

THE INDIAN MUSLIM THE ARCHITECTURE OF MARGINALIZATION

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Executive Summary

India's treatment of its Muslim minority has entered a perilous new phase, evolving from isolated executive actions to a systemic, institutionalized project rooted in legal and bureaucratic mechanisms. This strategy aims to criminalize religious identity, disenfranchise communities, and suppress dissent, potentially normalizing exclusionary policies under the guise of legality, thus threatening constitutional safeguards and democratic pluralism.

A recent example of judicial impunity was the acquittal of Hindu nationalist leader Sadhvi Pragya Thakur and six others in the 2008 Malegaon mosque bombing case. This verdict, following a trial marred by allegations of a weakened prosecution, highlights the growing asymmetry in justice application that Muslim activists face aggressive prosecution under stringent anti-terror laws, while cases of violence against Muslims increasingly end in exoneration.

In Bihar, the Special Intensive Revision (SIR) of voter rolls, presented as an administrative update, is seen by civil rights organizations as a covert implementation of the National Register of Citizens (NRC). This process, particularly severe in the Muslim-majority Seemanchal region, appears designed to disenfranchise millions, especially Muslims, through onerous documentation requirements. This bureaucratic approach strategically achieves exclusionary outcomes similar to the politically contentious national NRC.

Legislation continues to advance draconian laws. For example, Uttar Pradesh's amended anticonversion law, passed in 2024, introduces penalties up to life imprisonment and allows thirdparty complaints, effectively criminalizing religious freedom and empowering vigilante groups. Proceedings in the Indian Supreme Court have highlighted the highly undemocratic aspects of this law. Meanwhile, the pushback campaign of deporting Bengali-speaking Muslims continues, with a Human Rights Watch report documenting the expulsion of over 1,500 people, many Indian citizens, and detailing abuses by security forces, elevating the issue to an international human rights crisis.

Under BJP rule, India's legal and administrative systems are being systematically co-opted to disempower and endanger its largest minority.

Main Points

- The state's campaign against Muslims has shifted into a systemic war waged through its own legal and administrative institutions.
- A two-tiered justice system grants impunity to Hindu nationalists while using anti-terror laws to criminalize Muslim faith and activism.
- Administrative tactics, like voter roll revisions in Bihar, are being used as a backdoor NRC to disenfranchise millions of Muslims.
- The forcible expulsion of Bengali-speaking Muslims, including Indian citizens, continues and is now documented as a human rights violation by International Human Rights organisations
- This assault is fueled by an ecosystem of hate, driven by engineered violence, crisis and inflammatory rhetoric from top government and political officials.



The Legal-Administrative War on Muslim Identity

Recent months witnessed a critical evolution in the state-led campaign of marginalization against India's Muslim population. While previous months were defined by overt executive actions, such as the "pushback" deportation drive, July was characterized by a more profound and systemic assault waged through the country's legal and administrative

machinery. This shift signifies a deeper institutionalization of anti-Muslim policies, moving beyond ad-hoc measures to a concerted effort to codify the subordinate status of the minority community. The arms of the state, the judiciary, the legislature, and the administrative bureaucracy, were systematically deployed not merely to harass, but to criminalize Muslim identity, disenfranchise entire communities, and legally suppress narratives of persecution. This legal-administrative war represents a fundamental challenge to the constitutional promises of equality, liberty, and justice for all citizens.

The Malegaon Acquittal

The last month concluded with a judicial decision that sent shockwaves through India's legal and civil rights communities, serving as a potent symbol of institutionalized impunity for terrorism targeting Muslims. On July 31, 2025, a special court acquitted Sadhvi Pragya Thakurⁱ, an ExMember of Parliament from the ruling Bharatiya Janata Party (BJP), with a long history of inciting violenceⁱⁱ against Muslims, along with six other accused, in the 2008 Malegaon mosque bombing case. The bombing, which involved an explosive device strapped to a motorcycle, had ripped through a Muslim neighborhood, killing six people and injuring over 100 others. The court's verdict, delivered after a tortuous 17-year legal process, was based on a purported lack of sufficient evidence, with the judge noting that judgement cannot be based on morals and public perception.

This outcome sharply contrasted with the initial findings of India's premier counter-terrorism unit, that the bombing was a meticulously planned act of terror by Abhinav Bharatⁱⁱⁱ, a Hindutva militant group inspired by the teachings of V Savarkar and N Godse, Gandhi Ji's killer. Pragya, a member of this organization, had previously publicly praised Gandhi's murderer^{iv} multiple times.

The acquittal was immediately and fiercely condemned by minority leaders and civil rights advocates. Asaduddin Owaisi, a prominent Muslim parliamentarian^v, attributed the verdict to a deliberately shoddy investigation/prosecution, asserting that the victims were targeted for their religion. The families of the victims expressed their outrage

and vowed to continue their fight for justice. Reacting to the verdict, former MLA Asif Sheikh asked^{vi}, "Aren't the lives of the people of Malegaon worth anything?"

