recorded its lowest turnout in two decades (49.4%) in the 2024 elections. Multiple accounts described partial or complete exclusion within Muslim families at specific polling stations, including longstanding voters being unable to vote because their names could not be found on the rolls despite polling officials searching records. Where such roll-related exclusion disproportionately affects Muslims, and where timely correction is not ensured through effective electoral remedies, the resulting interference with voting rights raises concerns under Article 25(b), including as to whether the restriction is arbitrary or discriminatory in purpose or effect.

⁹⁹² Ibid

⁹⁹³ Ibid

⁹⁹⁴ Ibid

⁹⁹⁵ Ibid, United Nations Human Rights Committee General Comment No. 25 (n 15)

- Police intimidation, violence and coercion directed at Muslim voters:** Reporting from the 2024 Lok Sabha elections in Sambhal district described police officers physically assaulting Muslim voters and removing them from polling booths, with incidents reported from multiple villages. Video footage from 7 May 2024 showed police chasing and beating voters outside a polling centre; the district magistrate later stated that police were clearing the booth due to overcrowding. The Election Commission reportedly dismissed the videos as ‘false’ and ‘misleading’ without mounting an independent inquiry into the accounts of numerous voters. Additional accounts described police snatching voter slips and identification cards, and an allegation that a voter’s son was threatened with an ‘encounter’ and coerced to record a video denying assault. Such conduct—violence at or near polling stations, seizure of voter documents, and alleged threats of lethal police action—directly undermines the free exercise of the right to vote and is incompatible with Article 25’s requirement that voting be free from intimidation or coercion.
- Targeted patrolling and ‘booth capture’ allegations in Muslim areas:** Reports by opposition politicians during the 2024 elections alleged that police patrolled Muslim-dominated areas in ways that created a climate of fear around voting, and that polling booths were ‘captured’ with Muslim

voters intimidated in several constituencies. Even where framed as security measures, the state bears responsibility to ensure that policing during elections is strictly necessary, proportionate, and non-discriminatory, and does not have the purpose or effect of suppressing turnout in minority-concentration localities.

Similar allegations arose during the 2022 Rampur assembly by-election, where opposition actors reported that Muslim voters were beaten and intimidated by police, with particular targeting of burqa-clad women. The constituency recorded a notably low turnout (31%) in that bye-election. Reports also included claims that a large number of voters’ names were missing from the list.

Read together, the material reviewed raises serious concerns that Muslim voters in Uttar Pradesh have faced both electoral roll-related exclusion and other forms of coercive suppression at polling sites, engaging Article 25’s protections of genuine elections, equal and effective access to the franchise, and freedom from intimidation. The reported scale of roll anomalies in Muslim localities, combined with allegations of police violence and the absence of credible, independent remedial action in response to documented incidents, points to a failure to ensure that restrictions (or de facto barriers) on voting are reasonable, non-discriminatory, and subject to effective review, as required under international law.

1.8. Right to protection from discrimination against women and girls

International legal standards

The Convention on the Elimination of Discrimination Against Women and Girls encompasses civil and political rights as well as economic, social, and cultural rights, and seeks to protect women's human rights in a range of contexts including family life, education, employment, and diverse cultural norms and traditions. CEDAW emphasises the state's obligation to take 'all appropriate measures' to ensure the women's access to all fundamental human rights.⁹⁹⁶

The Declaration on Violence Against Women fills an important gap in CEDAW – that of violence against women – and details states' responsibilities, including the actions a state ought to take to tackle violence against women. The right to equal enjoyment of human rights for women and girls is enshrined in both CEDAW and VAW, as well as general human rights instruments such as the UDHR.

Focusing on the rights of women in the context of family, CEDAW enjoins states to recognise and protect a women's ability to choose one's marriage partner.⁹⁹⁷

Protection from sexual and physical violence within the family is covered by VAW in Article 2 and CRC in Article 19.

DEVAW defines violence against women as "violence which is directed against a woman because she is a woman or that affects women disproportionately" and views such gender-based violence as limiting the rights of women overall and in every sphere. Article 4 of DEVAW calls upon states to withdraw support from practices which facilitate violence against women. Article 4(c) places an obligation upon the state to prevent, investigate, and where necessary, prosecute acts of violence against

women, whether committed by the state or non-state actors. Article 4(d) requires the state to create avenues for redress for gender-based violence and to sanction practices that foster gender-based discrimination. Article 4(f) calls for states to develop preventive approaches, including legal, political, cultural, and administrative measures, to reduce violence against women. It also highlights the need to reform state practices to avoid re-victimisation. Article 4(l) highlights the need to recognise and address the heightened vulnerability to violence that women from minority or marginalised groups might face.

The Convention of the Rights of the Child enjoins states to provide children with an environment free of discrimination in Article 2. This obligation covers gender-based discrimination against girls.

The Committee on the Elimination of Racial Discrimination, which monitors the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), has recognised that racial discrimination may uniquely or disproportionately affect women and girls. In General Recommendation No. 25, the Committee observed that such discrimination often goes unaddressed unless its gendered dimensions are explicitly acknowledged, and called on States to develop gender-sensitive methodologies, collect disaggregated data, and take targeted measures to address the compounded disadvantage experienced by minority women and girls.

The right to education free from discrimination is a core tenet of many international covenants. CEDAW recognizes in Article 10 that the right to education ought to be guaranteed to women at the same level as their male counterparts. Similarly, the CRC enshrines the right to

⁹⁹⁶ Convention on the Elimination of All Forms of Discrimination against Women 1979 (OHCHR).

⁹⁹⁷ CEDAW, Article 16

education in 28, including every child's right to equal opportunity to access education. Article 28(c) of the CRC specifies that states ought to make higher education accessible to all through every appropriate means. Article 30 of the CRC recognises the rights of children belonging to ethnic, religious, or linguistic minorities to express their culture and beliefs.

The right to education is considered a non-derogable right.⁹⁹⁸ The CEDAW Committee has conceptualised the right of women and girls to education as a tripartite right including within it three separate rights; participation, rights *within* education, and rights *through* education.⁹⁹⁹ *Participation* includes within it the ability to attend educational institutions and be retained as a student throughout different grade levels.

The rights provided *within* education are aimed at promoting substantive gender equality through opportunities and treatment within educational institutions. Educational institutions at every level should question discriminatory norms and create inclusive spaces for women and girls. Rights *through* education includes the ways in which schooling shapes rights and gender equality in aspects of life outside the sphere of education.

Below, we examine arguable breaches of these standards. Where relevant, we also note violations of rights under other human rights instruments.

Assessment of violations in Uttar Pradesh

After reviewing the available facts and reports on violence and hostility towards Muslim women and girls across Uttar Pradesh, the Panel is of the opinion that the rights of women and girls under a range of human rights instruments are being violated, including, inter alia, the Convention on the Elimination of Discrimination Against Women and Girls, the

Declaration on the Elimination of Violence Against Women and the Convention of the Rights of the Child.

Specifically, we note the following patterns:

- **Violations as a result of threats, harassment and sexualised violence against Muslim women by private actors:** Various reports of threats, harassment and sexualised violence against Muslim women suggest, in each reported instance, a serious failure by the Uttar Pradesh authorities to fulfil their responsibilities under the Declaration on the Elimination of Violence Against Women. Depending upon the facts, several of the reported incidents also indicate a failure to protect the victims from cruel, inhumane, and degrading treatment under the ICCPR. Compounding this failure is a simultaneous failure to protect the rights of the victims to religious freedom, and, depending upon the facts of the case, a failure to protect victims from hate speech.

Since the relevant ICCPR rights and responsibilities have been discussed elsewhere in this report, they are not repeated in detail here. It is important to note, however, that the state's failure to protect the various ICCPR rights engaged in these incidents includes not just the failure to prevent the threats, harassment, and violence in question, but also the failure to adequately investigate, arrest, and punish that coercion and violence.

We note with concern that Hindu majoritarian groups continue to propagate the so-called 'love jihad' conspiracy. As discussed elsewhere in this report, this indicates a failure by

⁹⁹⁸ 'Ensuring the Right to Education for Vulnerable Groups' (www.unesco.org 11 May 2023) <<https://www.unesco.org/en/right-education/vulnerable-groups>>.

⁹⁹⁹ 'General Recommendation No. 36 on the Right of Girls and Women to Education' (OHCHR 2017) <<https://docs.un.org/en/CEDAW/C/GC/36>>. para 15

the state to protect Muslims from hate speech. In this section, we highlight how this strain of hate speech, and its attendant violence, violates not just the rights of Muslim men and women in Uttar Pradesh but also the rights of Hindu women whose relationship choices are disregarded in various cases.

The love jihad conspiracy exposes inter-faith couples as well as Muslim men and women more generally to threats, intimidation, and violence by extremist Hindu actors. In some cases, families of inter-faith couples have been violently targeted, and in other cases inter-faith couples have been evicted from their rental accommodation. These incidents indicate a serious failure by the state to protect the right to prevent and respond to gender-based violence. Where inter-faith couples are targeted, the state also has failed to protect the woman's right under Article 16 of CEDAW to freely choose a spouse without facing any discrimination. Where any woman is violently targeted as a result of inter-faith love or friendship, the state has failed in its responsibilities under the Declaration for the Elimination of Violence Against Women. We note with concern incidents such as the public disrobing of Muslim women to 'avenge' an inter-faith relationship. It is clear that hate speech urging Hindu men to victimise Muslim women can and does foment attacks on women and girls.

The state's failure to check such hate speech is particularly serious because Muslim women and girls have been targeted in these ways for several years. Given recurring fact patterns around hate speech, a state displaying

due diligence should be developing the ability to anticipate and prevent such speech. Similarly, police forces should, by this point, have developed effective protocols to protect vulnerable individuals when rumoured or actual inter-faith relationships trigger online or physical reactions from Hindutva groups. Instead, we observe serious dereliction of Uttar Pradesh's responsibilities under DEVAW. On the face of it, there appears to be little recognition (as required by DEVAW), that Muslim women are especially vulnerable to violence by Hindu-majoritarian groups and individuals¹⁰⁰⁰. Based upon the available reports, the Uttar Pradesh authorities have not put in place measures to prevent such violence,¹⁰⁰¹ or to adequately investigate and punish it, all of which are required by the Declaration.¹⁰⁰²

- **Violations by state actors:** Some of the incidents recounted above indicate serious failure to respect the right to life by the police. The case of the Muslim woman who was shot in the head, ostensibly by accident, inside a police station warrants urgent investigation. Similarly, the fatal shooting of a woman who resisted arrest also warrants urgent investigation. We will note, however, that two of the deaths as a result of police intimidation or violence reported above, occurred in conjunction with other forms of discriminatory targeting – a 'beef raid' of the home (arguably failing to respect the ICCPR right to privacy) and an arrest on allegations of cow slaughter (arguably interfering with the right to freedom of religion and the right to work). We note with concern that the range of discriminatory legal measures targeting Muslims facilitate, and tacitly

¹⁰⁰⁰ Declaration 4l

¹⁰⁰¹ Declaration, 4c and 4f

¹⁰⁰² Declaration 4c

encourage, kneejerk police violence against Muslim individuals. These incidents also demonstrate how such violence spills beyond the immediate targets – for example, the young man suspected of cow slaughter – to families and communities.

Video evidence of police brandishing a gun to intimidate Muslim women voters suggests a direct failure to respect the right to vote under the ICCPR. Such conduct also engages CEDAW Article 7, which guarantees women the right to participate in political and public life on equal terms.

We have already discussed above the failure to prevent, investigate and punish threats, intimidation and violence against Muslim women and girls by non-state actors. But it is important to highlight that, on the reports we have examined, the Uttar Pradesh government's failures go even deeper. Particularly in relation to so-called 'love jihad', state actors have acted in concert with violent extremists. In many cases, 'love jihad' has become a rallying call for members of the Uttar Pradesh government and law enforcement machinery, such as Chief Minister Yogi Adityanath, who have directly called for the protection of Hindu women from conversion to Islam.¹⁰⁰³

Indeed, the Uttar Pradesh government amplified and gave official teeth to the spurious love jihad conspiracy (and its attendant violence by right-wing Hindutva groups) when it passed the

Uttar Pradesh Unlawful Conversion of Religion Act in 2021, which directly targets inter-faith relationships.¹⁰⁰⁴ It made this law even harsher in 2024, with amendments that allow any person to complain to the police about supposed forced or fraudulent religious conversions. Even prior to these amendments, Uttar Pradesh saw instances where Muslim men were charged with forced conversions despite their partner's insistence that she was in a voluntary and loving relationship.¹⁰⁰⁵ The amendments in 2024 render inter-faith couples even more vulnerable to harassment and violence. As noted earlier, these legal provisions arguably violate the right to privacy of the men and women involved. On the face of it, they also violate a woman's right to freely choose a spouse under CEDAW.

- **Discrimination in access to education:** We are troubled by continuing reports of discrimination against Muslim women and girls at educational institutions, both public and private. Many reports suggest that women and girls have been targeted for wearing the hijab or burqa, including being denied entry to and expelled from their institutions.

Such conduct constitutes a violation of the right to education under the ICESCR, CEDAW, and (where it affects girls under 18 years) the CRC. It is worth emphasising here that the non-discrimination obligation in relation to education applies at every level of education, including higher-education,

¹⁰⁰³ Oishika Neogi, 'How a "Love Jihad" Case Was Manufactured in India's Uttar Pradesh' (www.aljazeera.com26 July 2022)
<<https://www.aljazeera.com/news/2022/7/26/manufacturin-g-a-love-jihad-case-in-indias-uttar-pradesh-state>>.

¹⁰⁰⁴ Madhur Bharatiya, 'Uttar Pradesh Prohibition of Unlawful Conversion of Religion (Amendment) Bill, 2024: A Short Commentary - National Law School of India University' (National Law School of India University3 October 2024)

<<https://www.nls.ac.in/blog/uttar-pradesh-prohibition-of-unlawful-conversion-of-religion-amendment-bill-2024-a-short-commentary/>>

¹⁰⁰⁵ Oishika Neogi, 'How a "Love Jihad" Case Was Manufactured in India's Uttar Pradesh' (www.aljazeera.com26 July 2022)

<<https://www.aljazeera.com/news/2022/7/26/manufacturin-g-a-love-jihad-case-in-indias-uttar-pradesh-state>>.

vocational, and continuing education institutions. It is also worth emphasising that harassment based on wearing the hijab, burqa, or other visible symbol of Muslim identity interferes with the ability of the student in question to participate as an equal in an institution and avail of the opportunities it affords.

We note that Article 30 of the CRC specifically recognizes the right of religious minority children to profess and practice their religion. Where Muslim girls under 18 are being excluded from schools or colleges due to their faith, the state is failing to fulfil its obligations under Article 30.

Where *private* institutions are excluding women and girls who choose to wear the hijab or burqa, the Uttar Pradesh government has an obligation to *protect* the right to education by taking action against the relevant institutions and ensuring that Muslim women and girls are treated as equals within the institution. Where *publicly-funded* institutions are harassing or excluding Muslim women and girls due to their faith, these actions constitute a failure to respect as well as a failure to protect the right to education.

We note also that if Muslim women and girls are being physically excluded or harassed for visible symbols of their faith, it is likely that such marginalisation is not limited to the gates of the relevant institutions but also pervades corridors and classrooms. The state's responsibility to protect the right to non-discrimination in education, under the ICESCR, CEDAW, and the CRC, obligate it not just to address the most obvious

violation at an institution (e.g., exclusion of students wearing the hijab) but also to examine whether Muslim women and girls are excluded from equal opportunities in other ways at that institution (e.g., in classroom participation, access to campus activities, or access to career advice). Put another way, the state's obligations in relation to the right to education extend not just to basic *participation* – access to educational institution, but also to rights *in* education – access to opportunities within institutions.

We note further that the targeting of Muslim women and girls in educational institutions stems from stereotyping on the basis of both religion and gender. As such, it conflicts with Article 10 of CEDAW which is concerned, *inter alia*, with eliminating exclusionary gender stereotypes at all levels and in all forms of education.

Lastly, we note that the right to education is a facilitative or multiplicative right; hence the CEDAW Committee's concern with rights *through* education for women and girls. Robust access to this right can strengthen access to a host of other rights and capabilities. Thus, where Muslim women and girls are prevented from accessing or fully participating in educational institutions, this exclusion is likely to weaken access to other rights.

According to the reports and evidence that these Panel has reviewed, we find that there are grounds to investigate the status of Muslim women and girls in Uttar Pradesh with reference to rights enshrined in CEDAW, DEVAW, and the CRC, along with the UDHR and other conventions explored previously.

1.9. Economic, social and cultural rights; minority rights

International legal standards

The right to be free from discrimination, analysed in detail in Section 1.10, extends fully into the sphere of economic, social, and cultural (ESC) rights. Key ESC rights guaranteed by the International Covenant on Economic, Social and Cultural Rights (ICESCR) include: the right to work and livelihood¹⁰⁰⁶, ensuring equal opportunity to gain a living by work one freely chooses or accepts; the right to an adequate standard of living¹⁰⁰⁷, encompassing access to adequate food, clothing, and housing; the right to the highest attainable standard of health¹⁰⁰⁸, including access to healthcare services without discrimination; the right to education¹⁰⁰⁹, which includes equitable access to primary, secondary, and higher education; and the right to take part in cultural life¹⁰¹⁰, which safeguards cultural identity, religious expression, and linguistic heritage. The ICESCR requires states to ‘take steps... to the maximum of its available resources’ to progressively achieve the full realisation of these rights.¹⁰¹¹ The CESCR has clarified that states have a ‘minimum core obligation’ to provide, at the very least, the minimum essential levels of each right.¹⁰¹²

The ICESCR also specifically obliges states to guarantee that ESC rights will be exercised without discrimination of any kind, including on the basis of religion.¹⁰¹³ This non-discrimination obligation falls within the minimum core obligation of the state, and has immediate effect regardless of the level of development or resources in any given

context. Further, the prohibition on discrimination applies not only to direct discrimination (where laws or policies explicitly differentiate on religious grounds) but also to indirect discrimination (where ostensibly neutral laws disproportionately impact certain religious groups).¹⁰¹⁴ States are also required to prevent discrimination by private actors. The CESCR has called on states to take active measures to eliminate systemic discrimination and segregation in practice.¹⁰¹⁵

These guarantees are reinforced by the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which requires States parties to prohibit and eliminate racial discrimination ‘in all its forms’ and to guarantee equality in the enjoyment of civil, political, economic, social and cultural rights. ICERD expressly extends the prohibition of racial discrimination to the enjoyment of ESC rights, including rights to work, housing, public health, education, social services and ‘equal participation in cultural activities’. The Convention defines racial discrimination as any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the ‘purpose or effect’ of impairing the enjoyment of human rights on an equal footing.¹⁰¹⁶

The Committee on the Elimination of Racial Discrimination (CERD) has clarified that ICERD imposes a positive obligation on States to ‘guarantee the enjoyment of civil, political, economic, social and cultural rights without racial discrimination’, and that States must

¹⁰⁰⁶ International Covenant on Economic, Social and Cultural Rights 1966 art 6.

