

**“A Critical Review on the Nature and Manifestation of Violence against the
Hindu Minority in Bangladesh: A Legal Study”**



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Letter of Transmittal

To

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Subject: Prayer for Submission of Dissertation

Dear Sir,

The fact that I am even prepared to conduct research on "**A Critical Review on the Nature and Manifestation of Violence against the Hindu Minority in Bangladesh: A Legal Study**" is a great testament to the pressure I am under. Furthermore, I have done my best to make this research distinctive and significant at the end. Additionally, by gathering all pertinent data from many sources that will meet your expectations

Therefore, I sincerely hope and pray that you will find this study paper useful for your assessment. Lastly, I want to know if you have any insightful recommendations regarding this.

I'm always accessible if you need any additional clarity on this document.



Sincerely yours,

Mehedi Hassan Joy

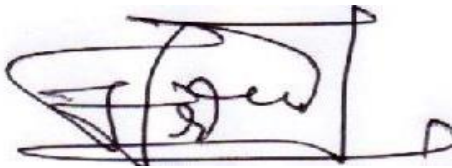
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Letter of Approval

This certifies that the work has been completed. Samia Islam Mitu, ID: 241-38-004, Department of Law, Daffodil International University, completed the actual work " **A Critical Review on the Nature and Manifestation of Violence against the Hindu Minority in Bangladesh: A Legal Study** " under my supervision as a partial fulfillment of the research project for



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Declaration

I officially certify that my thesis, "**A Critical Review on the Nature and Manifestation of Violence against the Hindu Minority in Bangladesh: A Legal Study**," partially satisfies the requirements needed to be awarded a master's degree in law from Daffodil International University's Department of Law.

I further affirm that the research described in this thesis is unique and has never before been submitted, in whole or in part, to another university for consideration for a degree, certificate, or academic distinction. No copyright is violated by the content I've shared.



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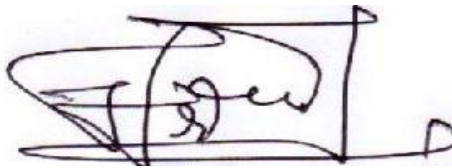
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Certification

This certifies that Samia Islam Mitu has written a thesis titled " **A Critical Review on the Nature and Manifestation of Violence against the Hindu Minority in Bangladesh: A Legal Study.**" It is ready to partially satisfy the requirements for the Master of Laws degree from the Department of Law, Daffodil International University. Under my direction, the research was conducted as part of a legitimate project that was completed successfully.



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Acknowledgment

I want to express my gratitude to the all-powerful Allah for his unfathomable grace. I would like to thank my research supervisor, Dr. Kudrat-E-Khuda Babu, Professor, Department of Law, Associate Dean, Faculty of Humanities and Social Science, Daffodil International University, for his kind assistance with every stage of this thesis work. He provided me with important knowledge and invaluable time to finish the thesis paper. I couldn't have finished the thesis paper without his appropriate direction.

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Abstract

This abstract provides an overview of the nature and manifestation of violence against the Hindu minority in Bangladesh, shedding light on the historical, socio-political, and cultural factors that contribute to this phenomenon. The paper explores the roots of violence, ranging from communal tensions to political manipulation, and delves into the various forms of violence experienced by the Hindu minority, including physical attacks, property destruction, and cultural persecution. Additionally, it analyzes the impact of such violence on the lives and livelihoods of the affected minority, as well as the broader implications for Bangladesh's social fabric and international standing. The study combines a comprehensive analysis of existing literature, case studies, and qualitative data to present a multifaceted perspective on this pressing issue. In conclusion, it underscores the urgent need for effective interventions to address violence against the Hindu minority in Bangladesh, fostering a climate of tolerance, inclusivity, and human rights for all its citizens.

Keywords: Critical Review, Nature, Manifestation, Violence, Hindu Minority, Bangladesh

Chapter one

Introduction

1.1 Introduction

The idea that religious communities cohabit peacefully is widespread in Bangladesh and has existed since ancient times. In general, the majority of people in Bangladesh are Muslims. However, the Bangladeshi constitution guarantees equal rights to all citizens, irrespective of their religious beliefs. Bangladesh is home to 169 million people. In Bangladesh, around 90% of the population is Muslim, 9.5% are Hindu, 0.6% are Buddhist, and 0.3% are Christian. Ahmadi Muslims and Shi'ites make up less than 1% of the population. The constitution of Bangladesh provides vacations for people of all religions to celebrate national holidays. There is proof that several religious holidays and rites are observed. Every member of the public participates in religious events and celebrations, such as Christmas for Christians, Durga Puja for Hindus, Buddha Purnima for Buddhists, and Eid Ul Fitr and Eid Ul Azha for Muslims.