The significance of the Malegaon acquittal extends far beyond the specifics of a single case: it exemplifies a dangerous asymmetry that has become entrenched within the Indian justice system. It creates a de facto two-tiered system of justice, where the full force of the state and its draconian anti-terror laws are deployed against Muslims accused of terrorism, while a conspicuous pattern of state failure, institutional apathy, and potential complicity emerges when the perpetrators are aligned with the ruling Hindu nationalist ideology. This stands in sharp contrast to the widespread and often arbitrary use of laws like the Unlawful Activities (Prevention) Act (UAPA) to incarcerate Muslim activists, journalists, and students for years without trial, often on flimsy evidence.

Nothing proves this more than the case of Sharjeel Imam^{vii}, a PhD scholar in modern history at JNU and an alumnus of IIT Bombay, who has been incarcerated since January 2020. His crime stems from speeches made during the anti-CAA protests, where he called for a 'chakka jam', a road blockade, of the Siliguri Corridor to pressure the government. While this was a call for nonviolent civil disobedience, the state framed it as a seditious act aimed at severing the Northeast from India.

Consequently, he was charged with sedition and, more critically, under the UAPA. It is this draconian anti-terror law, with its nearly impossible conditions for bail, that has ensured his continued pre-trial detention.

His case is a textbook example of 'process as punishment.' While individuals accused of terror bombings are acquitted, a scholar remains imprisoned for years over a political speech, a stark illustration of a justice system seemingly weaponized against those who challenge the majoritarian hegemony.





Special Intensive Revision, The Backdoor NRC

In July 2025, a seemingly routine administrative exercise in the state of Bihar laid bare a sophisticated new strategy for the political disenfranchisement of marginalized communities. The Election Commission of India (ECI) initiated a Special Intensive Revision (SIR) of the state's voter rolls ahead of assembly elections, a process that civil rights organizations immediately flagged as a grave threat to democratic rights.

Many warned^{viii} that the process was designed to disenfranchise an estimated 2.5 crore voters, with a disproportionate impact on Dalits, Other Backward Classes (OBCs), Muslims, and the

poor, communities that have historically faced barriers in accessing state services and documentation. The mechanism for this disenfranchisement lies in the stringent and often unattainable documentation requirements imposed by the SIR. Voters, including those already on the rolls, were required to furnish proof of birth and parentage, documents that are simply not available to vast swathes of the population. In a state like Bihar, data indicates that only 2.8% of the population^x possesses a birth certificate, making compliance an impossible task for millions. Furthermore, districts with high Muslim populations^x are experiencing the highest number of voter deletions. Bihar's Madhubani, East Champaran, Purnia, and Sitamarhi districts, all with significant Muslim populations, are among the 10 districts that saw the highest voter deletions.

The Bihar SIR represents a significant and strategic evolution in the state's disenfranchisement playbook. The Modi government's earlier attempt to implement a nationwide National Register of Citizens (NRC) was met with massive, country-wide protests^{xi} and international condemnation^{xii}. The SIR is a direct response to these challenges. It is a decentralized, state-by-state administrative approach that is far less visible and therefore less likely to provoke a unified national backlash, yet is equally, if not more, effective at achieving the same exclusionary goals.

Furthermore, the SIR strips away the limited legal recourse that was available even in the flawed NRC process. In Assam, individuals excluded from the list had the right to appeal to semijudicial Foreigners' Tribunals. In contrast, the Bihar SIR grants immense and unchecked power to a low-level election officer (the ARO or DEO) to straightaway mark a citizen as doubtful, effectively removing them from the democratic process with no clear and accessible path for appeal. It is a more sophisticated, insidious, and less accountable method of voter suppression, camouflaged as a routine administrative update. The choice of Bihar, a state with a large Muslim and marginalized population and upcoming elections, as the "pilot project" signals a clear intent to replicate this model in other states with significant minority populations, such as West Bengal, to systematically reshape the electorate in favor of the ruling party.

Criminalizing Faith

The legislative assault on religious freedom, a defining feature of the BJP's tenure, reached a new level of severity in July 2025 as legal challenges brought the draconian nature of Uttar Pradesh's amended anti-conversion law into sharp focus. The Supreme Court began hearing petitions challenging the Uttar Pradesh Prohibition of Unlawful Conversion of Religion (Amendment) Act^{xiii}, which had been passed by the state assembly in July 2024 and received the governor's assent on August 6, 2024. The amendments transform what was already a contentious law into one of the most punitive instruments of religious persecution in the country.