¹⁰⁰⁷ *ibid* 11.

¹⁰⁰⁸ *ibid* 12.

¹⁰⁰⁹ *ibid* 13.

¹⁰¹⁰ *ibid* 15.

¹⁰¹¹ *ibid* 2(1).

¹⁰¹² UN Committee on Economic, Social and Cultural Rights, ‘CESCR General Comment No. 3: The Nature of States Parties Obligations’ (1990) E/1991/23 art 3.

¹⁰¹³ ICESCR art 2(2).

¹⁰¹⁴ UN Committee on Economic, Social and Cultural Rights, ‘CESCR General Comment No. 20: Non-Discrimination in Economic, Social and Cultural Rights’ (2009) E/C.12/GC/20 para 10.

¹⁰¹⁵ *ibid* 38–40.

¹⁰¹⁶ ICERD arts 1, 2, 5.

prohibit and eliminate discrimination in the enjoyment of these rights, whether arising from public authorities or from private institutions. Where restrictions are imposed on the exercise of ESC rights, CERD has emphasised that such restrictions must neither have the purpose nor the effect of creating or perpetuating racial discrimination.¹⁰¹⁷ CERD has further emphasised that the principle of non-discrimination under ICERD protects the enjoyment of human rights 'in the political, economic, social, cultural or any other field of public life', and applies to both de jure and de facto discrimination, including discrimination 'in effect'. In this regard, differential treatment will constitute discrimination where it lacks an 'objective and reasonable justification' or has an unjustifiable disparate impact on protected groups.¹⁰¹⁸

For minority communities, ESC rights are further reinforced by the ICCPR, which provide that members of ethnic, religious or linguistic minorities shall not be denied the right, in community with other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.¹⁰¹⁹ The UNHRCtee has emphasised that states are required to take positive measures to protect and promote minority identities.¹⁰²⁰ Thus, the denial of ESC rights to a religious minority group would be a violation of the state's ICESCR obligations and may also infringe upon minority rights protections under the ICCPR.

CERD has also clarified that ICERD protections extend to non-citizens, including migrants, refugees, asylum-seekers and undocumented persons, and that States must ensure equality between citizens and non-

citizens in the enjoyment of ESC rights to the extent recognised under international law. Differential treatment based on citizenship or immigration status will constitute discrimination where it is not proportionate or pursues no legitimate aim. States are required to remove obstacles preventing non-citizens from enjoying rights to education, housing, employment, health care and access to services, and to avoid segregated schooling, housing or differential standards of treatment in these fields.¹⁰²¹

In addition to prohibiting discrimination, ICERD recognises the permissibility, and in certain circumstances the necessity, of 'special measures' aimed at securing the 'adequate advancement' of disadvantaged groups in order to ensure their equal enjoyment of human rights. Such measures are not to be considered racial discrimination, provided they do not lead to the maintenance of separate rights and are discontinued once their objectives have been achieved. The CERD has clarified that special measures may extend across the full range of ESC rights, including employment, housing, education, health and cultural participation, and must be grounded in a realistic appraisal of existing inequalities and developed, where possible, in consultation with affected communities.¹⁰²²

India's constitutional framework reflects core international principles on equality and minority protection, but contains significant structural weaknesses relevant to religious minorities. While the Constitution formally prohibits discrimination on grounds including religion, the domestic framework does not provide for a comprehensive statutory framework prohibiting discrimination against

¹⁰¹⁷ Committee on the Elimination of Racial Discrimination, 'CERD General Recommendation 20: On Article 5' (1996) CERD/C/GC/35.

¹⁰¹⁸ ICERD art 1; Committee on the Elimination of Racial Discrimination, 'CERD General Recommendation No. 32: The Meaning and Scope of Special Measures in the International Convention on the Elimination of All Forms of Racial Discrimination' (n 411).

¹⁰¹⁹ ICCPR art 27.

¹⁰²⁰ UN Human Rights Committee, 'CCPR General Comment No. 23: Article 27 (Rights of Minorities)' (1994) CCPR/C/21/Rev.1/Add.5 para 6.1, 6.2.

¹⁰²¹ Committee on the Elimination of Racial Discrimination, 'CERD General Recommendation 30: Discrimination Against Non-Citizens' (2004).

¹⁰²² ICERD art 1(4), 2(2); Committee on the Elimination of Racial Discrimination, 'CERD General Recommendation No. 32: The Meaning and Scope of Special Measures in the International Convention on the Elimination of All Forms of Racial Discrimination' (n 411).

religious minorities in access to economic, social and cultural rights. Nor does India's affirmative-action framework recognise religion, in and of itself, as a basis for protection or remedial measures, with eligibility confined to caste-based and socio-economic categories. These limitations are compounded by several recent legislative and policy developments that have explicitly differentiated on religious grounds, such as the Citizenship (Amendment) Act – which fast-tracks the pathway to Indian citizenship for non-Muslims fleeing religious persecution in India's neighbouring countries – further illustrating the fragility of domestic safeguards for religious minorities' economic, social, and cultural rights.

Assessment of violations in Uttar Pradesh

We note that UP's Chief Minister and other high-ranking functionaries in the government and the ruling party have made several statements insisting that Muslims have been proportionate (or better than proportionate) beneficiaries of the government's developmental policies. However, after reviewing the available facts, we are of the opinion that the Government of Uttar Pradesh is in violation of international law vis-à-vis ESC rights in the following contexts:

Discrimination in the economic sphere

- **Systemic economic marginalisation:** Muslims in UP experience systemic economic disadvantages. Recent empirical research has revealed that the state's Muslims lag far behind other communities in virtually all socio-economic indicators, including income, wealth, employment, educational status, and representation in government.¹⁰²³

This under-development can itself be a sign of indirect discrimination if the state's development schemes are not

reaching one community due to neglect or prejudice. According to international law, states are required to address not just overt exclusion but also disparate outcomes arising from structural bias. One such structural framework concerns the exclusion of Muslims from recognition within the Scheduled Caste (SC) category under India's constitutional regime. In Uttar Pradesh, as in the rest of the country, Dalits who profess Islam are ineligible for SC classification and therefore excluded from associated benefits. While this exclusion is grounded in national law, its operation within the state contributes to the persistence of socio-economic disparities and raises concerns under the ICESCR's guarantee of non-discriminatory access to ESC rights.

The persistent socio-economic marginalisation of UP's Muslims raises serious concerns as to whether existing development policies are being implemented in a manner consistent with the state's non-discrimination obligations under ICESCR. In particular, the apparent absence of targeted implementation measures aimed at addressing well-documented disparities warrants careful scrutiny under the ICESCR's requirement of equal and effective enjoyment of ESC rights. If the UP government is to take its progressive realization obligations in relation to the rights to education, healthcare, work, and livelihood seriously, as required by the ICESCR, it should examine the reasons for continuing economic marginalisation of Muslims and formulate a contextually appropriate, sensitive response.

¹⁰²³ For example, see: Abdul Shaban and others, 'Situating Development of Muslims In Uttar Pradesh' (Centre for

Development Policy and Practice 2022) <<https://www.cdpp.co.in/working-papers/detail?id=10>>.

- State-led economic discrimination: Several policy measures implemented in UP by the Adityanath-led government are reported to have had disproportionate negative economic impacts on the state's Muslims.

For instance, the state-led crackdown that began in 2017 against slaughterhouses and meat shops, while couched as a general law-and-order or health measure, is reported to have crippled the meat and leather industries in the state, which have historically employed large numbers of Muslims. Beyond the meat and leather sector, reports indicate that cow protection laws and vigilante enforcement have also disrupted Muslim livelihoods in dairy production, cattle rearing, and livestock trade, including through harassment, violence, extortion and seizure of livestock on suspicion of smuggling or slaughter. A June 2025 news report further documented the economic toll of cow-protection vigilantism on Muslim cattle traders in and around Aligarh, including escalating threats and extortion, routine informal closures, declining sales, and traders considering exiting the profession despite buffalo meat being legal.¹⁰²⁴

Similarly, the ban on meat sales near Hindu holy sites, which was in 2021 extended to wider perimeters (up to 250 meters) around temples in holy cities like Mathura and Varanasi, are reported to have rendered numerous Muslim butcher shops and eateries in those areas defunct. Additionally, media reports recorded how some Muslims in these areas not only lost their businesses but in some cases were also forced to move out by local Hindu

extremists because their very presence was deemed undesirable in the 'holy city'. Such policies clearly privilege the sentiments and convenience of the Hindu majority over the livelihood and other economic rights of Muslims. As such, they clearly amount, at the very least, to indirect discrimination, seemingly aimed at achieving neutral goals (like law and order or religious cleanliness) while disproportionately burdening one community.

In July and September 2024, local authorities in UP are reported to have imposed new requirements on restaurants and vendors, requiring the display of owners' and employees' names, under the ambit of a bizarre state-led campaign to curb '*thook jihad*', an unfounded conspiracy theory alleging a conspiracy by Muslims to endanger Hindus. Subsequently, health inspectors are reported to have mostly targeted Muslim-run eateries under this drive. This is clearly a case of direct discrimination, where state policy explicitly differentiates on religious grounds.

In 2025, comparable dynamics were reported in Sambhal district, where dozens of Muslim-owned jeans manufacturing and washing units were reportedly shut down between June and August following allegations of a so-called '*jeans jihad*' conspiracy. Although the authorities reportedly cited pollution and licensing violations, the closures were reported to have exclusively affected Muslim-run units, resulting in the sudden loss of employment for hundreds of Muslim workers. In July 2025, during the *kanwariya* pilgrimage, a group of Hindu pilgrims vandalised a Muslim-owned eatery in Muzaffarnagar after alleging

¹⁰²⁴ 'Hindutva vigilantism pushes UP's cattle traders to the brink amid state inaction' (Maktoob, 8 June 2025)

non-compliance with identity-display norms, indicating how such identity-linked directives can facilitate targeting of Muslim businesses.

Additionally, the state is not reported to have ensured compensation or alternative livelihoods for those affected, in any of the cases highlighted above. As such, this amounts to a violation of the state's obligation to fulfil the ESC rights of Muslims.

- Economic discrimination and violence by private actors: We note reports of a disturbing rise, particularly since 2017, of calls for economic boycotts of Muslims by Hindu extremist groups, who are also reported to have resorted to violence on numerous occasions, and the lack of condemnation or other meaningful action against these by the state. We also note that in several of these instances, such as in 2020 across the state during the COVID-19 pandemic, and more recently in December 2024, BJP leaders were directly implicated. Although not imposed by law, the state's failure to intervene and stop such open discrimination and violence amounts to a failure to protect the right to work and to livelihood. Further, the state's failure to ensure the ability of Muslims to participate in the economy as equals amounts to a violation of its obligation to prevent discrimination by private actors.

The material reviewed indicates that authorities in Uttar Pradesh have, in several instances, adopted or implemented measures that directly impair Muslims' access to livelihood and economic opportunity, raising concerns under the obligation to respect ESC rights. At the same time, the state has failed to effectively prevent, investigate, and respond to discriminatory economic boycotts, threats, and violence by private actors, engaging its obligation to protect those rights. Finally, there

is little evidence of targeted, remedial measures designed to address well-documented structural disadvantage affecting Muslims in the state, calling into question compliance with the obligation to fulfil ESC rights through progressive realisation.

Taken together, these failures risk entrenching and deepening existing patterns of poverty, exclusion, and segregation. Cumulatively, they raise serious concerns under the rights to work and to an adequate standard of living, as well as the cross-cutting obligation of non-discrimination under the ICESCR.

Violations of the right to housing

- Home demolitions as collective punishment: Authorities in UP are reported to have carried out dozens of punitive demolitions of residential homes in recent years, almost exclusively targeted at Muslims, often in the aftermath of religious violence. It is widely reported that many of the affected families lost not only shelter but also their assets, pushing them into destitution. Additionally, most of these demolitions were reportedly carried out without following due process. Even after India's Supreme Court intervened in September 2024 to mandate procedures to be followed vis-à-vis demolitions, reports of demolition/attachment/eviction measures targeting Muslim homes and properties have continued, including in the context of police crackdowns in Bahraich (October 2024), Sambhal (November 2024), and Bareilly (September 2025).

As mentioned earlier, the CESCR has emphasised that forced evictions amount to forced evictions violating the right to adequate housing, unless authorities ensure due process, meaningful consultation, and non-discriminatory resettlement measures, all of which are absent in the cases

reported from UP. It may be noted that in June 2022, while referring to similar punitive demolitions in other Indian states, the UN Special Rapporteur on the Right to Adequate Housing had characterised such actions as amounting to a form of collective and arbitrary punishment against Muslims.¹⁰²⁵ In 2024, and again in 2025 in a public statement along with three other Special Rapporteurs, the SR had further characterised such punitive demolitions as ‘an aggravated form of human rights violation.’¹⁰²⁶ Additionally, we note that the failure of UP authorities to adhere to the Supreme Court’s directives and their continued use of property seizure and eviction orders are indicative of a deliberate and discriminatory policy of repression against Muslims.

- State-led measures reinforcing segregation: Several state actions by the Adityanath-led government are reported to have reinforced segregation. According to a report published in February 2025 by Frontline, around 75% of all 7400+ home demolitions in India in 2024 were reportedly undertaken in the name of ‘redevelopment’ projects, and targeted at slum areas. Activists have alleged state-led discrimination in how these projects are carried out, with Hindu-majority slums more likely to receive in-situ upgrades, while Muslim-majority slums are far more likely to be

bulldozed, with residents relocated to far-off areas with inadequate facilities.

The CESCR has specifically emphasised that forced evictions, even when carried out under the guise of development, violate the right to adequate housing unless due process, meaningful consultation, and non-discriminatory resettlement measures are ensured.¹⁰²⁷ Available evidence suggests that UP authorities have systematically failed to meet these requirements, in violation of international law.

- Systemic discrimination and segregation: It is widely known that in many cities and towns in UP, and indeed across India, Muslims are constrained to live in certain localities or ghettos, partially due to discriminatory attitudes in the housing market, with Hindu landlords often refusing to rent to Muslim tenants. We note that, in recent months, there have been numerous reported instances of Muslims in UP being forced to abandon their newly purchased homes following protests from Hindu neighbours and organised Hindu groups.¹⁰²⁸ The lack of meaningful action by UP authorities to address this societal bias constitutes a failure of the state’s obligation to prevent and eliminate discrimination, including by private actors.

¹⁰²⁵ Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Special Rapporteur on minority issues and Special Rapporteur on freedom of religion or belief, ‘Special Procedures Communication to India’ (United Nations 2022) AL IND 5/2022; ‘India Must Halt Arbitrary Demolitions Targeting Minorities and Marginalised Communities: UN Experts’ (OHCHR, 23 June 2025) <<https://www.ohchr.org/en/press-releases/2025/06/india-must-halt-arbitrary-demolitions-targeting-minorities-and-marginalised>> accessed 17 February 2026.

¹⁰²⁶ Krishnadas Rajagopal, ‘Punitive Demolition of Homes, Shops an “Aggravated” Human Rights Violation, U.N. Expert Tells Supreme Court’ *The Hindu* (28 September 2024) <<https://www.thehindu.com/news/national/punitive-demolition-of-homes-shops-an-aggravated-human-rights->

<https://www.thehindu.com/news/national/punitive-demolition-of-homes-shops-an-aggravated-human-rights-violation-un-expert-tells-sc/article68694606.ece>> accessed 11 March 2025.

¹⁰²⁷ UN Committee on Economic, Social and Cultural Rights, ‘CESCR General Comment No. 7: The Right to Adequate Housing (Art. 11.1): Forced Evictions’ (1997) E/1998/22.

¹⁰²⁸ ‘Moradabad: Muslim Couple Forced to Sell House after Protests by Hindu Neighbours’ (BBC News, 6 December 2024) <<https://www.bbc.com/news/articles/cp837p125ywo>> accessed 11 March 2025; Fathima Kulsum, ‘Hindu Residents Protest In UP After A Muslim Woman Buys House In The Area; Allege Threats For “Mass Exodus”’ (The Observer Post, 21 August 2024) <<https://theobserverpost.com/hindu-residents-protest-in-up-after-a-muslim-woman-buys-house-in-the-area-allege-threats-for-mass-exodus/>> accessed 11 March 2025.

The cumulative impact of these state-led and societal actions are likely to entrench patterns of discrimination and segregation, systematically depriving UP's Muslims of their right to adequate housing. The state's role in actively perpetuating such violations is indicative of a broader policy of discriminatory exclusion, which is explicitly prohibited under international law.

Violations in the cultural and religious spheres

- We reviewed reports of the UP government renaming places with Muslim-associated places, apparently in a bid to reshape the public narrative regarding Islamic contributions to UP's and India's history. This has taken the form of changes to names of cities with centuries of Indo-Islamic legacy, as well as that of more localised institutions like railway stations. While name changes may be the prerogative of the state, the selective targeting of Muslim-origin names suggests a pattern of cultural erasure that undermines the cultural identity and heritage of the Muslim community. As such, these measures are a regrettable failure to respect the cultural rights of Indian Muslims (as minorities).
- More concretely, monuments and religious sites of Muslim origin in UP have increasingly been subjected to various forms of state hostility. This has included the state government's support to efforts to revive disputes over historic mosques, as well as numerous instances of state authorities targeting numerous Muslim places of worship for arbitrary demolition, ostensibly over land encroachments. Such moves are also indicative of a broader state-led effort to rewrite history and undermine Muslim cultural presence in UP. These measures too are a violation.
- Also relevant to note is that the state's hostility towards Muslim cultural heritage appears to have emboldened private actors to violently target Muslim cultural and religious symbols with alarming frequency, including during episodes of mass violence. The state has taken no meaningful action to protect Muslim cultural heritage from such violations by private actors.
- We reviewed reports of state-led hostility towards Urdu, a language that is deeply interwoven with Indian Muslim identity. This has reportedly taken the form of, inter alia, the cessation of state patronage to Urdu, despite it being the state's official second language. In February 2025, CM Adityanath was reported to have made public remarks equating the promotion of Urdu with the promotion of fanaticism. Such actions and rhetoric too undermine and denigrate the cultural and linguistic heritage of UP's Muslims.
- We reviewed reports of state-led hostility towards Islamic *madrassas* (seminaries), a crucial source for basic and religious education for Muslim children. This has taken the form of unsubstantiated and alarmist rhetoric by state officials characterising *madrassas* as hotbeds of radicalisation, as well as a Special Investigation Team—usually instituted to probe serious crimes—to investigate *madrassas* operating in the state. This characterisation of an entire education stream associated with Muslims as radicals and terrorists is also an indicator of discriminatory cultural suppression. Such measures also raise concerns under the right to education, as they risk stigmatising, disrupting, and undermining access to educational institutions relied upon by Muslim children, without evidence of necessity or proportionality.