In a nation with such a strong religious majority, it is a noteworthy accomplishment. Similar to other regions of the world, Bangladesh does not exhibit this kind of conduct regarding religious diversity. Bangladesh's common people should be commended for this accomplishment. All religions are guaranteed under the nation's constitution, which acts as a safeguard against bigotry. For all of these reasons, Bangladesh is regarded as a tolerant society. In Bangladeshi society, religious intolerance and extremism are not yet prevalent. Minority groups in Bangladesh regrettably still experience prejudice in the legal system, in society, and in the way law enforcement officials handle them.

Despite the fact that Article 12 of the 1972 constitution guarantees secularism, Article 2(A) declares that Islam is the official religion and that other faiths can coexist peacefully. However, a number of bloggers, atheists, and members of religious minority groups were killed in a string of attacks that occurred between 2015 and 2017; this is a concerning sign of what happens to anyone who has or expresses an opinion that is opposed to the government and to Islam. In Bangladesh, land grabbing, violence, and discrimination against indigenous tribes and religious minorities persist.

1.2 Importance of the Research

Investigating the reasons behind attacks on religious minorities can help promote a deeper understanding of the root causes, which is essential for addressing and preventing such incidents. It aligns with the fundamental principles of human rights and equality, as everyone should be

entitled to practice their religion without fear of persecution. Research in this area can contribute to fostering social harmony and tolerance, which is crucial for a peaceful and cohesive society. Findings from this research can inform policymakers and legislators on the need for specific measures to protect religious minorities and ensure their rights are upheld. Understanding the factors that lead to attacks on religious minorities can contribute to conflict prevention efforts, both at a local and international level. It supports the broader goal of promoting diversity and inclusion in societies, as it addresses issues related to discrimination and intolerance. It has implications for international relations, as countries often face scrutiny and diplomatic consequences for their treatment of religious minorities. This research can empower religious minority communities by shedding light on their challenges and vulnerabilities, which can lead to community-based initiatives for protection and advocacy. In summary, researching why religious minorities face attacks is crucial for promoting human rights, social cohesion, and the well-being of diverse societies. It has implications for policy, conflict prevention, and the broader goals of equality and tolerance.

1.3 Historical Background of The Research

Several different religious traditions have found a home on the Indian subcontinent, which includes Bangladesh, Pakistan, and India. It is a testing ground for religious tolerance because of its multicultural and multireligious nature. The relationship between religious traditions has become more complex as a result of the revival of local cultural and religious consciousness brought about by modernity and globalization. 19. In independent Bangladesh, religious tolerance has always been a core principle that is generally valued by people of all faiths. When the Indian subcontinent was split along religious lines in 1947, Muslim interest groups, led by the Muslim League, took advantage of the sociopolitical divisions between Hindus and Muslims in colonial India. The importance of religion as the foundation of national identity was reaffirmed by the division. Bangladesh began its journey as an independent nation with the pledge to preserve and advance secularism, despite the subcontinent's long history of religious politicization.

The 1971 independence war in Bangladesh was an expression of the people's desire for a society that valued diversity. Bangladesh, a nation that people of all religions battled for, was naturally created as a secular nation. Secularism was explicitly stated as one of the four fundamental foundations of the state in the 1972 draft of the original Constitution. The failure of the Pakistani military, which had failed to pursue an extreme religious agenda in the years leading up to 1971, was portrayed in this incarnation.

Prior to going further, it's critical to understand the Bangladeshi context of secularism. Secularism meant equal regard for all religions and the goal of a religiously peaceful nation, whereas in the West it meant complete separation of church and state. Furthermore, secularism in Bangladesh's sociopolitical contexts adopted a complex narrative to make everyone feel celebrated, in contrast

to the modern Western concept of "anti-religion." The country's founding leader, Sheikh Mujibur Rahman, stated categorically that while religious freedom would exist in Bangladesh, its political application would be restricted.