The amended law introduced penalties that are grossly disproportionate to the alleged offenses, including a minimum of 20 years and a maximum of life imprisonment for conversions deemed to involve threats, force, or the promise of marriage. This legislative move is part of a well-established pattern across BJP-ruled states, where anti-conversion laws, often justified by the baseless love jihad conspiracy theory^{xiv}, are systematically used to harass and prosecute Christian and Muslim minorities.

However, the most alarming aspects of the UP amendment lie not just in the severity of the punishment, but in the procedural changes that fundamentally alter the law's character. Two changes are particularly pernicious. First, the amendment expands the locus standi, allowing "any person" to file a First Information Report (FIR), a departure from the original act which limited this right to the aggrieved person or their close relatives. This seemingly minor change has profound implications, it legally empowers unrelated third parties, including ideologically motivated vigilante groups, to initiate criminal proceedings against individuals for their personal choices of faith and partnership. It effectively deputizes the public to police the private lives of their fellow citizens.

Second, the law introduces stringent bail conditions that are explicitly modeled on India's draconian anti-terrorism legislation, the UAPA. This requires the court to be satisfied that there are reasonable grounds to believe the accused is not guilty before granting bail, a nearimpossible standard to meet at the preliminary stage of a case. This provision ensures that an accusation is tantamount to

prolonged incarceration, regardless of the eventual outcome of the trial.

Together, these changes represent a paradigm shift in the state's approach to religious freedom. The law is no longer merely about regulating "forced" conversions; it is about criminalizing the very act of choosing or propagating a faith different from the majority. By incorporating UAPAlite bail conditions, the state is drawing a false equivalence between an act of personal conscience and an act of terrorism.



The Pushback

While July 2025 saw the expansion of anti-Muslim marginalization into the legal and administrative spheres, the direct, executive-led campaign of deportations that defined the preceding month continued with unabated intensity. The "pushback" of Bengali-speaking Muslims, many of them Indian citizens, did not cease. Instead, it was elevated from a series of alarming domestic news reports into a documented international human rights violation, thanks to a comprehensive exposé by a major global rights organization. This development brought renewed scrutiny to the Indian government's actions, confirming that the assault on citizenship rights remained a central pillar of its political project.

The report of Human Rights Watch^{xv}, provided the most conclusive evidence to date of a systematic and unlawful campaign of expulsion.

Citing data from Border Guard Bangladesh, HRW reported that Indian authorities had expelled more than 1,500 Muslim men, women, and children to Bangladesh between May 7 and June 15 alone. This figure included approximately 100 Rohingya refugees, a persecuted minority from Myanmar to whom India owes protection under international law. The report's core finding was that this was not a standard deportation process targeting undocumented foreigners. Instead, it was an arbitrary and discriminatory dragnet that had unlawfully ensnared many Indian citizens. The primary targets were impoverished Bengali-speaking Muslim workers, who were rounded up in large numbers in BJP-ruled states far from the border, including Assam, Gujarat, Maharashtra, Rajasthan, and Uttar Pradesh.

The power of the HRW report lay not just in its data but in its collection of harrowing personal testimonies that laid bare the brutality and illegality of the state's methods. The report detailed interviews with 18 affected individuals and their families. Nazimuddin Sheikh^{xvi}, a migrant worker from West Bengal who had been living in Mumbai, recounted a terrifying ordeal where police raided his home, tore up his Indian identity documents, and flew him with over 100 others to the Bangladesh border. He told HRW,

"If we spoke too much, they beat us. They hit me with sticks on my back and hands. They were beating us and telling us to say we are Bangladeshi".

Other victims reported being coerced, abused, and forced to cross the border at gunpoint, their claims to Indian citizenship summarily dismissed by security forces.

Elaine Pearson^{xvii}, HRW's Asia Director, stated, India's ruling BJP is fueling discrimination by arbitrarily expelling Bengali Muslims from the country, including Indian citizens. The Indian government is putting thousands of vulnerable people at risk in apparent pursuit of unauthorized immigrants, but their actions reflect broader discriminatory policies against Muslims^{xviii}.

The release of this report marked a crucial turning point. Previously, the Indian government could dismiss domestic media reports and victim accounts as biased or anecdotal. However, the meticulous documentation by a credible international organization like HRW transformed the "pushback" campaign from a series of contested events into a verified pattern of state-sanctioned human rights abuse.



The Ecosystem of Hate

The legal and administrative assaults on Muslim identity in recent months did not occur in a vacuum. They were enabled and amplified by a pervasive ecosystem of hate, where high-level political rhetoric, on-the-ground vigilante violence, and the complicity of state institutions converge to create a climate of constant fear and intimidation. Events in the last few months provided stark illustrations of this deadly synergy, connecting the inflammatory words of political leaders directly to physical harm against Muslims, and revealing a pattern where state actors, far from being neutral arbiters, often act as enablers or even participants in the persecution.