- In previous sections, we had highlighted various state-led measures to interfere with and suppress Muslims' religious practices, including via the state's discriminatory anti-conversion 'love jihad' law as well as the heightened criminalisation of Muslim religious practices and public worship.¹⁰²⁹ In addition to being violations of Muslims' right to religious freedom, such actions also undermine their right to cultural and religious identity.

It may be noted that the above-mentioned state actions have been initiated alongside an alarming increase in the use of incendiary rhetoric by state officials, including CM Adityanath, targeting Muslims' identity, culture, religion, loyalty, and citizenship. Such actions and rhetoric violate the state's

obligations, as emphasised by the CESCR and the UNHRCtee, to respect cultural diversity, protect cultural heritage, prevent discrimination, and ensure the participation of all communities in cultural life.

In sum, these state-led and state-supported attempts to target Muslims in various spheres effectively violated the economic, social, and cultural rights of Muslims in UP, with the state failing to respect and protect these rights. The various state interventions and omissions highlighted in this section also violate the state's non-discrimination obligation in relation to economic, social, and cultural rights. The Government of Uttar Pradesh has directly pursued legal and policy measures that arbitrarily and discriminatorily restrict access to ESC rights for Muslims, failed to prevent private actors from infringing upon them, and also failed to take proactive steps to ensure their progressive realisation.

¹⁰²⁹ See analysis under Section 1.5 (Right to freedom of religion or belief).

1.10. Violations of the prohibition on discrimination

International legal standards

The principle of non-discrimination is a fundamental and cross-cutting norm of international human rights law.¹⁰³⁰

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) constitutes the primary international legal framework governing racial and related forms of discrimination. ICERD defines ‘racial discrimination’ as any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.¹⁰³¹

Under ICERD, States Parties are required to refrain from engaging in, supporting, or tolerating racial discrimination by public authorities or institutions; to prohibit and bring to an end such discrimination by any persons, groups or organisations; to review and rescind laws, policies, and practices that have the effect of creating or perpetuating racial discrimination; and to take appropriate steps to eliminate structural barriers and ensure equal protection and enjoyment of rights.¹⁰³² ICERD further clarifies that temporary “special measures” aimed at securing the adequate advancement of disadvantaged groups may not constitute racial discrimination, provided such measures do not result in the maintenance of separate

rights or permanent differentiation.¹⁰³³ The Convention also expressly condemns racial segregation and apartheid, and obliges States Parties to prevent, prohibit, and eradicate all practices of this nature, as well as to prohibit propaganda and organisations based on racial superiority or hatred and punish incitement to racial discrimination or violence.¹⁰³⁴

The Committee on the Elimination of Racial Discrimination (CERD) has consistently emphasised that an action or policy may be discriminatory not only where it is explicitly based on a prohibited ground, but also where it has an unjustifiable disparate impact on a protected group.¹⁰³⁵ CERD has further clarified that discrimination includes both purposive or intentional discrimination and discrimination in effect, and that States bear responsibility for structural patterns of exclusion arising from their laws, policies, or omissions.¹⁰³⁶

In various General Recommendations, CERD has also: underscored that States must ensure equal treatment at every stage of the criminal justice process, including arrest, detention, and access to remedies; affirmed the prohibition of racist hate speech, with particular emphasis on speech by public officials and its role in enabling group-based exclusion; and addresses racial profiling, noting that identity-based policing and selective enforcement measures targeting groups by descent or ethnic origin constitute prohibited forms of discrimination.¹⁰³⁷

Although ICERD does not explicitly enumerate religion as a protected ground, CERD has recognised the intersectionality

¹⁰³⁰ UDHR art 7; ICCPR art 2(1), 26; ICESCR art 2(2), 18.

¹⁰³¹ International Convention on the Elimination of All Forms of Racial Discrimination 1965 art 1(1).

¹⁰³² ICERD art 2(1)(a)–(d).

¹⁰³³ ICERD art 1(4); CERD General Recommendation No. 32, The Meaning and Scope of Special Measures (2009) paras 6–8.

¹⁰³⁴ ICERD arts 3, 4.

¹⁰³⁵ CERD General Recommendation No. 14, Definition of Racial Discrimination (1993) para 2.

¹⁰³⁶ CERD General Recommendation No. 32 (2009) paras 7–8; CERD General Recommendation No. 20, Non-discriminatory implementation of rights (1996).

¹⁰³⁷ CERD General Recommendation Nos. 31, 35, 36.

between racial, ethnic, linguistic, and religious discrimination, including in contexts where religious identity has been ‘racialised’ and used as a basis for exclusion or differential treatment. In this regard, CERD members have expressly noted that ICERD protections extend to Muslims subjected to Islamophobia, and more generally to persons whose religious identity has been racialised and used as a basis for discrimination.¹⁰³⁸ CERD has further clarified that ICERD applies in situations where religious identity is not only racialised but also overlaps with descent, language, or perceived national origin. CERD has noted that identity should be determined on the basis of self-identification, and that ascriptive or imposed labels carry no weight in determining group status.¹⁰³⁹

ICERD standards are reinforced by the International Covenant on Civil and Political Rights (ICCPR), which obliges States to respect and ensure all rights to individuals without distinction of any kind, guarantees equality before the law, and requires States to prohibit discrimination, including on grounds of religion.¹⁰⁴⁰ The UN Human Rights Committee has repeatedly affirmed that States have a positive obligation to eliminate both *de jure* (legal) and *de facto* (structural) discrimination, and to ensure that laws and practices do not result in discriminatory outcomes in effect.¹⁰⁴¹

Taken together, international human rights law prohibits discrimination on grounds of race, ethnicity, descent, language, and religion, whether direct or indirect, intentional or structural. States are required not only to refrain from discriminatory conduct, but also to prevent discrimination by private actors and to dismantle systems and practices that foreseeably result in unequal treatment or exclusion. Disparate outcomes or harm affecting particular groups – especially where

they are enabled, tolerated, or ignored by the State – may amount to a violation even in the absence of explicit discriminatory intent.

These protections are also reflected in India’s constitutional framework, which guarantees equality before the law and equal protection of the laws to all persons, and explicitly prohibits discrimination on grounds of religion.¹⁰⁴² However, these constitutional guarantees are not yet fully operationalised through comprehensive anti-discrimination legislation. In particular, the overwhelming majority of India’s Muslims are excluded from the protections of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, as official recognition as Scheduled Castes remains limited to Hindu, Sikh, and Buddhist groups.

Assessment of violations in Uttar Pradesh

After reviewing the available facts, the Panel notes the following patterns that are indicative of discriminatory ill-treatment of Muslims in Uttar Pradesh:

1. **Discriminatory law enforcement practices:** The evidence available reveals that the UP government’s law enforcement actions have overwhelmingly targeted Muslims in ways that are neither proportionate nor consistent with their demographic presence or actual conduct. This constitutes a clear violation of the obligation to ensure non-discrimination in both purpose and effect.

The practice of ‘half encounter’ maimings reveals a policy of targeted physical punishment that disproportionately affects Muslims. In

¹⁰³⁸ Gay McDougall, Introductory Note to the International Convention on the Elimination of All Forms of Racial Discrimination (United Nations Audiovisual Library of International Law, 2021)

<https://legal.un.org/avl/ha/cerd/cerd.html>

¹⁰³⁹ CERD General Recommendation Nos. 14 (Definition of Racial Discrimination), 30 (Discrimination Against Non-

Citizens), 8 (Membership of Racial or Ethnic Groups Based on Self-Identification)

¹⁰⁴⁰ ICCPR arts 2(1), 26.

¹⁰⁴¹ UN Human Rights Committee, General Comment No. 18, Non-Discrimination (1989) CCPR/C/GC/18 para 6.

¹⁰⁴² Constitution of India arts 14, 15.

2024, Muslims constituted 97% of the known victims of these shootings, often carried out while the suspects were already in custody, suggesting not a legitimate use of force, but punitive action outside any legal framework. The deliberate inflicting of disabling injuries on Muslim suspects, while sparing Hindu suspects in otherwise comparable situations, exemplifies a form of differential policing standards based primarily on religious identity. These are not neutral or evenly applied public order measures but manifestations of religious profiling and collective punishment.

Muslims are also significantly overrepresented in fatal police 'encounters'. Although comprising less than a fifth of Uttar Pradesh's population, they account for nearly one-third of those killed in police 'encounters' since 2017, making them the single largest affected group. This disparity is even more stark when placed in a comparative perspective: a Muslim in UP is more than 70% more likely to be killed in a police encounter than a Brahmin. The absence of any comparable level of risk for members of dominant groups—despite their involvement in public disorder or communal violence—points to a clear failure by the state to protect life on an equal basis.

Patterns of custodial violence and abuse further reveal the religiously motivated character of state violence. Documented instances show that Muslims in custody have been subjected not only to severe physical abuse, but also to degrading treatment that explicitly targets their religious identity, such as being forced to chant Hindu religious slogans or mocked for their religious identity markers. These practices serve no legitimate security aim and appear designed to humiliate

and intimidate based on group identity. The absence of any similar reports concerning Hindu detainees, even in cases involving hate crimes and intercommunal violence, further underscores the discriminatory character of this abuse.

Muslims have also faced disproportionate repression during public demonstrations. From the anti-CAA protests in 2019 to protests against the mosque survey in Sambhal in 2024, police responses to Muslim-led mobilisations have included unlawful killings, mass arrests, property seizures, and denial of access to essential services. These actions stand in sharp contrast to the treatment of Hindu-led or farmer-led protests, which were permitted to proceed with minimal state interference, even when marked by inflammatory rhetoric or violence. The selective use of coercive force against Muslims is a clear example of discrimination: the same legal framework is applied in a manner that disproportionately burdens one group, and is therefore discriminatory in effect.

Muslims have also been selectively targeted under national security and anti-terror laws, including in cases involving routine criminal allegations or peaceful dissent. Meanwhile, members of Hindu extremist organisations, many of which have a documented history of violence, have been exempted from similar scrutiny. The refusal to apply these laws to hardline Hindu groups that publicly espouse violence and incitement reveals a political and institutional bias in the designation of threats. National security appears to be used not as a neutral standard, but as a tool to criminalise one group while shielding others.

This double standard is also evident in the enforcement of speech-related laws. Dozens of Muslims have been jailed for alleged hate speech, often for routine political or religious expression. Yet no comparable action has been taken against prominent Hindu political, religious, and media figures who openly incite violence and hatred against Muslims. The close proximity that some individuals—like Suresh Chavhanke and Yati Narsinghanand—enjoy to senior state official further signals that those accused of anti-Muslim incitement enjoy impunity. The legal regime around speech, while ostensibly neutral, is applied in a manner that reinforces inequality, another form of indirect discrimination (discrimination in effect).

The state's anti-conversion law has been applied in an openly selective manner. The law appears to have been enacted with specific discriminatory intent, and has been used almost exclusively to target Muslims (and often Christians), with no known cases of enforcement against Hindu actors, despite credible allegations by Muslim women of forced conversion. Moreover, the law explicitly permits 're-conversions' to a person's former religion, effectively insulating Hindu 'ghar wapsi' efforts from scrutiny. This selective enforcement creates an asymmetrical legal regime that strips one community of rights while facilitating the legal objectives of another.

The available evidence also points to direct collusion between law enforcement and Hindu extremist groups in enforcing these discriminatory laws, and during episodes of intercommunal violence. In several cases, UP Police have reportedly coordinated with violent organisations like VHP and Bajrang

Dal. When law enforcement operates in tandem with supremacist non-state actors to target a religious minority, there is no question of neutrality or legality.

Finally, these discriminatory outcomes also find reflection in statistics on incarceration. While Muslims make up roughly 19% of the population, they account for over 57% of detainees in UP's prisons—individuals held without conviction, often under exceptional laws that bypass ordinary due process safeguards. This disparity cannot be explained by neutral criminal justice considerations, but is the cumulative result of policing practices and institutional bias that collectively deny one community equal protection of the law.

These findings are further reinforced by structural indicators of bias within the police force itself. Muslims remain virtually absent from the ranks of UP's police leadership, comprising less than 2% of senior officials. Surveys of serving police personnel reveal high levels of anti-Muslim prejudice, including the belief that Muslims are 'naturally prone to crime'. These attitudes do not exist in isolation but also inform practices on the ground and contribute to an institutional culture in which unequal treatment is not just tolerated but incentivised.

2. **Discriminatory administration of justice:** Anti-Muslim discrimination also appears to extend deeply into the functioning of the justice system itself, with the state consistently demonstrating a pattern of denying Muslims equal protection and equal benefit of the law. Such practices not only produce disparate impacts, but also reflect a systemic failure to remedy harm or hold perpetrators when Muslims are the victims of abuse.

When Hindu perpetrators have been accused of anti-Muslim violence, the state has routinely intervened to shield them from legal consequences, as was starkly illustrated by the Adityanath government's repeated withdrawal of criminal cases against Hindu individuals, including ruling party members, implicated in the 2013 anti-Muslim riots in Muzaffarnagar district. Despite the scale and brutality of the violence, dozens of prosecutions were abandoned, including 32 cases in October 2024 on the eve of state by-elections. These actions reflect institutional complicity in anti-Muslim violence, with case withdrawals seemingly timed to serve the BJP's political objectives.

On the contrary, prosecutions of Muslims appear to be pursued with exceptional vigour. The contrast is especially apparent in the state's response to the December 2019 anti-CAA protests across the state, when police shot dead 22 Muslims, and to the November 2024 mosque survey protests in Sambhal, when police shot dead 5 Muslims. Rather than investigating the use of lethal force, the state has glorified the crackdowns, subjected many to custodial violence, and imposed punitive measures such as public name-and-shame hoardings and property seizure. To date, not a single police officer has been prosecuted, and the families of the slain Muslims have not even received formal acknowledgement of wrongdoing, let alone any reparation. This pattern demonstrates not just unequal treatment, but active protection of state actors who commit violence against Muslims.

Discrimination also manifests in the disparate allocation of compensation and welfare. In multiple instances,

Hindu victims of communal violence have received swift and generous state support, including financial compensation, government jobs, and direct attention from senior state officials. Muslim victims, however, are either ignored or granted paltry sums, if anything at all. This unequal allocation of care and reflects more than just political callousness. It also signals to Muslim victims that their suffering does not warrant recognition or redress. The failure to treat victims of violence amounts to de facto exclusion from the protective obligations of the state.

Further, Muslims are being uniquely subjected to extrajudicial forms of punishment, such as demolitions, property seizure, and denial of access to essential services, all forms of coercive state action that no other community is facing on the same scale. Such measures appear to be reserved exclusively for Muslim individuals or neighbourhoods, particularly in the aftermath of protests, 'riots' (more accurately, episodes of intercommunal violence instigated and initiated by Hindu extremists), and other expressions of political dissent. According to independent investigations, 100% of all documented punitive demolitions in 2024 targeted Muslims. These measures follow a common pattern: first, Muslims are accused of wrongdoing, often without due process; then, without adequate adjudication, their homes and livelihoods are destroyed. Meanwhile, no parallel action is taken against Hindus, even when they are similarly situated or credibly implicated in violence. The discriminatory character of these state actions lies not only in their selective application, but their collective and retaliatory nature, punishing entire families or

communities for the alleged acts of individuals.

These concerns are compounded by disturbing evidence of bias within the judiciary itself. Senior members of the Allahabad High Court have made openly Islamophobic statements in public forums and in their court judgements, without facing any institutional accountability.

Together, these patterns point to a two-tiered justice system in UP, one that protects, compensates and exonerates Hindus while criminalising, punishing and dispossessing Muslims. This is not merely inconsistent with the principle of equality before the law, but is a deliberate perversion of justice, carried out through both commission and omission.

3. **Discriminatory exclusion from political participation:** Muslims in UP remain starkly underrepresented in political institutions, with only 8.3% of current legislators in the state Assembly being Muslim, all from opposition parties. This underrepresentation is not incidental. In 2022, the ruling BJP fielded no Muslim candidates, effectively excluding the community from governing ranks. CM Adityanath has repeatedly framed UP's elections as an '80% versus 20%' contest, reinforcing a polarising political narrative that marginalises Muslims by design.

Beyond under-representation, Muslims face discriminatory barriers to participation, including allegations of targeted deletions from elector rolls and police intimidation at polling stations. No other community has faced similar, systematic attempts at voter suppression.

By contrast, other marginalised groups—Scheduled Castes, Scheduled Tribes, women, for instance—have benefited from constitutional affirmative action guarantees as well as state-led initiatives like targeted registration drives and accessible polling facilities. No such measures exist for Muslims, despite their persistent exclusion.

This disparity is further compounded by the BJP's hostile political rhetoric. In 2024, the BJP's national election centred around false claims that opposition parties were conspiring to divert SC/ST benefits to Muslim 'infiltrators,' deepening anti-Muslim sentiment and justifying exclusionary practices. Similar rhetoric has been reported in subsequent state elections. Taken together, these patterns amount to discriminatory denial of equal political participation. Muslims in UP are not only excluded from elected power, but also denied the affirmative support extended to other disadvantaged groups, undermining both formal equality and the state's obligation to promote inclusive political participation.

4. **Discriminatory denial of economic, social, and cultural rights:** As highlighted in a previous chapter, Uttar Pradesh's Muslims fare significantly poorer in virtually all indicators of socio-economic participation relative to other social groups. This under-development is by itself a sign of indirect discrimination, which the UP government has not acknowledged or attempted to address through targeted inclusion measures.

Additionally, UP authorities have pursued targeted policies—such as the crackdown on slaughterhouses, and localised meat bans—that have disproportionately burdened Muslims

while privileging the sentiments and convenience of the Hindu majority. Additionally, Muslims' economic interests have been specifically targeted by authorities through policies like those announced as part of the bizarre campaign against 'thook jihad'. These measures, which have led to the closure of hundreds of Muslim-run businesses and the displacement of thousands of workers, reflect not neutral governance, but the deliberate alignment of state policy with majoritarian preferences. The government has also failed to acknowledge and address socio-economic discrimination against Muslims by private actors, whether it be the pervasive societal discrimination they face in the housing market or the more blatant efforts by various Hindu extremist groups to target Muslim economic interests using boycott calls and outright violence.

Unlike other marginalised groups—such as SCs, STs, OBCs, and women—Muslims are excluded from targeted support schemes, including subsidised employment loans, sector-specific subsidies, or skill development programmes. Even when some Muslims qualify for these by virtue of being categorised as OBC, they have received no redress or re-training for the industries disrupted by active state intervention. This selective exclusion reflects not only neglect but a design to deny Muslims the equal benefit of economic rights.