The assassination of Mujib in 1975 dealt a devastating setback to Bangladesh's progress toward secularism. Religious extremist organizations that had fallen out of favor after the liberation struggle were given a larger share of authority by the succeeding authorities. These special interests began to spread their conservative views in the political sphere. In actuality, the Bangladesh Constitution gained a religious aspect after 1975 with the introduction of the fifth amendment.

"The State shall ensure equal status and equal right in the practice of the Hindu, Buddhist, Christian, and other religions," the constitution adds. The fundamental tenet of the Bangladeshi constitution is "freedom of religion," which forbids discrimination on the basis of religion on all fronts and demands equal rights for all of its inhabitants regardless of their religious beliefs. One of the few secular countries with a majority of Muslims is Bangladesh, where "proselytizing," or conversions from one religion to another, is lawful under article 41 of the constitution and is subject to morality, public order, and the law.

In response to allegations of harsh punishments meted out to women by extralegal local tribunals, the High Court further reinforced its opposition to punishments by Islamic decree (fatwa). Muslim mobs incited sectarian violence against Hindu communities in Bangladesh during the Durga Puja celebration from October 13 to October 19, 2021, after a video went viral showing the Quran being put beneath the foot of a temple statue. Better sources are required because over 50 temples and improvised places of worship were damaged throughout Bangladesh.

To stop violence against the Hindu population, the government of Bangladesh sent paramilitary BGB soldiers to 22 of the country's 64 administrative districts. Due to the fights and attacks, police have taken at least 450 people into custody. As of October 20, 2021, at least eight people—three Hindus and five Muslims—had perished nationwide. Another Hindu man hurt in the fight passed away on October 24 while receiving medical attention in Dhaka.

1.4. Primary Question of The Research

What is the nature and manifestation of violence against Hindu minority in Bangladesh?

This problem is seen not only in Bangladesh but also around the world. If we take a look, we can almost see fire, beatings, and vandalism in religious places of worship in newspapers or on TV. After our constitution gives us religious freedom, why this brutality? If we pay attention, we will

see that where religion is the majority, it is more dominant. We all have the right to have equal rights. Then why this discrimination?

1.5. Secondary Questions of Research

1.Are there specific regions or areas within Bangladesh where violence against Hindus is more prevalent?

Violence against Hindus in Bangladesh has been reported across various regions, with no specific area consistently more prevalent.

2.What forms of violence, such as physical attacks, property damage, or cultural discrimination, are commonly experienced by the Hindu minority in Bangladesh?

Common forms of violence against the Hindu minority in Bangladesh include physical attacks, property damage, and cultural discrimination

3.How has the government of Bangladesh responded to incidents of violence against the Hindu minority, and what policies have been implemented to address this issue?

The government of Bangladesh has responded to incidents of violence against Hindus with mixed success. Policies have been implemented to address the issue, but challenges remain in effectively protecting the minority.

4.What role do religious and social tensions play in fueling violence against the Hindu minority in Bangladesh?

Religious and social tensions in Bangladesh play a significant role in fueling violence against the Hindu minority, often driven by political, economic, and historical factors, contributing to a complex and sensitive issue.

1.6. Methodology

This study uses a qualitative methodology that includes observations, analysis, and subjective evaluation. Basically, it is based on both primary and secondary sources, including pertinent international treaties, national statutes, case law, books, journal articles, Conference proceedings, newspaper stories, and web-based publications. Review existing literature on the topic to understand the historical context, legal framework, and previous research findings. Analyzing the relevant constitutional provisions (Art. 41) and It deals with freedom of religion. It's difficult for me to find out the relevant sources, but I try my best to gather information.

1.7. Limitation Of the Research

- Time constraints were the study's main issue. Enough time is needed for a qualitative goal. However, I was not given enough time to prepare for such thorough research.
- The main obstacle for completing the investigation was also a lack of the essential instruments.
- There was not much information that could be gathered on the subject, therefore information gap.
- The study is severely constrained by the dearth of data on these concerns. The government authorities favor inferior courts, and data rarely update themselves. Obtaining information on a regular basis while continuing to rely on a manual system supplying and storing.
- They have no interest in disclosing information that is required for this research activities.