Anatomy of an Engineered Crisis: The Sambhal Report

A granular, micro-level analysis of how communal violence is deliberately manufactured and then exploited by the state was provided by a crucial fact-finding report released on July 1, 2025. The report, titled "Sambhal: Anatomy of an Engineered Crisis,"^{xix} by Association for Protection of Civil Rights (APCR) was accompanied by a documentary film. The investigation focused on the violence^{xx} that erupted in Sambhal, Uttar Pradesh, following a dispute over the historic Shahi Jama Masjid.

The report meticulously deconstructed the official state narrative, which had blamed the violence on unruly Muslim mobs. Instead, it detailed how a civil court order for a survey of the mosque was leveraged by a slogan-chanting mob to deliberately escalate tensions. The subsequent protests by the Muslim community were met not with standard crowd control measures, but with disproportionate and lethal force by the police, including lathi charges, tear gas, and gunfire. This police action resulted in the deaths of five Muslim men, including minors, and the arrest of over 85 individuals.

The report presented compelling evidence of state complicity at every stage of the crisis. Eyewitness accounts and video evidence contradicted the official story, revealing a pattern of excessive force, illegal night-time raids on Muslim homes, wanton destruction of private property, and brutal beatings by police. In the aftermath, the state engaged in a campaign of collective punishment. Post-mortem reports of the deceased were withheld from their families, and detainees were denied timely access to legal counsel. The internet was shut down to enforce a narrative blackout, and a campaign of administrative

harassment, including punitive demolitions, was launched against the Muslim community.

The Sambhal report provides a textbook case study of what can be termed "conflict entrepreneurship" a model frequently employed by Hindu nationalist groups and enabled by friendly state governments. It reveals a repeatable playbook for creating communal flashpoints. The formula is clear: first, identify and inflame a latent religious or historical grievance. Second, provoke a reaction from the targeted minority community. Third, respond to that reaction with overwhelming and disproportionate state force. Finally, use the manufactured crisis as a pretext for a long-term campaign of legal, administrative, and social suppression, all while blaming the victims for the violence. The events in Sambhal were not a spontaneous riot but a multi-stage, engineered crisis, demonstrating how the state apparatus can be used not to keep the peace, but to systematically persecute a segment of its own citizens.

Hate Speech in the Halls of Parliament

The violence and state complicity seen in Sambhal are fueled by a constant stream of inflammatory rhetoric from political figures, which normalizes anti-Muslim sentiment and frames policy debates in communal terms. The normalization of anti-Muslim rhetoric was not confined to public rallies or media statements, it echoed within the chambers of the Indian Parliament itself.

During the monsoon session in late July, debates surrounding national security and recent military operations provided a platform for high-level officials to make statements that reinforced communal narratives.

During a heated debate in the Rajya Sabha on July 30 concerning "Operation Sindoor" and the Pahalgam terror attack, Home Minister Amit Shah made a declaration with profound communal undertones.^{xxi} **"I proudly declare to the world, Hindus can never be terrorists,"** This statement, while ostensibly defending a community, effectively casts suspicion on others by implication, particularly in a context where Muslims are disproportionately accused of and prosecuted for terrorism. The Home Minister further defended the naming of a military operation Mahadev^{xxii}, a name for the Hindu deity Shiva, by linking it to a historical

Hindu war cry against Mughal rulers, stating, "It is also a war slogan used by Shivaji. He fought for freedom against the Mughals. This framing explicitly casts a contemporary security operation in a historical Hindu-Muslim conflict narrative. Such statements from the highest levels of government, made on the floor of Parliament, serve to legitimize and mainstream a divisive, majoritarian worldview, blurring the lines between national security and religious identity.



Conclusion:

The last few weeks marks a critical inflection point, demonstrating the synthesis of previously distinct tactics into a coherent, institutionalized state project against India's Muslim population. The key analytical insight from this period is the strategic shift from overt executive orders to a more insidious, multi-front war waged by systematically repurposing the nation's legal, administrative, and judicial infrastructure. This new paradigm operates through a sinister synergy: judicial impunity, as seen in the Malegaon acquittal, creates a permissive environment for violence, administrative tools are then weaponized for bureaucratic disenfranchisement, as with Bihar's voter revision, and the legislature codifies this subordinate status through draconian laws that equate religious freedom with terrorism.

This decentralized approach is strategically potent, replacing a singular, high-profile policy like a national NRC with a pervasive, systemic assault that is less susceptible to unified opposition. These interwoven actions are not merely discriminatory, they represent a calculated effort to reengineer the state's relationship with its largest minority. The ultimate objective is the de-facto codification of a two-tiered citizenship, moving beyond rhetorical marginalization to create a permanent, legally and administratively enforced underclass, thereby challenging the very foundation of India's constitutional order.

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Notes:

The Indian Muslim: The Architecture of Marginalization

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