Muslims' educational institutions have not been spared. From elite universities to community-run madrassas, Muslim-led educational spaces have faced surveillance, intimidation, and targeted defunding. By contrast, no such crackdown has been reported on Hindu religious schools or universities with Hindu majoritarian affiliations.

Scholarships for Muslim students have also been slashed or discontinued. In the 2025-26 state budget, scholarships for Muslim students received only a third of the allocation granted to Scheduled Castes, despite their comparable demographic share and far greater underrepresentation in higher education.

As detailed in the previous chapter, Muslims in Uttar Pradesh have also faced direct assaults from the state on their religious and cultural practices. This continued, sustained, and escalating state hostility towards religious and cultural expression by Muslims (and Christians) is in stark contrast to its approach towards Hindu religious and cultural expression, which is often actively promoted and publicly subsidised. Muslims have been detained for public prayer, while peaceful observance of their religious traditions has been treated as suspect or subversive. In contrast, the Chief Minister himself has continued to serve as a public Hindu religious figure, blurring the line between state and sectarian identity.

Muslim religious institutions have also come under heightened scrutiny and coercive control. The 2025 national Waqf Amendment Act singled out Muslim religious endowments for differential treatment, introducing a framework of state interference not applied to any other religious group. In UP, peaceful symbolic protests against this discriminatory legal regime were met with arrests and punitive 'peace bonds', further criminalising Muslim dissent. Simultaneously, the government has sidelined Urdu—a language closely tied to Indian Muslim cultural identity—while elevating Sanskrit, and has renamed places with Indo-Islamic heritage to reflect exclusively Hindu symbolism. Read

together, these patterns reveal a concerted and multifaceted denial of Muslims' economic, social and cultural rights in Uttar Pradesh. Discrimination is both direct and systematic, enacted through official policies, reinforced by governance practices, and mirrored in the inaction of the state toward hostile private actors. The result is a social order in which Muslims are treated not merely as disadvantaged citizens, but as a community undeserving of equal protection or state concern.

5. **Gendered discrimination faced by Muslim women:** Also important to repeat is the double burden of discrimination faced by Muslim women in Uttar Pradesh, who are targeted not only for being Muslim but also for being women in a patriarchal society. As detailed in an earlier chapter, patterns of abuse and discrimination against Muslim women have ranged from physical and sexual violence to educational exclusion and hateful (and sexualised) vilification, by both state actors as well as private actors. This intersectional discrimination faced by Muslim women in UP is severe, systemic and violates multiple rights. Even when compared to the plight of women from other communities, the Muslim

woman's experience in UP appears to be uniquely fraught, and exemplifies how gender and religious discrimination can reinforce each other.

In summary, the Uttar Pradesh government's ill-treatment of Muslims, and its complicity in the mistreatment of Muslims by private actors, demonstrate a systemic and multi-layered pattern of discrimination. This systematic mistreatment extends across law enforcement, access to justice, political participation and governance, socio-economic rights, and religious and cultural identity and expression. These patterns are not isolated examples of religious bias but indicative of entrenched institutional bias, state complicity, and a broader climate of impunity for violations perpetrated against Muslims, all sanctioned from the top echelons of the government. Beyond mere unequal treatment, the UP government appears to be dehumanising, deliberately excluding, and actively suppressing the state's Muslims, in clear and egregious violation of the fundamental international human rights law guarantees of non-discrimination and equality. Further, the broader state-led architecture of exclusion and subjugation, as well as the scale, intent, and impact of discriminatory practices, raise serious concerns under international criminal law, which shall be scrutinised in the next chapter.

2. Violations of International Criminal Law

2.1. Introduction

In our 2022 report, we found credible evidence that crimes against humanity might have been perpetrated in Uttar Pradesh.

We found that the crackdown on protest against the Citizenship Amendment Act between December 2019 and June 2020 in Uttar Pradesh may potentially amount to crimes against humanity, including the widespread, systematic acts of murder, torture, unlawful imprisonment and persecution by the police pursuant to a state policy to prevent the Muslim community and supporters from protesting against the CAA and punishing those who did.

We also found that hate speech by prominent political or religious leaders in Uttar Pradesh (as well as Delhi, Chhattisgarh, and Uttarakhand) between December 2019 and April 2022 directly calling on their Hindu audience to kill Muslims or to rape or impregnate Muslim women and girls might amount to the international crime of incitement of genocide.

We are dismayed by the total lack of accountability and reparative action in the years since, whether by the national government, Uttar Pradesh government, or the judiciary. On the contrary, as discussed earlier in this report, attacks on Uttar Pradesh's Muslims have escalated and expanded on multiple fronts. The scale and intensity of violence and discrimination mean that there is now even more evidence that Muslim communities and individuals in Uttar Pradesh might be victims of crimes against humanity.

We reach this view fully cognizant that international law criminalizes particularly grave violations of human rights and humanitarian law, thereby conveying the international community's shared condemnation of these acts. We emphasize,

therefore, that we have not reached our view lightly. We lay out our reasoning below.

We apply below the same legal framework and standard of proof (the reasonable basis standard) discussed in relation to Assam (Chapter 2) in Part III (Analysis of International Law Violations), Section 2.1. (Legal framework and standard of proof).

2.2. Crimes against humanity: International legal standards

As discussed in Chapter 2, under the Rome Statute a ‘crime against humanity’ refers to any of eleven prohibited acts, when committed within the context of ‘a widespread or systematic attack directed against any civilian population, with knowledge of the attack.’

The eleven prohibited acts are as follows:

1. Murder;
2. Extermination; (which would include, for example, stopping food supply to bring about death)
3. Enslavement;
4. Deportation or forcible transfer of population;
5. Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
6. Torture;
7. Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
8. Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
9. Enforced disappearance of persons;
10. The crime of apartheid

11. Other inhumane acts of a similar character intentionally causing great suffering or serious injury to the body, or to mental or physical health.¹⁰⁴³

An ‘**attack**’ is understood as ‘a course of conduct’ involving the ‘multiple commissions’ of prohibited acts.¹⁰⁴⁴ The attack does not need to constitute a military attack.¹⁰⁴⁵ ‘Civilian population’ in general refers to persons who are not members of armed forces or other legitimate combatants in an armed conflict.¹⁰⁴⁶ The attack must be ‘directed’ against them, suggesting that they should be the primary targets.¹⁰⁴⁷

The ‘**widespread**’ nature of an ‘attack’ is primarily reflected in the scale of the attack, and the number of victims, with no pre-set threshold.¹⁰⁴⁸ ‘**Systematic**’ refers to the organised and methodical nature of the prohibited acts committed.¹⁰⁴⁹ An attack – and not the underlying prohibited acts themselves – only needs to be either widespread or systematic, not both.¹⁰⁵⁰ The ICC Statute requires that the attack be committed ‘pursuant or in furtherance of a State or organizational policy’, and that the State or organization must ‘actively promote or encourage such an attack.’¹⁰⁵¹

Individual **criminal responsibility** for international crimes may arise where a person commits, orders, solicits or induces a crime, or aids, abets, or otherwise assists in its commission.¹⁰⁵² Responsibility may also arise if the person contributes in any other way to a crime committed by a group acting with a common purpose, if that contribution is made

¹⁰⁴³ International Criminal Court (ICC) Elements of Crimes 2002 Introduction to art 7; International Criminal Court (ICC) Statute (Rome Statute) art 7(1)

¹⁰⁴⁴ International Criminal Court (ICC) Elements of Crimes 2002 Introduction to art 7; International Criminal Court (ICC) Statute (Rome Statute) art 7(2)(a).

¹⁰⁴⁵ International Criminal Court (ICC) Elements of Crimes Introduction to art 7.

¹⁰⁴⁶ The Geneva Conventions of 12 August 1949 common art 3.

¹⁰⁴⁷ Prosecutor v Kunarac, Kovak and Vukovic (Appeals Chamber Judgement) [2002] ICTY IT-96-23 para 91.

¹⁰⁴⁸ Douglas Guilfoyle, *International Criminal Law* (1st edn, Oxford University Press 2016) 246.

¹⁰⁴⁹ *ibid.*

¹⁰⁵⁰ Darryl Robinson and others (eds), ‘Crimes Against Humanity’ *An Introduction to International Criminal Law and Procedure* (2nd edn, Cambridge University Press 2010) <<https://doi.org/10.1017/CBO9780511760808.012>> accessed 25 April 2023.

¹⁰⁵¹ International Criminal Court (ICC) Statute (Rome Statute) art 7(2); International Criminal Court (ICC) Elements of Crimes Introduction to art 7.

¹⁰⁵² ICC Rome Statute art 25(3)(a-c).

with intent to further the crime or in the knowledge of the group's intent.¹⁰⁵³ Responsibility may also arise where a military commander or civilian superior knew, or consciously disregarded information clearly

indicating that subordinates were committing crimes, and failed to take necessary and reasonable measures to prevent or punish them.¹⁰⁵⁴

¹⁰⁵³ *ibid* 25(3)(d).

¹⁰⁵⁴ *ibid* 28.

2.3. Crimes against humanity in Uttar Pradesh

A. Torture as a crime against humanity, focusing on widespread and systematic maiming by the police force

The practice of so-called ‘half-encounters’ by the Uttar Pradesh police might, in our view, amount to torture as a crime against humanity, with reference to Article 7(1)(f) of the Rome Statute.

The facts relevant to our finding on torture as a crime against humanity are laid out in the Factual Findings section and in the Annexures.¹⁰⁵⁵ As detailed earlier, in addition to killings, at least 56 Muslims and 2 Hindus were grievously injured in custodial shootings or allegedly staged public shootings across Uttar Pradesh in 2024 alone, sustaining gunshot wounds, typically to the knees or legs. Police have publicly alleged that at least 54 of the injured Muslims were involved in cattle smuggling, while two were accused in the murder of a Hindu man amid communal violence.

This pattern continued in 2025, when civil society reports documented at least 10 non-fatal ‘half-encounter’ shootings across eight districts within 24 hours in May 2025, at least 20 further incidents across 10 districts in October 2025, and at least three shootings of Muslim men in Bareilly in October 2025.

Torture as a Crime Against Humanity under the Rome Statute

The crime of torture is included within crimes against humanity under the Rome Statute, and is defined under Article 7(1)(f) of the Statute as follows:

For the purpose of this Statute, “crime against humanity” means any of the following acts when committed as part of a

widespread or systematic attack directed against any civilian population, with knowledge of the attack:

....
(f) Torture

Article 7(2)(e) further expands upon the crime, noting that:

For the purpose of paragraph 1:

(e) “Torture” means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions;

Physical elements of the crime of torture include:

- i. The perpetrator inflicted severe physical or mental pain or suffering upon one or more persons,
- ii. Such persons were in the custody or under the control of the perpetrator,
- iii. Such pain or suffering did not arise only from, and was not inherent in or incidental to, lawful sanctions,
- iv. Committed as part of a widespread or systematic attack directed against a civilian population.

Torture need not be inflicted for a particular purpose beyond the infliction of severe pain and suffering, as noted in paragraph 4 of the

¹⁰⁵⁵ See Section 1.2 (Continuing police abuses against Muslims) in Part II (Factual Findings), and Annexure IV.

General Introduction to the Elements of Crime under the Rome Statute.¹⁰⁵⁶

Mental elements, i.e. the state of mind of the perpetrator/s, of the crime of torture include:

- i. Knowledge and/or intention (on the part of the perpetrator) of the widespread or systematic attack.

The ICTY held in *Blaškić* that the perpetrator's knowledge is to be inferred from factors such as:

*"historical and political circumstances in which the acts occurred, the functions of the accused when the crimes were committed, the responsibilities of the accused within the political or military hierarchy, the direct and indirect relationship between the political and military hierarchy, the scope and gravity of the acts perpetrated, the nature of the crimes committed, and the degree to which they are common knowledge."*¹⁰⁵⁷

This knowledge is considered in general terms of understanding the overall context, and it is not required that the perpetrator know the details of every single act within the overall attack.¹⁰⁵⁸ The precise details of the plan or policy of the State need not be known to the perpetrators inflicting torture or violence.¹⁰⁵⁹

In *Al-Hassan*, an ICC Trial Chamber noted that punishment of civilians in Timbuktu failing to comply with the sharia rules of the perpetrators were public in nature, and armed group leaders as well as police and law enforcement authorities participated in public flogging and violence, and made public speeches to the effect that such violence was in

the course of asserting their group's religious superiority and as a deterrent to the victims.¹⁰⁶⁰ The perpetrators were thus held to be cognisant of the overall pain and suffering being inflicted by them.

In Uttar Pradesh, the 'half-encounters' against Muslims were carried out by police and supplemented by speeches and calls to action to target Muslims in particular.¹⁰⁶¹ Therefore, there is evidence to show that the State was indeed aware of the attacks.

Analysis

Below, we discuss the elements of torture as a crime against humanity in relation to the practice of "half-encounters" in Uttar Pradesh.

- i. The perpetrator inflicted severe physical or mental pain or suffering upon one or more persons,

A single act or a combination of acts viewed as a whole may constitute the international crime of torture.¹⁰⁶²

The ICTY has noted that pain and suffering may be inflicted by "acts establish[ing] per se the suffering of those upon whom they were inflicted".¹⁰⁶³ Such acts could include the following representative (though not exhaustive) acts:

"Beating, extraction of nails, teeth, etc.; burns; electric shocks; suspension; suffocation; exposure to excessive light or noise; sexual aggression; administration of drugs in detention or psychiatric institutions; prolonged denial of rest or sleep; prolonged denial of food; prolonged denial of sufficient hygiene; prolonged

¹⁰⁵⁶ Schabas, p. 182.

¹⁰⁵⁷ ICTY, Prosecutor v. Tihomir Blaškić, IT-95-14-T, Trial Chamber Judgment (2000), paras 258–259.

¹⁰⁵⁸ ICC, Prosecutor v. Laurent Gbagbo, ICC-02/11-01/11-656-Red, Pre-Trial Chamber (2014), para. 214.

¹⁰⁵⁹ ICC, Prosecutor v. Al-Hassan, ICC-01/12-01/18, Trial Chamber Judgment (2024) para. 1117.

¹⁰⁶⁰ ICC, Prosecutor v. Al-Hassan, ICC-01/12-01/18, Trial Chamber Judgment (2024) paras.1327-1330.

¹⁰⁶¹ As shown in the discussions in Section 1.1 (Right to life) and Section 1.2 (Right to liberty; and to freedom from torture and other cruel, inhuman treatment and punishment), in the International Human Rights Law discussion.

¹⁰⁶² ICTY, Prosecutor v. Mladen Naletilić and Vinko Martinović, IT-98-34-A, Appeals Chamber Judgment (2006) para. 299; ICTY, Prosecutor v. Radoslav Brđanin, IT-99-36-A, Appeals Chamber Judgment (2007) para. 251.

¹⁰⁶³ Kunarac et al. (IT-96-23/1-A), Appeals Chamber Judgment, (2002) paras 149–51.

denial of medical assistance; total isolation and sensory deprivation; being kept in constant uncertainty in terms of space and time; threats to torture or kill relatives; total abandonment; and simulated executions."¹⁰⁶⁴

For pain and suffering to meet the "severity" threshold, the mistreatment following these acts must be of "substantial gravity... [moving beyond] interrogation by itself or minor contempt for the physical integrity of the victim."¹⁰⁶⁵ The ICC has greatly relied on the jurisprudence of the European Court of Human Rights (ECHR),¹⁰⁶⁶ which has developed thresholds pointing towards "substantial pain, regardless of the health of a person".¹⁰⁶⁷

However, the presence of a physical or visible injury is not a requirement to demonstrate severe suffering.¹⁰⁶⁸ "Severity" does not require "extreme" pain or suffering.¹⁰⁶⁹ Circumstances such as "organ failure, body impairment or deterioration, or death" are not prerequisites for establishing that torture was inflicted.¹⁰⁷⁰

Torture may also include mental suffering, caused by, for instance, being forced to observe physical suffering being inflicted upon others,¹⁰⁷¹ or suffering acute and long-lasting psychological suffering as a result of the torture inflicted upon them.¹⁰⁷²

The ICTY held in *Krnjelac* that:

"When assessing the seriousness of the acts charged as torture, the Trial Chamber must

take into account all the circumstances of the case, including the nature and context of the infliction of pain, the premeditation and institutionalisation of the ill-treatment, the physical condition of the victim, the manner and method used, and the position of inferiority of the victim. The extent that an individual has been mistreated over a prolonged period of time will also be relevant."¹⁰⁷³

Bearing in mind the guidance above, there is no doubt that the violence involved in shooting a person in the knees or legs, causing serious, lasting, and usually permanent injury, is severe enough to constitute torture. Maiming through so-called half-encounters is deliberate and appears to be institutionalised. The discriminatory and custodial and/or staged nature of this violence adds to its seriousness.

ii. Victims were in the custody or under the control of the perpetrator

In *Al-Hassan*, the ICC's Trial Chamber held:

"The Chamber considers that the use of the terms 'custody' and 'under control of the perpetrator' in this element should not be equated with 'imprisonment or other severe deprivation of liberty'; rather it should be interpreted broadly in the sense that a person need not be in actual custody and some form of control is sufficient to establish this element."¹⁰⁷⁴

Based upon the reports we have reviewed, people deliberately maimed by the police in this way were either (i) in custody, (ii) caught

¹⁰⁶⁴ United Nations Economic and Social Council, Report by the United Nations Special Rapporteur on Torture, 'Torture and other Cruel, Inhuman or Degrading Treatment or Punishment' dated 19 February 1986, U.N. Doc. E/CN.4/1986/15, available at https://ap.ohchr.org/documents/E/CHR/report/E-CN_4-1986-15.pdf.

¹⁰⁶⁵ ICTY, Prosecutor v. Krnjelac, IT-97-25-T, Trial Chamber Judgement (2002) paras. 180–181.

¹⁰⁶⁶ Simone Antonio Luciano, 'Pain as the Essence of Torture: Exploring the Characteristics and Requirements of the Element of "Pain or Suffering" in the Crime Against Humanity of Torture' 24(2) International Criminal Law Review (2024) p. 96.

¹⁰⁶⁷ ECHR, *Selmouni v. France*, Application No. 25803/94, Court (Plenary) Judgement (1999) paras. 102, 105.

¹⁰⁶⁸ ICTY, *Kvočka et al.*, IT-98-30/1-T, Trial Chamber Judgement (2001) para. 148; ICTY, *Prosecutor v. Mrkšić et al.*, IT-95-13/1, Trial Chamber Judgement (2007) para. 514.

¹⁰⁶⁹ ICTY, *Prosecutor v. Brđanin*, IT-99-36, Appeals Chamber Judgement (2007) para. 249.