1.8. Overview Of the Research

To present the findings and analyses, the study has been divided into Five chapters. The introductory and Chapter First of this study provides a blueprint of the investigation, this Chapter includes the introduction, importance of the study, Historical background, primary and secondary question, Methodology and limitation of the study. The Chapter Second covers the literature review, Definitions, of relevant concepts, Salient features, theoretical discussion of the study and this chapter also discusses the variable and there in dictators along with the operational definition of variable. In Chapter Three Legal Regime, this study is going to discuss the procedure of legal regime And Chapter Four Analysis and Findings in this chapter explains the secondary question. At last Chapter Five this study goes to the Conclusion part and explain the primary question. It has been said that the reader of this research paper will be considerate enough to absolute such mistakes of immaturity.

Chapter -II

Literature Review

2.1 Introduction

The constitution maintains the secularism ideal while designating Islam as the national religion. It guarantees equality for all religions and forbids discrimination based on religion. Separate provisions for various religious groups are found in family law, which is implemented in secular courts. Following significant anti-Hindu religious violence from October 13–24 that claimed the lives of numerous people, including Muslims and Hindus, the government denounced the attacks and gave Hindu communities more security and assistance. The constitution states that while Islam is the official religion of the Republic, the State will guarantee equal rights and status for adherents of Buddhism, Hinduism, Christianity, and other faiths. The constitution prohibits religiously based political parties and states that the state cannot give political status to any religion. It declares that religious communities or denominations have the right to create, preserve, and run their own religious institutions and guarantees the freedom to proclaim, practice, or spread any religion "subject to law, public order, and morality." According to the constitution, no one enrolled in an educational institution may be forced to learn about or take part in religious ceremonies or worship that they do not practice.

Statements or actions that are done with the "deliberate and malicious" aim to offend religious sensibilities are punishable by fines or up to two years in prison under the penal code. The courts have construed this banned intent to include insulting the Prophet Muhammad, notwithstanding the code's lack of further definition. Any newspaper, magazine, or other publication that uses language that "creates enmity and hatred among the citizens or denigrates religious beliefs" may be confiscated by the government, according to the criminal law. Online publications are subject to similar legal constraints. Although there isn't a specific legislation against blasphemy, authorities penalize people for actions deemed to be offensive to Islam under the penal code, a portion of the Information and Communication Technology Act, and the Digital Security Act. A number of online expressions are prohibited by the Information and Communication Technology Act, including "obscene material," "expressions likely to cause deterioration of law and order," and "statements hurting religious sentiments." The Digital Security Act also makes it illegal to publish or broadcast "any information that hurts religious values or sentiments," denying detainees bail and imposing a maximum 10-year prison sentence upon conviction.

2.2 Definition

Violence against the Hindu minority in Bangladesh has historical roots dating back to the partition of India in 1947 and the subsequent formation of East Pakistan (now Bangladesh). This has

included land dispossession, social discrimination, and periodic outbreaks of violence. Religious differences between the Hindu minority and the Muslim majority have sometimes fueled tension. Discrimination can manifest in various forms, including restrictions on religious practices and cultural traditions. Land disputes have often been a source of violence against Hindus. In some cases, Hindu-owned lands have been illegally occupied or taken over, leading to confrontations and violence. Political factors have played a role in communal violence against minorities. Politically motivated violence can target minority communities as a means to exert influence or gain electoral advantages. Hindus in Bangladesh have faced economic and social marginalization. This includes limited access to education, job opportunities, and government services, which can leave them vulnerable to violence. Communal clashes and mob violence have occurred in the past, often triggered by religious or cultural tensions. These incidents can lead to loss of life and property. The minority community has sometimes faced challenges in obtaining justice through the legal system. Allegations of bias in law enforcement and the judicial process have been raised. It's worth noting that various organizations, both within Bangladesh and internationally, have advocated for the protection and inclusion of the Hindu minority. The Bangladeshi government has also taken steps to address some of these issues.