¹⁰⁷⁰ ICC, *Prosecutor v. Ongwen*, ICC-02/04-01/15, Trial Chamber Judgement (2021) para. 2701; ICC, *Prosecutor v. Al Hassan*, ICC-01/12-01/18, Pre-Trial Chamber Decision on the Confirmation of the Charges (2019) para. 231.

¹⁰⁷¹ *Kvočka et al.* (2001) para. 149.

¹⁰⁷² *Delalić* (1998) para. 495.

¹⁰⁷³ *Krnjelac* (2002) para. 182.

¹⁰⁷⁴ ICC, *Prosecutor v. Al-Hassan*, ICC-01/12-01/18, Trial Chamber Judgement (2024) para. 1129.

by the police and then maimed in staged arrests, sometimes in the presence of sympathetic media, or (iii) maimed when they were about to be arrested. Maiming in custody or during staged arrests is likely to meet the ICC's standard for "in custody or under the control of the perpetrator" laid out in *Al-Hassan*. Maiming prior to arrest might not meet this threshold, and would need a case-by-case evaluation of whether the perpetrator/s had sufficient control over the victim. As such, we restrict our analysis in relation to torture as a crime against humanity to cases falling in category (i) - maiming in custody, and category (ii) - maiming during staged arrests in public.

- iii. Such pain or suffering did not arise only from, and was not inherent in or incidental to, lawful sanctions

The Supreme Court of India in *People's Union for Civil Liberties v. State of Maharashtra* (2014) issued a series of guidelines for police to adhere to in the case of encounters. These include procedural safeguards such as mandating the written record of any tip-offs or intelligence received, conducting independent and impartial investigations, and preserving evidence.¹⁰⁷⁵ In general, police must refrain from the use of excessive or unlawful force when making arrests.¹⁰⁷⁶

In the cases we reviewed, we saw no evidence of police following any protocols of issuing warnings or gradually escalating use of force.

The consistent nature and location of injuries, coupled with victim allegations of planted weapons prior to arrest and the apparent absence of imminent threat from victims, suggest that the force used was punitive and intended to inflict severe pain and suffering. In several cases, victims already in police custody were shot in staged public encounters, in the presence of media. These circumstances strongly suggest premeditation rather than exigency.

Based on the reports we have seen, we are of the view that these shootings and maimings by the police did not arise only from, were not inherent in, or incidental to, lawful sanctions.

- iv. Committed as part of a widespread or systematic attack directed against a civilian population pursuant to a state policy.

It is uncontroversial that the victims are civilians and that the acts of maiming were directed against or aimed at them.

It is also apparent that so-called half-encounters are an attack, in the sense of being a course of conduct that involves multiple prohibited acts. In 2024 alone, at least 56 Muslims were shot in the leg and grievously injured in 'half encounter' shootings.

This attack was widespread. Maimings in 2024 were not confined to one district or timeframe, but occurred across at least 16 districts, with most of the cases concentrated in western UP, including Muzaffarnagar (15 cases), Rampur (10), Meerut (6), Shamli (5) and Saharanpur (4). It may be noted that western UP is reported to have a higher concentration of Muslims in the population, relative to other districts.

This attack also appears to be systematic. The repetition of nearly identical patterns across these districts—such as custodial torture against Muslim men apprehended on allegations of cattle smuggling, staged "arrests", injuries consistently inflicted to the legs, and the acknowledgement and celebration of these operations on official police social media handles—suggests a clear and centrally sanctioned modus operandi. This is indicative of a coordinated approach across state institutions, implemented over time and in different locations with consistent tactics, and targeting predominantly Muslim individuals accused of petty crimes. We also reviewed media reports claiming that these

¹⁰⁷⁵ *People's Union for Civil Liberties v. State of Maharashtra*, 2014 (10) SCC 635 [Supreme Court of India].

¹⁰⁷⁶ *D.K. Basu v. State of West Bengal*, 1997 (1) SCc 416 [Supreme Court of India].

'half-encounters' are privately referred to as 'Operation *Langda* (Lame)' by state police, and quoting one victim as saying that he fears for his life if he pursues justice.¹⁰⁷⁷

Maimings appear to have been carried out pursuant to, and in furtherance of, a state policy of targeting alleged criminal offenders who are Muslim through the use of excessive force by Uttar Pradesh Police personnel. As noted earlier, the repetition of near-identical methods across multiple districts strongly suggests a centrally sanctioned *modus operandi*.

These patterns do not reflect rogue behaviour by individual officers, but rather a deliberate and targeted approach, encouraged and directed by those at the highest levels of the state government. Chief Minister Adityanath has consistently made public statements endorsing such statements, noting, *inter alia*, that he had given 'full authority' to the forces to deal with criminals in the most appropriate way possible, and assuring that they 'need not worry' about consequences.¹⁰⁷⁸ Adityanath himself has popularised the usage of the term *thok do* ('knock down') in reference to the broader policy of police brutality towards alleged criminals. Other senior state officials, such as then Director General of Police (DGP) OP Singh, too have admitted in the past that 'encounters' are 'a part of crime prevention' and 'a police strategy'.

It is important to note that the recent (post-2023) spike in 'half encounters' against suspected cow smugglers/slaughterers marks a significant shift from earlier patterns of violence in Uttar Pradesh. Where vigilante groups and private actors once dominated cow-related violence, such as lynchings of Muslim men accused of cow slaughter or transportation, the state itself now appears to have taken over this role. Most of the 56+ Muslims maimed in 2024 were accused of cattle-related offences. These actions reflect a

deliberate deployment of the state's coercive power to advance the political narrative around law and order, and to publicly reaffirm the government's prioritisation of cow protection.

Together, the scale, consistency, geographic spread, public endorsement, and institutional continuity of these actions, along with systematic failures to investigate or prosecute police misconduct, are indicative of a widespread, systematic state policy aimed at violently targeting a section of the population who are vilified at the highest levels of government.

v. Intentional infliction of severe pain or suffering

Based upon the reports we have seen – including the police's own accounts of the violence – it seems clear that the infliction of pain was intentional in the cases that we looked at.

vi. Knowledge and/or intention (on the part of the perpetrator) of the widespread or systematic attack

The following factors strongly suggest knowledge on the part of the perpetrators of the widespread and systematic nature of this violence:

- (a) Direct perpetrators were police personnel, who would have been aware of the endorsement, celebration, and rewards for police brutality by the Adityanath government, as well as the government's consistent support for violence in the name of cow-protection.
- (b) The recurring fact patterns across the reports that we saw, across different districts, strongly suggest sharing of information and tactics by the police.
- (c) The shift from vigilante-led to police-led brutality in the name of cow

¹⁰⁷⁷ Saurav Das (n 23).

¹⁰⁷⁸ See discussion under Section 1.6 (Prohibition of advocacy of hatred and incitement to discrimination, hostility or violence) in this chapter.

protection indicates a change to de facto policy that is widely known and understood, reflected in the cruel informal/internal descriptor (“Operation Lame”) used by the police.

- (d) Where police personnel maimed victims in staged arrests, in part to generate reports of brutality towards Muslims in the media, they very likely acted with full awareness of the Adityanath government’s campaign of vilifying and othering Muslims in Uttar Pradesh. On multiple occasions, Adityanath has celebrated his government’s violence against Muslims, reportedly claiming on one occasion, ‘We deal with them so harshly that their descendants will remember.’¹⁰⁷⁹

Our conclusion on torture as a crime against humanity

In light of our analysis above, we find there is a reasonable basis to believe that torture as a crime against humanity is being committed in Uttar Pradesh in the form of maiming Muslim men in custody and during staged arrests.

¹⁰⁷⁹ HindutvaWatch [@HindutvaWatchIn], ‘Location: Berhampore, West Bengal Date: April 30 “Infiltrators Are Let into West Bengal with the Aim of Changing Your Demography. If Anybody Dares to Interrupt Hindu Festivals in UP, We Deal

with Them so Harshly That Their Descendants Will Remember,” Said Yogi Adityanath
<https://t.co/NPU84o7kR3>’ (n 9).

B. Other inhumane acts as crimes against humanity, focusing on widespread and systematic abusive policing

Unlawful violence by the Uttar Pradesh police targeting Muslims might, in our view, amount to a crime against humanity, with reference to Article 7(1)(k) of the Rome Statute: "other inhumane acts of a similar character intentionally causing great suffering or serious injury to the body, or to mental or physical health." We include within the ambit of our analysis extrajudicial killing, maiming or so-called "half-encounters", and the actions of the police in Bahraich in October 2024 and in Bareilly in September-October 2025.

As detailed earlier in this report¹⁰⁸⁰, the number of extra-judicial killings by the police was at least 266 from 2017 to December 2025. These 'encounters' in UP have reportedly continued to disproportionately impact Muslims – as of September 2024 (when the death toll was 207), 32.3 per cent (67) of the fatalities were members of the Muslim community, according to government figures.¹⁰⁸¹

The practice of "half-encounters" or maiming is discussed in Section 2.3.A. above. At least 56 Muslims were grievously injured in allegedly unlawful shootings across Uttar Pradesh in 2024 alone, sustaining gunshot wounds, typically to the knees or legs.

In Bahraich, sectarian violence broke out on 14 October 2024 when a Hindu religious procession passed through a predominantly Muslim neighbourhood, while playing provocative music and chanting inflammatory slogans. When violence escalated, police personnel were reportedly seen marching alongside Hindu rioters as they engaged in anti-Muslim violence, arson and vandalism. A viral video showed two Hindu men claiming that police had given them a 'free hand' to

commit violence for two hours. On 17 October, police unlawfully shot at and injured two Muslims, whom they said were suspects in the Hindu man's killing and claimed were attempting to flee custody.

In Bareilly in September–October 2025, following religious tensions linked to the display of 'I Love Muhammad' posters by Muslims, police registered multiple FIRs, carried out mass arrests and conducted at least three 'half-encounter' shootings, all targeting Muslims. Reports also documented sealing of Muslim-owned shops and allegations of custodial ill-treatment.

Analysis

Below, we discuss each element in relation to the unlawful police violence outlined above.

i. Other inhumane acts of a similar character

"Other inhumane acts of a similar character" under Article 7(1)(k) of the Rome Statute are limited only to acts that are **similar in gravity** to the other crimes against humanity listed in Article 7(1). Clearly, extrajudicial killing and torture would satisfy this requirement, as murder and torture can constitute crimes against humanity. By definition, these acts cause great suffering and serious injury. Police collusion and direct participation in mob violence against Muslims in Bahraich, followed by discriminatory arrests and investigation are arguably similar in character to persecution.

ii. Committed as part of a widespread or systematic attack directed against a

¹⁰⁸⁰ See Section 1.2 (Continuing police abuses against Muslims) in Part I (Factual Findings); Section 1.1 (Right to Life) in Part

III.1. (Violations of International Human Rights Law), and Annexures I and IV.

¹⁰⁸¹ India TV News (n 21).

civilian population pursuant to a state policy

It is clear that abusive policing targeting Muslims in Uttar Pradesh affects a civilian population, and that the acts of extrajudicial killing, maiming, violence in Bahraich, and discriminatory arrests and investigation in Bahraich, were directed against them. It is also apparent that these acts are an attack, in the sense of being a course of conduct that involves multiple prohibited acts.

The acts described above appear to form part of a course of conduct that is both widespread and systematic. As detailed above, since 2017, Uttar Pradesh Police have carried out at least 266 fatal ‘encounter’ shootings and at least 54 non-fatal ‘half encounter’ shootings.

The conduct describe above appears to have been carried out pursuant to, and in furtherance of, a state policy of targeting alleged criminal offenders who are Muslim through the use of excessive force by Uttar Pradesh police personnel. As noted earlier, the repetition of near-identical methods across multiple districts strongly suggests a centrally sanctioned modus operandi.

As discussed in 2.3(A) above, these patterns do not reflect rogue behaviour by individual officers, but rather a deliberate and targeted approach, encouraged and directed by those at the highest levels of the state government. Chief Minister Adityanath has consistently made public statements endorsing such statements, noting, *inter alia*, that he had given ‘full authority’ to the forces to deal with criminals in the most appropriate way possible, and assuring that they ‘need not worry’ about consequences.¹⁰⁸² Adityanath himself has popularised the usage of the term *thok do* (‘knock down’) in reference to the broader policy of police brutality towards alleged criminals. Other senior state officials, such as then Director General of Police (DGP)

OP Singh, too have admitted in the past that ‘encounters’ are ‘a part of crime prevention’ and ‘a police strategy’. In August 2024, at least six policemen involved in the high-profile ‘encounters’ of individuals linked to Atiq Ahmed were awarded gallantry medals. This broader course of conduct is not a new aberration, but a continuation of a known and celebrated state strategy.

Together, the scale, consistency, geographic spread, public endorsement, and institutional continuity of these actions, along with systematic failures to investigate or prosecute police misconduct, are indicative of a state policy aimed at violently targeting a section of the population perceived as criminal. That the victims are disproportionately (as in the case of ‘encounters’) or almost exclusively (as in the case of the recent cattle-related ‘half encounters’) Muslims leads one to conclude that the policy is discriminatory in effect and in intent.

iii. Intention on the part of the perpetrator to cause great suffering or serious injury to the body, or to mental or physical health or to the dignity of the victim, or Knowledge on the part of the perpetrator that their actions are likely to cause serious mental or physical or dignity harms.

Based upon the reports that we have seen, it seems clear that police personnel engaging directly in extra-judicial killing and maiming did so intentionally, or at a minimum, with knowledge that their actions were likely to cause serious physical harm.

Footage of the violence in Bahraich, where police personnel participated in mob violence, also indicates clear intention.

In addition, reports of Islamophobic slurs and taunts by the police during custodial maiming and mass arrests of Muslims more broadly also

¹⁰⁸² See Section III.1.6 (Prohibition of advocacy of hatred and incitement to discrimination, hostility or violence) in this chapter.

suggest intention to cause physical, mental, and dignity harm.

- iv. Knowledge and/or intention (on the part of the perpetrator) of the widespread or systematic attack.

With regard to this mental element of the crime, we reiterate our analysis in the previous argument (in relation to torture as a crime against humanity).

Our conclusion on abusive policing against Muslims as a crime against humanity

In light of our analysis above, we find there is a reasonable basis to believe that police abuses targeting Muslims are of such gravity that they might be a crime against humanity with reference to Article 7(1)(k) of the Rome Statute.

C. Persecution as a crime against humanity, focusing on hate speech

Hate speech targeting Muslims in Uttar Pradesh, from 2022 to the present¹⁰⁸³ might, in our view, amount to persecution as a crime against humanity.

In our last report, we were alarmed by the extent and virulence of hate speech against the Muslim community in India. We observed hate speech from individuals holding high office, as well as religious leaders, including speech that constituted incitement to genocide.

We are troubled to note that since our last report, (i) no meaningful action has been taken against perpetrators of hate speech, including those who incited violence, and (ii) extreme hate speech by senior political and religious leaders continues unabated.

UP was a hotspot for ‘top’ and ‘intermediate’ level¹⁰⁸⁴ anti-Muslim hate speeches (based on the UN’s scale) during India’s 2024 national elections. Perpetrators included senior leaders, most notably Prime Minister Narendra Modi, who referred to India’s Muslims as ‘infiltrators’, among other pejoratives.¹⁰⁸⁵ UP Chief Minister Adityanath is reported to have made 73 such speeches during the General Election period.¹⁰⁸⁶

Publicly available 2025 data indicates further intensification. An annual report by India Hate Lab documented 1,318 in-person hate speech

events nationwide in 2025 (a 13% increase from 2024), of which Uttar Pradesh recorded 266 – the highest number for any state. Muslims were targeted in approximately 98% of recorded incidents. Of the nationwide total, 308 speeches reportedly included explicit calls for violence, including 136 calls to arms.

During the 2024 General Election campaign, Adityanath is reported to have accused Muslims of being supporters of Pakistan and a burden on India¹⁰⁸⁷, of eating beef to insult Hindus, and of seeking to establish *sharia* law¹⁰⁸⁸ in India. On multiple occasions, Adityanath appeared to celebrate his provincial government’s violent record against Muslims, reportedly claiming on one occasion, ‘We deal with them so harshly that their descendants will remember.’¹⁰⁸⁹

In 2025, the Chief Minister’s rhetoric continued and hardened. In February 2025, speaking in the Legislative Assembly, he reportedly used a religious slur and characterised Urdu as the language of ‘kathmullas’ (religious fanatics), suggesting that its promotion fosters fanaticism. In April 2025, he publicly warned Muslims against offering prayers on streets. In September and October 2025, he invoked conspiracy tropes such as ‘Ghazwa-e-Hind’, ‘love jihad’, halal certification funding terrorism, and demographic threat narratives, and publicly celebrated ‘encounter’ killings. In

¹⁰⁸³ See Section 1.1 (Continuing anti-Muslim hate speech and incitement) in Part II (Factual Findings), and Section 1.6 (Prohibition of advocacy of hatred and incitement to discrimination, hostility or violence) in Part III.1 (Violations of International Human Rights Law) in this chapter.

¹⁰⁸⁴ According to the methodology used, ‘top’ level hate speech refers to speeches by influential figures in public settings that constitute direct incitement to hostility, discrimination, or violence. Such speech is internationally prohibited under all circumstances. ‘Intermediate’ level hate speech refers to speech that may be prohibited – and are prohibited by India – to protect the rights or reputations of others, or for the protection of national security or of public order, or of public health or morals. See United Nations (n 4).

¹⁰⁸⁵ South Asia Justice Campaign, ‘UPDATE | General Elections | 16 March – 31 May, 2024 (Hate Speech Monitor)’ (n 5).

¹⁰⁸⁶ *ibid.*

¹⁰⁸⁷ HindutvaWatch [@HindutvaWatchIn], ‘Location: Amethi, Uttar Pradesh Date: May 14 “Go to Pakistan If You Can’t Be

Proud of India. Don’t Be a Burden on India,” Said Uttar Pradesh Chief Minister Yogi Adityanath. <https://t.co/QbkpzzCKzO> (n 7).

¹⁰⁸⁸ HindutvaWatch [@HindutvaWatchIn], ‘Location: Ghaziapur, UP Date: May 25 Top Themes of Yogi Adityanath’s Campaign Speech: “They Will Implement Muslims Personal Law. Women Will Have to Burqa. Women Won’t Be Able to Go School or Markets. The Want to Bring Back Triple Talaq. They Want to Implement Sharia Law.”’ <https://t.co/FKjshwIwmd> (n 8).

¹⁰⁸⁹ HindutvaWatch [@HindutvaWatchIn], ‘Location: Berhampore, West Bengal Date: April 30 “Infiltrators Are Let into West Bengal with the Aim of Changing Your Demography. If Anybody Dares to Interrupt Hindu Festivals in UP, We Deal with Them so Harshly That Their Descendants Will Remember,” Said Yogi Adityanath’ <https://t.co/NPU84o7kR3> (n 9).