2.3 Recent ideas of violence against the Hindu minority

Violence against the Hindu minority in Bangladesh is a complex and concerning issue with various historical, social, and political dimensions. Here's an overview of the nature and manifestation of this violence. Bangladesh has a significant Hindu minority, constituting about 8-10% of the population. Historical factors, including the 1947 Partition of India and the 1971 Bangladesh Liberation War, have influenced the dynamics of violence against Hindus. Land-related issues are a common trigger for violence against Hindus in Bangladesh. Some Hindus have faced land grabs, eviction from their ancestral lands, and property disputes, often with limited legal recourse. Hindus in Bangladesh have faced discrimination and violence based on their religious identity. Incidents like desecration of temples, forced conversions, and harassment of religious leaders have been reported. Political instability and polarization can exacerbate violence against minorities. Hindu minorities have been caught in the crossfire of political conflicts, with their properties and places of worship targeted. Communal tensions can flare up during religious festivals or due to rumors, leading to violence. Protecting minority rights and promoting interfaith harmony are ongoing challenges.

Some Hindu families have chosen to migrate due to the threat of violence. This has led to demographic shifts in some regions, impacting the social fabric. Advocacy groups have raised concerns about the protection of minority rights and the need for effective legal remedies. International organizations and governments have called for measures to address this issue. Civil society organizations and activists have worked to raise awareness and provide support to affected communities. Advocacy for legal reforms and greater protection of minority rights continues.

Understanding and addressing violence against the Hindu minority in Bangladesh requires a multifaceted approach that considers historical, social, and political factors. Promoting tolerance, ensuring legal protection, and addressing economic disparities are essential steps toward reducing such violence.

2.4. Methodologies

The issue of violence against the Hindu minority in Bangladesh is a complex one with various factors at play. The nature and manifestation of this violence can be summarized as follows: Nature of Violence: Physical violence, including attacks on individuals and their properties, religious persecution and discrimination, forced conversion and abduction of Hindu girls, Land grabs and property disputes, Cultural and social discrimination.

Historical factors: Some violence can be traced back to historical tensions. Historical tensions or conflicts can contribute to contemporary issues. Past events may shape perceptions, grievances, and power dynamics, influencing the treatment of Hindu minorities

Economic factors: Land disputes and economic disparities can lead to conflict. Socioeconomic disparities can be a contributing factor. If Hindu minorities face economic challenges or are marginalized in terms of opportunities, it may create tensions and animosities

Political factors: Political motivations or negligence can exacerbate the issue. Political decisions, policies, or ideologies can impact the status of minority groups. Discriminatory laws or actions by political entities may contribute to violence against Hindu minorities.

Social factors: Discriminatory attitudes and social norms can contribute. Cultural attitudes and social norms can influence how minority groups are perceived and treated. Prejudice or discrimination within society may contribute to violence against the Hindu minority.

Perpetrators can include individuals, extremist groups, and sometimes even local authorities. Political actors may exploit religious tensions for their gain. Sometimes, these acts are committed by a few extremists, not representative of the whole population. Violence against the Hindu minority can occur in various regions of Bangladesh. Specific incidents may vary in intensity and location. The primary victims are the Hindu minority population in Bangladesh. They face physical harm, displacement, and psychological trauma. Their economic and social well-being is often adversely affected. Addressing this issue requires a multifaceted approach, including legal reforms, education, and efforts to promote tolerance and understanding among different religious communities. Additionally, it's essential to involve local and international organizations to monitor and address instances of violence against the Hindu minority in Bangladesh.

2.5 Salient Features of Violence Against Hindu Minority

The nature and manifestation of violence against the Hindu minority in Bangladesh can be complex and multifaceted. Here are some salient features:

Religious Motivation: Much of the violence against the Hindu minority in Bangladesh has religious motivations. Extremist groups often target Hindus due to their religious beliefs, considering them as non-Muslims. Violence against freedom of religion can be driven by religious motives, where individuals or groups target those with different beliefs, leading to persecution or conflict based on religious differences.

Forced Conversions: Reports of forced conversions of Hindu girls and women to Islam have surfaced, raising concerns about the safety and religious freedom of the Hindu community. Perpetrators may resort to coercive measures to force individuals to abandon their faith and adopt another religion, violating the fundamental right to practice one's chosen religion freely.

Discrimination and Marginalization: Hindus in Bangladesh often face social and economic discrimination, limiting their access to education and employment opportunities. Some communities may face discrimination and marginalization due to their religious beliefs, experiencing unequal treatment in various aspects of life, such as education, employment, or social interactions.

Political Factors: Political factors can also play a role in violence against minorities. Tensions between different political groups sometimes result in violence against minority communities. Political agendas can contribute to violence against freedom of religion, as leaders may exploit religious differences to gain support or divert attention from other issues, leading to increased tensions and conflicts.