December 2025, he warned alleged criminals that ‘Yamaraj (the Hindu god of death)... will be waiting for you at the next crossroads.’

Adityanath’s use of such dehumanising rhetoric with reference to Muslims has continued to be a recurring feature of his tenure as the state’s Chief Minister, and has involved the propounding of discredited, anti-Muslim conspiracy theories, portraying Muslims as engaged in large-scale plots to steal land and other economic resources from Hindu, and to entrap Hindu women for recruitment into terrorist organisations.¹⁰⁹⁰

Other non-state actors, including religious leaders highlighted by the PIIE in its previous report—those who had made direct calls for genocide at a so-called *Dharam Sansad* (Religious Conclave) event in Uttarakhand in December-January 2021¹⁰⁹¹—have also reportedly continued to make incendiary speeches targeting Muslims. For instance, Yati Narsinghanand, the head priest of a Hindu temple in Uttar Pradesh, has reportedly continued to make open calls for anti-Muslim violence on multiple occasions, as well as calls for social and economic boycotts, and derogatory remarks about Islam’s Prophet Mohammad. At least 9 of Narsinghanand’s ‘top’ level hate speeches since August 2023 were made in UP. In September 2024, Narsinghanand reportedly sparked communal tensions across UP when he addressed a public gathering, made incendiary remarks about Islam’s Prophet Mohammad, and incited people to burn effigies of the Prophet. Narsinghanand’s remarks led to widespread protests across the state by Muslims demanding his arrest. While Narsinghanand was reportedly detained subsequently for a brief period of time, two BJP State Assembly legislators are alleged to have inflamed tensions further and advocated for anti-Muslim violence: Nand Kishore Gurjar (Member of the Legislative Assembly

constituency) called for Muslim protesters to be shot dead in ‘encounters’, and Shalabh Mani Tripathi (Member of the Legislative Assembly, Deoria constituency) called for Muslim protestors to be given ‘a taste of Israel’. In late December 2025, Narsinghanand reportedly released a video urging Hindus to form ‘suicide squads’ against Muslims.

Below, we discuss why this might amount to the international crime against humanity of persecution.

Persecution as a crime against humanity under the Rome Statute

The crime of persecution is included within crimes against humanity under the Rome Statute, and is defined under Article 7(1)(h) of the Statute as follows:

For the purpose of this Statute, “crime against humanity” means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

....

(h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;

Article 7(2)(g) of the Rome Statute defines persecution as follows:

““Persecution” means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity;”

¹⁰⁹⁰ ‘Yogi Adityanath Warns against “Love Jihad,” “Land Jihad” in Maharashtra Rally, Calls for “Unity”’ Financial Express (12 November 2024) <<https://www.financialexpress.com/india-news/yogi-adityanath-warns-against-love-jihad-land-jihad-in->

[maharashtra-rally-calls-for-unity/3663202/](https://www.financialexpress.com/india-news/yogi-adityanath-warns-against-love-jihad-land-jihad-in-maharashtra-rally-calls-for-unity/3663202/)> accessed 30 January 2025.

¹⁰⁹¹ Sonja Biserko, Marzuki Darusman and Stephen Rapp (n 1) 56.

Physical elements of the crime of persecution include:

- i. Persecution, directed at,
- ii. An identifiable group or collectivity,
- iii. In connection with any other crime against humanity, or genocide, war crimes, or crime of aggression,
- iv. As part of a widespread *or* systematic attack, directed at,
- v. any civilian population

Mental elements, i.e. the state of mind of the perpetrator/s, of the crime of persecution include:

- i. Knowledge (on the part of the perpetrator) of the widespread or systematic attack
- ii. Intent to discriminate on political, racial, national, ethnic, cultural, religious, gender, or other grounds that are universally recognized as impermissible under international law.

Analysis

It is obvious from the content of the hate speech we have looked at that these are directed at Muslims, who are an “identifiable group or collectivity”. It is also uncontroversial that these instances of hate speech are directed at a civilian population. Below, we deal with the other elements of persecution as a crime against humanity.

i. Persecution

Persecutory acts must rise to a high level of seriousness. According the ILC Draft Code, “The inhumane act of persecution may take

many forms with its common characteristic being **the denial of the human rights and fundamental freedoms** to which every individual is entitled without distinction as recognized in the Charter of the United Nations (Arts. 1 and 55)¹⁰⁹² and the International Covenant on Civil and Political Rights (art. 2).¹⁰⁹³

However, persecutory acts need not result in physical harm. In *Blaskic*, the ICTY Trial Chamber stated that “persecutions may take forms **other than injury to the human person**, in particular those acts rendered serious not by their apparent cruelty, but by the discrimination they seek to instill within humankind [...]”.¹⁰⁹⁴

Hate speech, if serious enough, can constitute persecution. In *Nahimana*, one of the founders of Radio Télévision Libre des Mille Collines (RTLM), which incited hatred and violence against Tutsis during the genocide in Rwanda, was convicted of persecution. The ICTR found that hate speeches made after genocidal violence against Tutsis had already begun were, “considered as a whole and in their context”, acts of persecution in and of themselves.¹⁰⁹⁵

The ICTR Appeals Chamber had no doubt that hate speech could constitute an act of persecution, even if any single instance of hate speech might not be grave enough to constitute a crime against humanity.

...[I]t is not necessary that every individual act underlying the crime of persecution should be of a gravity corresponding to other crimes against humanity; underlying acts of persecution can be considered together. It is the cumulative effect of all the

¹⁰⁹² United Nations (1945) Charter of the United Nations, 24 October, arts. 1 and 55.

¹⁰⁹³ International Covenant on Civil and Political Rights (16 December 1966) 999 UNTS 171, art 2.

¹⁰⁹⁴ Prosecutor v. Radovan Karadžić, Case No. IT-95-5/18-T, 24 March 2016 < <https://www.legal-tools.org/doc/173e23/> > para. 499, citing Blaškić Appeal Judgement, para. 139

¹⁰⁹⁵ Ibid. (para. 988). The ICTR, in assessing that hate speech can constitute an act of persecution, disagrees with the finding of

the ICTY Trial Chamber in *Kordic* (Prosecutor v. Dario Kordic, Mario Cerkez, IT-95-14/2-T), where it found that speeches inciting hatred on political or other grounds could not constitute acts of persecution. The Appeals Chamber of the ICTR considers that the reasoning underlying that finding is inconsistent with the established case law of the Appeals Chamber, which does not require that the underlying acts of persecution are qualified as crimes in the International Tribunal Statute or under customary international law.

underlying acts of the crime of persecution which must reach a level of gravity equivalent to that for other crimes against humanity. Furthermore, the context in which these underlying acts take place is particularly important for the purpose of assessing their gravity."¹⁰⁹⁶

Bearing this guidance in mind, we are of the view that hate speech directed at Muslims in Uttar Pradesh since 2022 is of such seriousness when considered cumulatively, that it rises to the level of persecution. A large proportion of the hate speech reported since our last report in 2022 was 'top' level or 'intermediate' level hate speech on the UN's scale, where 'top' level hate speech refers to speeches by influential figures in public settings that constitute direct incitement to hostility, discrimination, or violence. Such speech is internationally prohibited under all circumstances.¹⁰⁹⁷

Our view is strengthened when we consider these hate speeches in context. Hate speech has escalated while Muslims in Uttar Pradesh have faced multiple, targeted human rights violations on a large and systematic scale. They continue to face harassment, threats, and serious violence from non-state actors, in addition to facing violations of their civil, political, economic, social, and cultural rights by the state.

ii. Hate speech targeting Muslims in Uttar Pradesh is committed as part of a widespread or systematic attack, pursuant to a state policy.

Between 15 August, 2023, and 1 June, 2024, a civil society tracking initiative documented 70 instances of 'top' level hate speeches against Muslims in Uttar Pradesh. We saw reports of virulent hate speech by Chief Minister

Adityanath, Prime Minister Narendra Modi, legislators, and powerful religious figures, made at different times and in different locations. UP Chief Minister Adityanath is reported to have made as many as 73 such speeches during the General Election period in 2024.¹⁰⁹⁸ In 2025, another civil society tracking initiative documented 266 hate speech events in Uttar Pradesh. There is little doubt that hate speech targeting Muslims in UP is widespread.

In addition, we are of the view that such speech is also systematic. Many of the worst instances of hate speech are by the Chief Minister of Uttar Pradesh, and the sentiments he has expressed have, during his tenure, been stitched into the legal framework of the state through, *inter alia*, laws that restrict inter-religious marriage, "cow-protection" laws, and "anti-conversion laws; these sentiments have been operationalised through administrative measures such as, *inter alia*, the demolition of homes in Muslim neighbourhoods on a large scale, destruction of Muslim livelihoods, and targeting of Muslim places of worship and educational institutions; these sentiments appear to encourage harsh, biased, and abusive policing. The systematic nature of hate speech can also be deduced from the lenient legal treatment of some of the most extreme perpetrators, such as Yati Narsinghanand, on the one hand, and the punitive official reaction towards civil society action against hate speech on the other. This includes, for example, sedition allegations by the police against a journalist who reported on a speech by Narsinghanand, and blanket prohibitions on public assembly imposed to prevent peaceful protest against Narsinghanand's inflammatory words.¹⁰⁹⁹

We note that persecutory hate speech as a crime against humanity is taking place in

¹⁰⁹⁶ The Prosecutor v. Ferdinand Nahimana, Jean-Bosco Barayagwiza, Hassan Ngeze (Appeal Judgment), ICTR-99-52-A, International Criminal Tribunal for Rwanda (ICTR), 28 November 2007, <<https://www.refworld.org/jurisprudence/caselaw/ictr/2007/en/91996>>, paras. 986-987.

¹⁰⁹⁷ See United Nations, 'Strategy and Plan of Action on Hate Speech: Detailed Guidance on Implementation for United Nations Field Presences' (2020)

¹⁰⁹⁸ South Asia Justice Campaign, 'UPDATE | General Elections | 16 March - 31 May, 2024 (Hate Speech Monitor)' (n 5).

¹⁰⁹⁹ 'Human Rights Organisations Condemn Criminal Complaint Lodged against Award-Winning Journalist Mohammed Zubair' (n 81).

connection with other crimes against humanity, including widespread and systematic torture and widespread and systematic inhumane acts discussed in more detail above.

- iii. Intent to discriminate on political, racial, national, ethnic, cultural, religious, gender, or other grounds that are universally recognized as impermissible under international law.

Based on the hate speeches falling within the ambit of our analysis, intent to discriminate on religious grounds is evident in the express words used by the speaker in each instance.

- iv. Knowledge (on the part of the perpetrator) of the widespread or systematic attack.

Much of the hate speech that we are considering was issued by the Chief Minister of Uttar Pradesh, the Prime Minister of India, elected legislators belonging to the BJP, and other senior officials in the Uttar Pradesh government. These individuals subscribe to majoritarian “Hindutva” ideology, and have led efforts to implement Hindu majoritarianism and foment hate against religious minorities. Hate speech serves as a tactic to consolidate their political base and legitimise majoritarianism. Repeat perpetrators such as Adityanath would, of course know of the widespread and systematic nature of this persecution. Other political representatives would have known, by virtue of their position and political affiliations, of hate speech by the Chief Minister, Prime Minister, and others.

Hindu religious leaders perpetrating hate speech would also have known, at a minimum, of the Chief Minister’s multiple, recurring inflammatory anti-Muslim speeches.

Our conclusion on hate speech in Uttar Pradesh as a crime against humanity

In light of our analysis above, we find there is a reasonable basis to believe that hate speech targeting Muslims is of such seriousness that might amount to persecution as a crime against humanity.

D. Persecution as a crime against humanity, focusing on the targeting of Muslims protesting discrimination

Violent and abusive official responses to Muslims who are publicly protesting discrimination in Uttar Pradesh have been of a severity and scale that might, in our view, amount to persecution as a crime against humanity.

In our last report, we highlighted that the violent police action in response to protests in late-2019 and early-2020 against the National Register of Citizens and Citizenship Amendment Act might amount to a crime against humanity.

Since our last report, neither the Uttar Pradesh government nor the national government have inquired into the widespread and grave police abuses against protesters at that time. On the contrary, we observed a recurring pattern of punitive and abusive retaliation against Muslims protesting discriminatory treatment. Below, we discuss why this might amount to the international crime against humanity of persecution.

We include within the ambit of our analysis the following events, which are discussed in more detail earlier in the report.¹¹⁰⁰

- **Police violence during protests against the CAA/NRC, 2019-2020:** The PIIE's previous report had highlighted a wide range of police abuses—including murder, torture, unlawful imprisonment and persecution—

against Muslim civilians across UP beginning in December 2019, against the backdrop of mass protests following 'fundamentally discriminatory'¹¹⁰¹ changes India had made to its citizenship law in the form of the Citizenship (Amendment) Act (CAA).¹¹⁰² In 2022, we had noted that the police response to the anti-CAA protests might amount to persecution as a crime against humanity. We reiterate our earlier view.

- **Arbitrary and unlawful mass detentions:** Mass arrests of Muslims were also reported across UP in June 2022¹¹⁰³ (over 400 arrested, amid protests over Islamophobic remarks by a senior BJP spokesperson) and in October 2024¹¹⁰⁴ (over 25 arrested, amid protests over Islamophobic remarks by Hindu priest Yati Narsinghanand, a repeat perpetrator of extreme hate speech). Other mass arrests of Muslims were reported from Muzaffarnagar (19 arrested for illegal assembly and blocking roads) and Kushinagar (33 arrested, including 5 minors, in connection with stone-pelting at a Hindu religious procession), both in October 2024, amid a flare-up in religious tensions and violence in the state ahead of provincial by-elections.¹¹⁰⁵

¹¹⁰⁰ See Section 1 (Life, liberty and security) in Part II (Factual Findings) of this chapter.

¹¹⁰¹ 'New Citizenship Law in India "Fundamentally Discriminatory": UN Human Rights Office' (n 35).

¹¹⁰² Sonja Biserko, Marzuki Darusman and Stephen Rapp (n 1) 51.

¹¹⁰³ PTI, 'Prophet Remarks Row Protests: 415 Arrested, 20 FIRs Registered in Uttar Pradesh' *The Hindu* (19 June 2022)

<<https://www.thehindu.com/news/national/other-states/prophet-remarks-row-protests-415-arrested-20-firs-registered-in-uttar-pradesh/article65542512.ece>> accessed 27 November 2024.

¹¹⁰⁴ 'Protests Erupt in West UP over Insensitive Remarks by Ghaziabad Seer, 13 Arrested in Saharanpur, 12 in Meerut' *The Times of India* (8 October 2024)

<<https://timesofindia.indiatimes.com/city/meerut/west-up-protests-ignite-after-ghaziabad-seers-controversial-remarks-arrests-made/articleshow/114021030.cms>> accessed 27 November 2024.

¹¹⁰⁵ Omar Rashid, 'Wave of Communal Flare-Ups Sweeps Uttar Pradesh Ahead of Bypolls' *The Wire* (23 October 2024)

<<https://thewire.in/communalism/wave-of-communal-flare-ups-sweeps-uttar-pradesh-ahead-of-bypolls>> accessed 28 November 2024.

- **The Uttar Pradesh government's response to silent protests against the Waqf (Amendment) Act in April 2025¹¹⁰⁶ in Muzaffarnagar, Lucknow, and Sitapur.** In Muzaffarnagar, Lucknow, and Sitapur, Muslims who wore black armbands during Friday or Eid prayers in late March 2025 were issued notices requiring them to furnish 'peace bonds' of up to INR 1,000,000 (around USD 12,000), under preventive powers granted to executive magistrates. Some were accused of 'instigating unrest' despite the absence of any violence or disorder. The notices, issued under provisions of the newly enacted Bharatiya Nagarik Suraksha Sanhita (BNSS), also targeted religious leaders, students, and political opponents. Despite the entirely peaceful nature of the protests, the state treated participants as threats to public tranquillity.
- **The official response to protests against surveying the Shahi Jama Masjid in November 2024 in Sambhal.** These events have been discussed in detail in the Annexure on Police Violence against Muslim Protesters in Sambhal. In response to protests outside the Shahi Jama Masjid on 24 November 2024, the police killed five Muslim men reportedly from bullet injuries above the waist. In the aftermath of violence in Sambhal, criminal charges were filed against over 2,700 people. At least a 100 people were arrested, including minors and a lawyer. This was followed by arbitrary detention of large numbers of people. Many of those arrested or detained alleged torture and cruel, inhumane, or degrading treatment. We observe in this regard the disproportionate and gratuitous use of national security laws in arrests, criminal charges, and detention of Muslims, when these harsh laws were not used against Hindus involved in violence in Sambhal or Bahraich. Alongside criminal action, the authorities demolished the homes of hundreds of Muslim families living in the area. In addition to punitive home demolition and the resulting displacement, we also note the punitive denial of basic services including water and electricity in Muslim areas by the municipal authorities.
- **Crackdown in Bareilly (September-October 2025) following protests linked to the display of 'I Love Muhammad' posters:** In Bareilly and other districts across Uttar Pradesh, authorities launched a sweeping crackdown against Muslims participating in or expressing support for the 'I Love Muhammad' campaign, a peaceful religious affirmation that began in Kanpur and spread across the state. Bareilly was among the most heavily affected districts. Police registered multiple FIRs alleging promotion of enmity and outrage of religious feelings, detained large numbers of individuals—including minors—and imposed prohibitory orders and internet shutdowns. According to a civil society fact-finding report, approximately 4,500 Muslims were detained nationwide in connection with the campaign, with over 265 arrested, including at least 89 in Bareilly alone. In early October, as part of the same crackdown, police in Bareilly shot three Muslim men in the legs in two separate incidents before detaining them. Residents reported late-night raids, mass detentions, and denial of access to FIR copies, while district authorities in Bareilly launched demolition and sealing drives targeting

¹¹⁰⁶ Omar Rashid, 'Rs 10-Lakh Bonds, Notices for Silent Protests' (n 86).

homes and businesses allegedly linked to the protests. CM Adityanath publicly warned that those responsible for violent protests would be ‘beaten like in Bareilly’ and given a ‘ticket to hell’.

Analysis

The elements of persecution as a crime against humanity are discussed in Section 2.3.C. above.

Based upon the factual reports we have seen, it is clear that the measures outlined above were directed at Muslims, who are an “identifiable group or collectivity”. It is also clear that these measures are directed at a civilian population. Below, we deal with the other elements of persecution as a crime against humanity.

i. Persecution

As discussed in the previous argument, (a) the core characteristic of acts of persecution is the denial of human rights and fundamental freedoms, and (b) underlying acts of persecution can be considered cumulatively – it is not necessary that each underlying act should be grave enough to constitute a crime against humanity. Rather, underlying acts when considered cumulatively should rise to this level of gravity. In addition, guidance from case law reminds us that underlying acts of persecution must be considered in light of larger socio-political context.