International Concern: The issue of violence against the Hindu minority has garnered international attention and concern, with human rights organizations and governments urging Bangladesh to protect the rights of its minority populations. Violations of freedom of religion often draw international attention and concern, especially when widespread or severe. This may prompt diplomatic efforts, sanctions, or other international actions to address and prevent further religious persecution.

Legal Challenges: Obtaining justice for victims of violence can be challenging, as legal processes may be slow and victims may face societal pressure not to pursue legal action. Legal frameworks and systems may pose challenges in safeguarding freedom of religion. In some cases, discriminatory laws or insufficient legal protection can contribute to an environment where religious freedom is compromised.

Interfaith Relations: There are efforts by some individuals and organizations in Bangladesh to promote interfaith dialogue and harmony, aiming to reduce tensions and violence against minority communities. Positive interfaith relations can help foster understanding and tolerance, while strained relations may contribute to violence. Promoting dialogue and cooperation between different religious communities is crucial in mitigating conflicts related to freedom of religion. It's important to note that the situation can vary from region to region and over time, and these features provide a general overview of the challenges faced by the Hindu minority in Bangladesh regarding violence and discrimination.

2.6 Conclusion

There are also reasons to assume that the violence against Hindus in Bangladesh is a component of and a result of the country's broader religious intolerance. To comprehend the phenomenon of Hindu subjection in the nation, a broader perspective of neighborhood studies is necessary, which includes the economic and political aspects of violence. Bangladesh's media landscape throughout the past 42 years, as well as the country's social and democratic circumstances. It is evident that practically all of Bangladesh's political parties are attempting to capitalize politically on the suffering of Hindus, regardless of the reason behind the violence against them. Furthermore, harsh regulations like the Vested Property Act are a helpful tool for the government to seize Hindu land holdings. The one economic resource for which there is fierce rivalry in the lack of significant economic prospects is agricultural land, and succeeding administrations have been helpful in snatching Hindu land in order to appease the powerful majority society. India, one of the most powerful nations in South Asia, ought to make an effort to persuade Bangladeshi officials to protect the country's Hindu minority. India and Hindus throughout the world must step up their efforts to protect minority rights in Bangladesh now that there is a global consensus on the matter.

Chapter Three

Legal Regime

3.1 Introduction

Bangladesh was established in 1971 with a secular and democratic philosophy since "nationalism," "socialism," "democracy," and secularism were recognized as state values in paragraph 2 of the preamble of the country's first constitution, which was ratified on November 4, 1972. According to Mohisin (2009), however, "shortly after its birth, the political history and politics of Bangladesh found themselves within the twists and turns of majoritarian politics." Article 2 Clause A of the Eighth Amendment to the Constitution, which was ratified on June 7, 1988, established Islam as the official religion of Bangladesh while allowing for the peaceful and harmonious practice of other religions.

According to numerous academics and international organizations, the minority group—which is predominately Hindu—has since experienced prejudice as well as ongoing atrocities and violence. Additionally, it has been established that one of the main causes of prejudice against minorities was the political system and political parties. The Islamization of the constitution and other ensuing developments frightened minority groups, particularly Hindus. The latter felt insecure as a result of the change from Bengali to Bangladeshi nationalism, which placed more emphasis on Islam and used the India issue in national politics. The adoption of the Eighth Amendment to the Constitution, which established Islam as the official state religion, was seen as a serious setback by minority communities. Following this, the first coordinated demonstration by the Hindu community took place.

3.2 International law pertaining to the International Covenant on Civil and Political Rights' protection of minorities' rights

Every nation in the world has minorities, which contribute to the richness of their cultures. There are both subjective and objective components to minority identity. The determining factor is assumed to be the individual's self-identification. Four areas are the subject of UN definitions, which were mainly outlined in a 1992 Declaration: national, ethnic, religious, and linguistic. As is well known, these are frequently not rigid classifications but rather possibly overlapping ones. Minorities are recognized to have equal access to all of the nine fundamental human rights accords.

The protection of their status as minorities, nondiscrimination, enjoyment of their own culture, religion, and language, effective participation in cultural, religious, social, economic, and public life, effective participation in decision-making, upholding their own associations, and maintaining

contacts and relationships across borders are all fundamental components of UN frameworks on minorities' rights.