We observe multiple underlying acts of persecution that amount to denial of human rights and fundamental freedoms in relation to Muslims protesting discriminatory official measures or hate speech.

- We observe the repeated and blatant violations of the right to freedom of assembly, focused specifically on

Muslims protesting discriminatory measures or hate speech. Violations of the right to assembly took the form of disproportionate police violence, including fatal violence, directed against assembled Muslims. It also took the form of pre-emptively prohibiting peaceful protests by Muslims, which also constitutes a violation of the right to freedom of assembly, as discussed in Section III.1.4 of this report.

- We observe the large-scale arbitrary detention of Muslims participating in public assemblies. As discussed in Section III.1.2 of this report, such detention amounts to a violation of the right to liberty and security. We note here the ICTY’s observation in the *Karadžić* case, where the accused was charged with persecution through the underlying act (among others) of unlawful detention.¹¹⁰⁷ The Court affirmed that unlawful detention may constitute persecution:

“The term “imprisonment” pursuant to Article 5(e) of the Statute is understood as arbitrary imprisonment; that is the deprivation of liberty of an individual without the due process of law.¹⁶⁷⁰ The crime of imprisonment consists of the following elements: (i) an individual is deprived of his or her liberty; (ii) the deprivation of liberty is carried out arbitrarily, i.e., there is no legal basis for it; and (iii) the accused or perpetrator acted with the intent to deprive the individual arbitrarily of his or her liberty.

If there is a legal basis for the deprivation of liberty, it must apply throughout the period of

¹¹⁰⁷ Prosecutor v. Radovan Karadžić, Case No. IT-95-5/18-T, 24 March 2016 < <https://www.legal-tools.org/doc/173e23/> > para. 499, citing Blaškić Appeal Judgement.

imprisonment, for the deprivation of liberty will become arbitrary as soon as the legal basis ceases to exist.

*Unlawful detention, carried out on discriminatory grounds, and for which the general elements of persecution are fulfilled, may constitute persecution.*¹¹⁰⁸

- We observe that in several instances, people who were arrested and/or detained alleged that their right to freedom from torture, cruel, inhuman and degrading treatment was violated.
- We observe punitive demolitions in Muslim neighbourhoods in retaliation against protests by Muslims, as well as the resulting displacement and disruption of livelihoods and education. We note in this regard the observation of the Trial Chamber of the ICTY in *Kupreskic*, that “the comprehensive destruction of homes and property” amounting to “a destruction of the livelihood of a certain population” could meet the definition of persecution, and further that “this act may constitute a gross or blatant denial of fundamental human rights, and, if committed on discriminatory grounds, it may constitute persecution.”¹¹⁰⁹

This principle is reiterated in *Blaskic*, where the ICTY Trial Chamber stated that “persecutions may take forms **other than injury to the human person**, in particular those acts

rendered serious not by their apparent cruelty, but by the discrimination they seek to instill within humankind [...] persecution may thus take the form of confiscation or destruction of private dwellings or businesses, symbolic buildings or means of subsistence belonging to the Muslim population of Bosnia-Herzegovina.”¹¹¹⁰

The ICTY Appeals Chamber reiterates this in *Blaskic (Appeal Judgement)*, finding that “the destruction of property, depending on the nature and extent of the destruction, may constitute a crime of persecutions of equal gravity to other crimes listed in article 5 of the [ICTY] Statute”.¹¹¹¹

- We observe, across these various interventions by the state, serious violations of the prohibition on discrimination, which are discussed in more detail in Section III.1.10 of this report. We note here that discriminatory rights-violations that are not physically violent, such as discriminatory deployment of administrative orders to stop peaceful (indeed, even silent) protests by Muslims and discriminatory barriers to accessing remedies can constitute persecution, by virtue of “the discrimination they seek to instill within humankind [...]”.¹¹¹² We note also the shocking bias on display in police responses to disorder such as stone-pelting during the clash in Sambhal, as well as in open police

¹¹⁰⁸ Ibid. (paras. 519-521), citing Blaškić Appeal Judgement, para. 154 and Tadić Trial Judgement, paras. 714, 717.

¹¹⁰⁹ Prosecutor v. Kupreskic et al. (Trial Judgement), IT-95-16-T, International Criminal Tribunal for the former Yugoslavia (ICTY), 14 January 2000, <<https://www.refworld.org/jurisprudence/caselaw/icty/2000/en/91846>>.

¹¹¹⁰ Prosecutor v. Tihomir Blaskic (Trial Judgement), IT-95-14-T, International Criminal Tribunal for the former Yugoslavia (ICTY), 3 March 2000, <<https://www.refworld.org/jurisprudence/caselaw/icty/2000/en/19490>>, para 227.

¹¹¹¹ Prosecutor v. Tihomir Blaskic (Appeal Judgement), IT-95-14-A, International Criminal Tribunal for the former Yugoslavia (ICTY), 29 July 2004, <<https://www.refworld.org/jurisprudence/caselaw/icty/2004/en/40041>>, para 149.

¹¹¹² Prosecutor v. Tihomir Blaskic (Trial Judgement), IT-95-14-T, International Criminal Tribunal for the former Yugoslavia (ICTY), 3 March 2000, <<https://www.refworld.org/jurisprudence/caselaw/icty/2000/en/19490>>, para 227.

support for Hindu participants during this clash.

As permitted by jurisprudence, we have considered these underlying violations of human rights **cumulatively**. We have also considered these violations in **the wider context** of Uttar Pradesh, where the government has pursued a host of legislative and administrative measures targeting Muslims; policing displays significant anti-Muslim bias; senior office-holders including the Chief Minister and Prime Minister have engaged in anti-Muslim hate-speech; and non-state actors closely allied with the ruling political party attack and harass Muslims in a routine and systematic manner.

Bearing in mind the repetitive and cumulative nature of these human rights violations as well as the Uttar Pradesh context, we are of the view that these acts taken together amount to persecution.

- ii. The targeting of Muslims protesting against discrimination in Uttar Pradesh is both widespread and systematic.

Muslims protesting discrimination have faced retaliatory human rights abuse from at least 2019 onwards, across different parts of Uttar Pradesh, when protesting a range of discriminatory measures. Punitive retaliation has extended not just to those exercising the right to freedom of speech or assembly, but to Muslim communities more generally when they have faced demolition, displacement, and denial of public services. In our view, the Uttar Pradesh government's punitive targeting of anti-discrimination protestors who are Muslim is recurring and **widespread**.

In addition, we are of the view that this targeting is also **systematic**. We have noted above that the targeting recurs. The same repertoire of state interventions is observable on multiple occasions. This includes pre-emptive measures, treating even the potential for protest against a discriminatory state

measure or hate speech as grounds for prohibitory orders, which in turn serve to criminalise peaceful assembly by Muslims. It includes excessive use of force, including fatal force. When public disorder arises, violent crowd control measures have been deployed disproportionately against Muslims. This recurring repertoire across different districts, different types of protest and forms of public assembly, and different issues strongly suggests that targeting is systematic.

- iii. Intent to discriminate on political, racial, national, ethnic, cultural, religious, gender, or other grounds that are universally recognized as impermissible under international law.

Intent to discriminate on religious grounds can be inferred from the stark difference between the treatment of Muslims engaging in public protest, and the treatment of Hindus participating in processions chanting inflammatory slogans and playing Islamophobic "Hindutva-pop" music in Bahraich. It can also be inferred from the official tolerance of large public religious gatherings where Hindu religious leaders engage in virulent hate speech.

Intent may also be inferred from the Chief Minister's public warning that those responsible for protest-related unrest would be 'beaten like in Bareilly' and given a 'ticket to hell', language which directly links coercive state action with Muslim protest mobilisation.

- iv. Knowledge (on the part of the perpetrator) of the widespread or systematic attack.

The alleged persecutory acts have been committed by state actors, including the police and district administration officials. By virtue of their official positions, these actors would know about the widespread and systematic nature of the harsh official response to protests by Muslims.

Our conclusion on targeting Muslims protesting discrimination in Uttar Pradesh as a crime against humanity

E. Persecution as a crime against humanity, focusing on the targeting of Muslims in trades and occupations related to meat

Violence and discrimination of Muslims in trades and occupations related to meat (farmers / cattle traders / animal husbandry / retail meat / restaurants) have been of an intensity and scale that might, in our view, amount to persecution as a crime against humanity.

- **Killing and maiming Muslims in the name of cow protection:** We have seen reports that that cow protection laws have continued to be abused to violently target Muslims in Uttar Pradesh. In 2024 alone, police forces in Uttar Pradesh have reportedly shot and killed at least one and grievously injured at least 56 individuals accused of involvement in cow-related crimes, in apparently staged ‘encounter’ shootings. Alongside, cow protection laws are also reported to have fuelled at least eight violent attacks against Muslims by organised, non-state ‘vigilante’ groups purporting to work for the protection of cows, with at least one incident resulting in the death of a Muslim man.¹¹¹³
- **Mass arrests and detention:** We have reviewed reports indicating that disproportionately large numbers of Muslims have been detained or arrested under the cow protection law. In custody, cases reviewed by the Panel revealed accounts of Muslims being singled out for beatings, electrocution, and other degrading treatment such as the forced

In light of our analysis above, we find there is a reasonable basis to believe that official targeting of Muslims protesting discrimination and hate speech in Uttar Pradesh might amount to persecution as a crime against humanity.

chanting of Hindu religious slogans, verbal abuse invoking Islamic identity, and humiliation of Islamic identity-markers like beards and attire.¹¹¹⁴ We reviewed one case of a young Muslim man being tortured in custody after being detained on spurious cow smuggling allegations. His family, including his mother, were subsequently arrested and abused in custody.

- **Misuse of national security laws:** In addition to the cow protection law (which has been made even harsher since our last report, with amendments in 2020), the National Security Act has been used to “preventively” detain dozens of Muslims (76 in 2020 alone) without charge or trial over allegations of involvement in cow slaughter.¹¹¹⁵
- **Confiscation and demolition of property:** We have seen reports of some instances of Muslims having their property confiscated or their homes or businesses such as restaurants demolished on allegations of cattle smuggling, cattle killing, selling non-vegetarian food, and concealing one’s Muslim identity while running a restaurant.¹¹¹⁶
- **Largescale destruction of livelihoods:** The attacks on the livelihoods of Muslims engaged in trades and occupations related

¹¹¹³ See Section 1.3 (Targeting of Muslims by Hindu extremists) in Part II (Factual Findings) of this chapter.

¹¹¹⁴ See Section 1.2 (Continuing police abuses against Muslims) in Part II (Factual Findings) of this chapter.

¹¹¹⁵ Manish Sahu (n 205).

¹¹¹⁶ See Sections 3.4 and 4.4(A) in Part II of this chapter.

to meat is discussed in Section II.3.4 and II.4.4(A) of this report.

- *Crackdown on slaughter-houses and meat shops:* The PIIÉ's previous report had highlighted a crackdown initiated by the UP government in 2017 against slaughterhouses and meat shops, mostly run by Muslims. Arbitrary closures—along with the threat of violence from state and non-state actors, fuelled by the state's cow protection law—had affected the livelihoods and incomes of Muslims engaged in the meat, leather and animal husbandry sectors, and those engaged in cattle rearing, dairy production, and agricultural trade. This has continued and intensified. Muslim cattle herders, dairy farmers, and livestock traders have frequently faced harassment, violence, and extortion from self-styled 'cow protection' groups. Muslim farmers have had livestock seized on claims of smuggling and slaughter, even when their work has nothing to do with the cattle trade. The result is a systemic undermining of agricultural livelihoods that has disproportionately harmed Muslims. The crackdown on hundreds of slaughter-houses has had devastating effects on small-scale butchers, tannery workers, and daily wage labourers who are disproportionately Muslim or Dalit. This has deepened the economic marginalisation of thousands of Muslim families

and erased longstanding pathways of social mobility.¹¹¹⁷

- *Expansion of meat bans near holy Hindu areas:* In 2021, Uttar Pradesh authorities expanded previously imposed bans on meat near temples in cities considered holy by Hindus, such as Mathura and Varanasi, leading not only to the loss of livelihoods but also the forced eviction of Muslims from their homes.¹¹¹⁸
- *Imposition of fresh restrictions on Muslims engaged in food and hospitality sectors:* In July and September, 2024, authorities in UP required the mandatory display of names of eatery owners and employees, apparently to enable the easy identification and exclusion of Muslims. In December 2024, a local BJP leader in Moradabad was reported to have threatened Muslim shopkeepers for selling non-vegetarian items in an area considered primarily inhabited by Hindus.¹¹¹⁹

Analysis:

The elements of persecution as a crime against humanity are discussed in Section 2.3(C) above.

Based upon the factual reports we have seen, it is clear that the measures outlined above were directed at Muslims, who are an "identifiable group or collectivity".

It is also clear that these measures are directed at a civilian population. Below, we deal with

¹¹¹⁷ Sharik Laliwala, Sabah Gurmat and Prannv Dhawan (n 164).

¹¹¹⁸ Tarushi Aswani (n 165).

¹¹¹⁹ Kumar (n 171).

the other elements of persecution as a crime against humanity.

i. Persecution

As discussed in the previous arguments above, (a) the core characteristic of acts of persecution is the denial of human rights and fundamental freedoms, and (b) underlying acts of persecution can be considered cumulatively – it is not necessary that each underlying act should be grave enough to constitute a crime against humanity. Rather, underlying acts when considered cumulatively should rise to this level of gravity. In addition, guidance from case law reminds us that underlying acts of persecution must be considered in light of larger socio-political context.

We observe multiple underlying acts of persecution that amount to denial of human rights and fundamental freedoms in relation to Muslims protesting discriminatory official measures or hate speech.

- We observe severe violations of the right to life (so-called “encounter” killings and killing by state-affiliated vigilante groups) and the right to freedom from torture and cruel, inhuman and degrading treatment (custodial torture in connection with “cow protection” arrests and detention).
- We observe violation on a large scale of the right to liberty and security, as the result of apparently arbitrary mass arrests and detention related to cow protection. We reiterate here our reference to the ICTY’s observation in the *Karadžić* case, where the Court affirmed that discriminatory unlawful detention may constitute persecution¹¹²⁰.

- We observe blatant violations of the right to equal treatment before the law and non-discrimination, causing loss of livelihoods and housing for large numbers of Muslims, as well as exposing them to harassment and violence. We draw upon the ICTY Trial Chamber’s observation that “persecutions may take forms **other than injury to the human person**, in particular those acts rendered serious not by their apparent cruelty, but by the discrimination they seek to instill within humankind [...]”.¹¹²¹

In accordance with guidance from case law, we have considered these underlying violations of human rights **cumulatively**. We have also considered these violations in **the wider context** of Uttar Pradesh, where the government has pursued a host of legislative and administrative measures targeting Muslims; policing displays significant anti-Muslim bias; senior office-holders including the Chief Minister and Prime Minister have engaged in anti-Muslim hate-speech; and non-state actors closely allied with the ruling political party attack and harass Muslims in a routine and systematic manner.

Bearing in mind the cumulative nature of these human rights violations as well as the Uttar Pradesh context, we are of the view that these acts taken together amount to persecution.

ii. The targeting of Muslims in trades and occupations related to meat in Uttar Pradesh is both widespread and systematic.

The detailed discussion of these various human rights violations in Section III.1 (Violations of International Human Rights Law) of this chapter makes clear that they are **widespread**, in the sense that they have taken

¹¹²⁰ Prosecutor v. Radovan Karadžić, Case No. IT-95-5/18-T, 24 March 2016 < <https://www.legal-tools.org/doc/173e23/> > paras. 519-521.

¹¹²¹ Prosecutor v. Tihomir Blaskić (Trial Judgement), IT-95-14-T, International Criminal Tribunal for the former Yugoslavia

(ICTY), 3 March 2000, <<https://www.refworld.org/jurisprudence/caselaw/icty/2000/en/19490>>, para 227.

place across different districts of Uttar Pradesh, across several years since 2017, and affected large numbers of people. In particular, reports suggest that scores of people have been victims of arbitrary mass arrests and detention, and hundreds have been affected by the destruction of livelihoods.

In addition, these underlying human rights violations are also **systematic**. We have discussed in Sections 2.3(A) and 2.3(B) above our view that police brutality in the form of encounters, half-encounters, and custodial torture, cruel, inhuman and degrading treatment is systematic in nature.

Mass arrests, mass detention, and vigilante violence against Muslims working in trades associated with meat are fuelled by Uttar Pradesh's harsh cow protection law, and the state's close alliance with cow protection gangs whose members are drawn from Hindutva groups.

The concerted attacks on the livelihoods of Muslims working in trades and occupations connected to meat or dairy are rooted in the cow protection law as well as a range of legislative and administrative measures expressly designed to jeopardize economic sectors where large numbers of Muslims work, or to expose and endanger Muslim workers in sectors like agriculture and hospitality.

iii. Intent to discriminate on political, racial, national, ethnic, cultural, religious, gender, or other grounds that are universally recognized as impermissible under international law.

We can infer intent to discriminate on religious grounds in relation to many the actions above based on the fact that the official measures involved are tailored to criminalise and

exclude Muslim communities socially and economically.

In relation to mass arrests and detention, and custodial torture, we can infer discriminatory intent from the abusive Islamophobic rhetoric reported by many victims, as well as the difference in treatment meted out to Hindus committing comparable offences.

In relation to vigilante violence by "cow protection" squads, discriminatory intent is evident in their established pattern of activities, which include tracking down and violently attacking "cow smugglers". Prior to 2022, many such attacks were filmed and broadcast over social media by vigilante groups as displays of sadistic religious domination.

iv. Knowledge (on the part of the perpetrator) of the widespread or systematic attack.

The discriminatory acts discussed above involve the direct implementation of official measures (such as the mass closure of slaughter houses) or are facilitated by official measures (such as police violence, arbitrary detention, and vigilante attacks in connection with the cow protection law). As such, it is highly likely that perpetrators had knowledge of the widespread and systematic manner in which Muslims in trades and occupations associated with meat are being targeted.

Our conclusion on the targeting of Muslims working in trades and occupations associated with meat:

In light of our analysis above, we find there is a reasonable basis to believe that the targeting of Muslims working in trades and occupations associated with meat in Uttar Pradesh might amount to persecution as a crime against humanity.

IV. The Right to an Effective Remedy

International law requires States to ensure that individuals have accessible, independent, and effective avenues to seek justice in response to rights violations. Having analysed the underlying violations under international human rights law and international criminal law, this section assesses the extent to which Uttar Pradesh provides meaningful remedies for those harms. The analysis prioritises four recurring patterns of abuse documented in this report—‘encounter’ killings, mob lynchings and vigilante violence, hate speech and incitement, and punitive home demolitions—and considers whether affected individuals are able to secure justice through the State’s mechanisms for access to justice, investigation, prosecution, reparation, and oversight.

1. State of access to justice in Uttar Pradesh

Access to justice, as required under international law, requires States to ensure that individuals can initiate complaints concerning alleged violations safely, promptly, and without discrimination, and that competent authorities provide clear, accessible, and practicable procedures through which such complaints may be received, recorded, and acted upon.

Across the patterns of abuse documented in this report, Muslims in Uttar Pradesh are reported to have faced persistent and structural barriers at every stage of seeking remedy. In numerous cases involving ‘encounter’ killings, custodial torture, mob violence, and other serious violations, police have refused to register First Information Reports (FIRs) based on complaints from victims or their families. Complainants have frequently been turned away, told that no offence had occurred, or pressured to accept official versions that did not reflect their accounts. When FIRs are eventually registered, they are often subject to significant delays, or submitted only after public protest or court intervention.

Even where complaints are accepted, they are routinely recorded in ways that distort, dilute, or omit material facts. Across districts in UP, FIRs based on complaints filed by Muslim victims have excluded the identity of perpetrators—even where eyewitnesses, social media footage, or other corroborating evidence was available—and have reframed allegations of targeted violence or police misconduct using vague, generic terms such as ‘rioting’ or ‘unidentified persons.’ In several cases, including those involving police shootings and mob attacks, essential details regarding the communal nature of the violence or the role of specific actors were removed or altered, undermining the basis for any subsequent investigation.

Victims who attempt to pursue complaints often face reprisals, including the filing of fabricated counter-FIRs, threats of violence, and intimidation by police or court intermediaries. Families of those killed or injured have described being warned that they or their children would be implicated in false cases unless they withdrew or modified their complaints. Lawyers representing victims have also reported harassment, while some complainants were themselves added as accused persons in cases arising from the same incidents. These forms of retaliation significantly deter individuals from initiating or continuing legal proceedings.

Access to effective legal representation is also limited. Families frequently reported difficulty securing lawyers willing to take cases involving allegations against police or Hindu extremist groups, and state-provided legal aid was widely viewed as unwilling or unable to pursue such complaints. In the absence of adequate legal assistance, complainants struggled to navigate procedural requirements, obtain copies of FIRs, or understand the status of their cases, further impeding their ability to seek justice.

These barriers have direct implications for the five priority categories of violations identified for this section. Some families seeking accountability for alleged ‘encounter’ killings have reportedly been prevented from filing complaints naming the officers involved. In January 2026, while noting that ‘half encounters’ had become a ‘routine feature’ of policing in UP, the Allahabad High Court expressed concern over failures to register FIRs. In cases of mob lynching and vigilante violence, FIRs have often omitted the identity of known perpetrators, despite widely available evidence. Complaints relating to hate speech and incitement—particularly when involving politically influential actors or organised groups—are often not registered at all. Many victims of punitive home demolitions reported receiving no prior notice enabling them to challenge impending action and have faced obstacles in filing complaints after the fact. Individuals prosecuted under the state’s anti-conversion law have encountered substantial difficulty in seeking protection against coercion, fabrication of allegations, or police complicity, and counter-complaints by victims have largely gone unregistered.

Taken together, these patterns indicate that access to justice in Uttar Pradesh is neither timely nor available in practice for many Muslim victims, and is shaped by discrimination, intimidation, and procedural obstruction. The State’s failure to ensure safe, non-discriminatory, and effective access to complaint mechanisms falls short of the minimum procedural guarantees required under international and domestic law.

2. State of investigations into human rights violations in Uttar Pradesh

International standards require that investigations into alleged human rights violations be independent, impartial, prompt, and capable of establishing the truth. In Uttar Pradesh, investigations into serious violations frequently fail to meet these basic requirements.

In numerous cases, inquiries are alleged to be undertaken by officers from the same police stations and units as those alleged to be responsible. This lack of institutional separation undermines the independence and impartiality of the process. Many families also described investigations in which officers failed to collect available evidence, including CCTV footage, mobile recordings, or eyewitness statements, or did so selectively in ways that supported official accounts while ignoring contradictory material. In several cases, inquiries commenced only after lengthy delays and then progressed minimally, with little communication to complainants and no discernible effort to resolve inconsistencies in official narratives.

Many investigations were further weakened by the use of parallel or fabricated cases that redirected scrutiny away from the original offence. In several instances involving police shootings or mob attacks, victims or their relatives were named as accused persons in connected FIRs. This practice not only displaced the focus of the inquiry but also exposed complainants to the risk of arrest or detention. In some cases, applications to secure judicial direction for an investigation were followed by complainants being added to police records as accused, while the underlying allegations were left unexamined. These patterns indicate that investigative processes were vulnerable to manipulation, particularly where allegations concerned police misconduct or the actions of organised extremist groups.

Failures to conduct impartial, thorough investigations are especially pronounced in several of the priority categories analysed in this section. For instance, as noted by the Allahabad HC in January 2026, allegations relating to ‘encounter’ killings and maimings have often been examined by officers connected to the implicated units, and have not included essential steps such as examining ballistic evidence, assessing custodial injuries preceding the deaths, or interviewing available

witnesses. In cases of mob lynching, investigations have frequently avoided identifying perpetrators despite the existence of corroborating footage or eyewitness testimony.

Read together, these patterns indicate that investigative processes in Uttar Pradesh lack the independence, impartiality, promptness, and adequacy required under international and domestic law. Where violations involve police or politically connected actors, investigations have often served to shield alleged perpetrators rather than to establish the truth. As a consequence, victims of serious abuses have little realistic prospect of securing a good-faith, outcome-oriented investigation capable of leading to accountability.

3. State of prosecutions and the judicial process in Uttar Pradesh

International law requires that prosecutions and judicial processes in response to human rights violations be fair, independent, prompt, and non-discriminatory. States must ensure that cases concerning serious violations are brought forward in good faith; that prosecutorial decisions are not influenced by bias; and that courts remain accessible to victims through procedures that are timely and capable of delivering justice. Where the State itself or its agents are implicated, heightened vigilance is required to ensure that prosecutions advance, that victims are not disadvantaged in practice, and that judicial remedies remain effective and enforceable.

In Uttar Pradesh, prosecutions relating to serious violations display a persistent pattern of delay, inaction, and discriminatory application of laws. Cases initiated by Muslim victims or their families frequently stall for years, with repeated adjournments and minimal substantive progress. Many families report attending hearings over long periods without any movement in framing charges, examining witnesses, or advancing the trial. By contrast, counter-cases filed against Muslim victims arising from the same incidents have proceeded through the judicial system at a

regular pace, reinforcing the perception that prosecutions are pursued selectively depending on the identity of the accused and the interests of police or influential groups.

Prosecutorial initiative is also limited. Several families described public prosecutors who did not press for timely hearings or seek to challenge investigative deficiencies. This passivity was especially evident in cases involving allegations against police officers or members of Hindu extremist groups, where prosecutors were alleged to have taken no action to expedite proceedings or challenge omissions in the investigative record.

Judicial avenues intended to correct investigative failures have likewise provided little relief. Families who sought intervention from the High Court or Supreme Court often reported dismissals without substantive hearing, including in cases involving police shootings and custodial deaths. Applications seeking judicial oversight of investigations or prosecution decisions were often rejected at a preliminary stage. The absence of meaningful engagement from the higher judiciary has deepened concerns regarding the availability of effective judicial remedies for serious violations committed against Muslims in the state.

These shortcomings are further compounded by many documented instances in which the UP government has sought to withdraw criminal cases against individuals aligned with the ruling party or its affiliated groups. Such actions – some of which involved withdrawing serious charges related to communal violence or hate crimes – undermine the impartiality of the prosecutorial process and contribute to a broader climate of impunity. The latest such instance was reported in November 2025, when the UP government formally asked a local court to drop all charges against the 18 men accused of lynching Mohammad Akhlaq to death in 2015 in Dadri district, citing alleged inconsistencies in

witness statements.¹¹²² The application was filed even though the accused had been charge-sheeted for serious offences and were out on bail, and despite the family's continued contestation of the State's claims. The family has stated that it will challenge the State's application, but the episode serves as the latest reminder of a broader pattern in which politically sensitive cases fail to advance, while parallel prosecutions targeting Muslim victims continue to be pursued.

Read together, these patterns indicate that prosecutions and judicial processes in UP do not operate with the independence, promptness, or fairness required under international or domestic law.

4. State of reparation and redress in Uttar Pradesh

International law requires that victims of human rights violations have access to remedies capable of providing reparation, including compensation, restitution, rehabilitation, satisfaction, and guarantees of non-repetition. Such remedies must be adequate, effective in practice, and available without discrimination, including where State authorities are implicated in the harm.

In Uttar Pradesh, victims of serious violations, particularly Muslims, have had almost no access to meaningful reparation. There are no documented instances of families of those killed in alleged 'encounter' operations receiving compensation, restitution, rehabilitation, or administrative relief. Victims and their families instead bear the financial and practical burden of pursuing justice over extended periods and often in the face of intimidation and reprisals.

A rare exception to this lack of meaningful reparation was reported in March 2025, when the Supreme Court condemned the Uttar Pradesh government's illegal demolition of six

homes in Prayagraj in 2022, ordered it to pay ₹10 lakh (approximately USD 11,900) in compensation to each affected owner, and directed that the structures be rebuilt. However, similar demolitions and evictions have continued across the state notwithstanding that judgment, indicating that such judicially mandated reparations remain exceptional rather than systemic.

Taken together, these patterns demonstrate that Uttar Pradesh does not provide victims of serious rights violations with a consistent, accessible, or effective framework for reparation.

5. State of oversight institutions in Uttar Pradesh

States are required to establish independent bodies capable of monitoring human rights violations, reviewing the adequacy of investigations, recommending corrective action, and ensuring that victims are able to obtain justice in practice. Oversight institutions must act promptly, impartially, and with sufficient authority to influence investigative and prosecutorial outcomes. As mentioned previously, India's constitutional and statutory framework provides several such mechanisms, including the Uttar Pradesh Human Rights Commission (UPHRC), the National Human Rights Commission (NHRC), and the higher judiciary.

In Uttar Pradesh, these mechanisms appear to have played a limited role in addressing serious violations against Muslims.

- **UP Human Rights Commission:** According to available information, the UPHRC has played a virtually non-existent role in meaningfully addressing serious violations against UP's Muslims. There are no public indications of substantive interventions by the UPHRC in any of the priority categories of violations

¹¹²² Umang Poddar, 'Dadri Lynching Case: Mohammad Akhlaq's Family Says Won't Stop Fight for Justice' (BBC, 19 November 2025)

<<https://www.bbc.com/news/articles/cp3delkdjko>> accessed 24 March 2026.

identified previously. The Commission does not appear to have initiated *suo motu* inquiries into major incidents affecting Muslims in the state, nor has it exercised its authority to recommend disciplinary action or compensation.

- **National Human Rights Commission:** While there are reports that NHRC officials have visited victims and made publicised enquiries in some cases, families consistently reported that these interactions did not result in follow-up investigations, corrective action, or any form of relief. Some complainants described NHRC visits as ‘formalities’ that produced no change in the conduct of police inquiries or the treatment of victims. There is no evidence that NHRC interventions have meaningfully affected the outcome of cases involving ‘encounter’ killings, mob attacks, or punitive demolitions, despite the gravity of the allegations and the Commission’s statutory mandate.
- **Allahabad High Court (AHC):** Judicial oversight by the Allahabad High Court, which has jurisdiction over Uttar Pradesh, has shown moments of substantive intervention but remains inconsistent in its overall remedial impact.

A recent substantive intervention was reported in January 2026, when the Court observed that police shootings of accused persons in the leg during so-called ‘half-encounters’ had ‘become a routine feature’ in the state. While hearing bail applications of injured accused persons from different districts, the Court questioned whether such practices were being used to ‘teach a lesson’ rather than to effect

lawful arrest, and directed the Director General of Police and senior Home Department officials to clarify compliance with binding Supreme Court safeguards, including independent investigation and mandatory reporting requirements. The Court warned that continued non-compliance could invite contempt proceedings.

The Court has also examined continued demolitions carried out after the Supreme Court’s November 2024 safeguards. In January 2026, the Allahabad High Court stayed proposed demolitions of residential and commercial properties in Hamirpur district after notices were issued to family members of an accused person who were themselves not named in the FIR. The Court noted that it had repeatedly encountered cases in which demolition notices were issued immediately after the registration of criminal offences, despite the Supreme Court’s November 2024 directions prohibiting punitive demolitions. It posed specific questions regarding compliance with those guidelines and directed continuation of an interim stay, along with police protection for the petitioners’ life, limb, and property pending further hearing.¹¹²³

At the same time, concerns persist regarding judicial conduct and consistency. As noted previously, in 2024 a sitting judge of the AHC attended a public event organised by a Hindu extremist group and made remarks characterising Muslims in derogatory terms. In another case relating to alleged unlawful conversion, judicial observations in open court suggested that such activities were ‘rampant’ in the state

¹¹²³ ‘Allahabad High Court halts Hamirpur property demolition over criminal cases against non-accused relatives’ (Law Beat, 6 February 2026)

and that Hindus risked becoming a minority. Such statements have raised concerns regarding the appearance of neutrality in cases involving Muslim litigants.

Beyond these episodes, several victims seeking relief in cases involving police firing, demolitions, or hate-speech-related violence reported that writ petitions were dismissed at preliminary stages without substantive examination of the underlying allegations. While the High Court has, in discrete instances, directed compliance with procedural safeguards or entertained challenges to executive action, these interventions have not translated into sustained or systemic oversight of patterns of abuse affecting Muslims in Uttar Pradesh.

- **Supreme Court of India (SC):** The Supreme Court, the apex judicial body responsible for ensuring the enforcement of fundamental rights, has appeared to intervene more substantively than other oversight institutions in several of the priority categories of violations. For instance:
 - Regarding the practice of ‘encounter’ killings by State authorities, the SC has previously issued binding safeguards, most notably the 2014 *PUCL v. Maharashtra* guidelines mandating immediate FIRs, independent investigations by a unit unconnected to the incident, mandatory magisterial inquiries, preservation and forensic examination of evidence, and expeditious judicial review. It has also held in earlier rulings that proven fake encounters amount to ‘cold-blooded murder’ for which police officers may face the severest penalties.
 - The SC has also taken some cognisance of the ‘encounter’ spree in UP under CM Adityanath. In 2023, it ordered the state government to file a detailed affidavit on 183 ‘encounter’ deaths reported since 2017, including compliance with its 2014 guidelines. The State’s submission claimed full compliance and no wrongdoing on its part. As of November 2025, the SC has neither delivered a final judgement nor appointed any independent investigative mechanism. The matter remains pending.
 - Regarding rising mob violence and hate crimes, the SC made a substantial intervention in *Tehseen Poonawalla* (2018), issuing binding preventive, remedial, and punitive guidelines to address lynchings nationwide. These included, inter alia, the mandatory registration FIRs, appointment of district-level nodal officers, time-bound investigations and fast-track trials, victim compensation schemes, and disciplinary action against officials who fail to act.
 - Regarding rising hate speech and incitement, the SC in October 2022 directed authorities in Delhi, Uttar Pradesh, and Uttarakhand to take *suo motu* action in cases of hate speech even in the absence of formal complaints, and later extended these directions nationwide in April 2023.

- Regarding punitive home demolitions by State authorities, the SC in November 2024 held that they subvert judicial authority, violate natural justice, and inflict collective punishment on families. The Court further announced pan-India guidelines and issued binding safeguards requiring advance written notice, personal hearings, documented reasons, digital transparency systems, and full videographic recording of demolition operations. It also warned that any breach of these directions would attract contempt and personal liability for officials.

However, despite these substantive interventions by the SC, there is no indication that the Uttar Pradesh government has meaningfully implemented any of the Court's binding directions. Independent investigations in alleged 'encounter' cases have not materialised, FIRs and magisterial inquiries remain inconsistent or entirely absent, and there is no evidence of any disciplinary action being initiated against any of the officers involved. The Court's guidelines on mob lynchings have seen almost no meaningful operationalisation in the state, with police routinely registering ordinary murder cases or filing counter-FIRs against victims. Similarly, the Court's directions mandating *suo motu* action against hate speech have not resulted in proactive enforcement in Uttar Pradesh, particularly in cases involving widely publicised inflammatory statements by influential figures, including the Chief Minister. The SC's November 2024 safeguards on punitive demolitions have also been openly flouted, with punitive demolitions

continuing to be reported, often without the transparency mechanisms the Court expressly required.

Concerningly, the Court itself has displayed an increasing reluctance in recent years to oversee the enforcement of its own orders, even when petitioners have sought its intervention in the face of persistent non-compliance. In multiple matters—ranging from hate speech to mob lynching to targeted demolitions—the SC has declined to monitor implementation, redirected petitioners to High Courts, or refused to hear contempt petitions against State authorities. For instance, in late 2024, the Court declined to entertain a contempt plea concerning a planned hate-speech event by hate cleric Narsinghanand, known for explicit calls to violence against Muslims. During India's 2024 General Election, the SC refused to examine petitions regarding hate speeches by senior political leaders including India's Prime Minister. In February 2025, when petitioners urged enforcement of the *Tehseen Poonawalla* lynching guidelines, the SC stated that it could not 'micromanage' state compliance and asked petitioners to approach High Courts. These examples signal growing judicial disengagement at the apex level, leaving victims in Uttar Pradesh with no meaningful avenue to secure the enforcement of the Court's own binding directives.

Thus, the performance of oversight institutions relevant to Uttar Pradesh appears to fall far short of the standards required under international law. None of the mechanisms entrusted with safeguarding rights appear to be providing victims with any reliable pathway to remedy.

6. Conclusion

After considering the facts and patterns highlighted above, we are of the opinion that authorities in Uttar Pradesh have systematically failed to ensure that Muslim victims of serious violations are able to access any meaningful avenue of redress. The barriers identified across this section demonstrate that Muslims face entrenched, identity-based obstacles at every stage of the remedial process.

International standards require that remedies be accessible, impartial, timely, and capable of producing concrete outcomes. They also make clear that where domestic systems are

structurally unable or unwilling to investigate abuses, hold perpetrators accountable, or provide reparation, the State is in breach of its obligations. In Uttar Pradesh, the cumulative patterns documented in this section, including the systematic non-implementation of binding safeguards issued by the country's highest court, indicate that these requirements are not being met.

Accordingly, the Panel concludes that the remedial framework available to Muslims in Uttar Pradesh is ineffective in practice, and that individuals affected by the violations documented in this report have no realistic prospect of securing justice through domestic channels.