While there are many different minority situations, they are all characterized by the fact that minorities experience various forms of discrimination that lead to their marginalization and exclusion much too frequently. We must embrace diversity through the advancement and application of international human rights standards if we are to effectively engage minorities and put an end to their exclusion.

Article 27 of the International Covenant on Civil and Political Rights provides for the preservation of minorities' rights.

Article 27 Everyone has the freedom to engage in the community's cultural life, enjoy the arts, and benefit from scientific advancements. Members of religious, ethnic, or linguistic minorities are entitled to enjoy their culture, practice their religion, and speak their native tongue.

Everyone is entitled to the protection of their material and moral interests as a result of any work of literature, art, or science that they are the creator of.

It is the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities that establishes fundamental norms and provides states with direction when implementing suitable laws and other policies to protect the rights of members of minority groups. Minorities themselves or their representatives, as well as states through their treaty law commitments, can have an impact on the processes for monitoring and implementing human rights and seek to ensure effective participation and inclusion.

All fundamental human rights treaties are based on the principles of equality and nondiscrimination, which are the cornerstones of human rights and minority legal protection. They forbid discrimination on the basis of a list of non-exhaustive criteria, including race, color, religion, language, nationality and ethnicity, or working descent, and they apply to everyone in terms of all human rights and freedoms. Numerous human rights, including the right of minorities, and minority women in particular, to effective involvement in decision-making, can be guaranteed by adherence to these two principles.

3.3 An examination of the People's Republic of Bangladesh's Constitution

Critics point out that restoring secularism and keeping Islam as the official state religion are incompatible. Thus, they say, the 15th Amendment has been a fiasco. I contend that the secular nature of the constitution has not been taken away, not even by Islam, which is now the official state religion.

Equality before the law (Article 27).

Every citizen has the right to equal protection under the law and is equal before it.

Discrimination based on religion, etc., is covered under Article 28.

(1) No citizen may be subjected to discrimination by the state based solely on their religion, race, caste, sex, or birthplace.

(2) In all areas of the state and public life, women and men shall enjoy equal rights.

(3) No citizen shall be subject to any disability, liability, limitation, or condition with regard to admission to any educational institution or place of public enjoyment or resort on the sole basis of religion, race, caste, sex, or place of birth.

(4) The State may make special provisions for women, children, or the advancement of any underprivileged group of citizens without being restricted by this article.

According to Article 27 of the Constitution of Bangladesh, every citizen is entitled to equal protection under the law and is equal before it. The Constitution's Article 28(1) states that the state cannot treat any citizen differently based solely on their religion, race, caste, sex, or place of birth. When the aforementioned clauses are taken as a whole, it is evident that an act of unfair or unequal treatment has not been considered discrimination unless it is related to a differentiation created based on a person's religion, race, caste, sex, or place of birth. To put it another way, discrimination should involve elements of unfair or unequal treatment, but not all unfair or unequal treatment is discrimination in and of itself. Furthermore, if there are no negative consequences, harmless categorizations based on religion, ethnicity, caste, sex, or place of birth might not qualify as discrimination.

The fact that the Constitution has incorporated non-discrimination and equality before law as discrete concepts in two different provisions should not be without consequences. A moment's reflection will show that the disconnect between non-discrimination and equality before law as enunciated in the Constitution of Bangladesh wields enormous potentials for the judiciary to develop jurisprudence for strengthening rule of law in the country. Given that the grounds of discrimination are few in number, the scope of article 27 i.e., equality before law appears to be far wider than that of article 28(1) and the judiciary can take advantage of this particular feature by devising suitable juridical tools to ensure fair application of the law, procedural transparency and avoidance of arbitrary discretion, etc. It provides the judiciary with wider latitude in judicial policymaking so as to ensure better protection of the law for all.

3.4. Case Laws

Bijoe Emmanuel v. State of Kerala, 1987 AIR 748

A seminal case in Indian constitutional law pertaining to freedom of religion and expression is *Bijoe Emmanuel v. State of Kerala*. The case concerns three students who, for religious reasons, refused to sing India's national anthem.

When the national anthem was played in their Kerala government school in 1985, the pupils who were enrolled in the institution held their ground. As a result, they faced disciplinary punishment, which included being expelled from the school. The students and their parents claimed that their right to freedom of religion and speech was being infringed upon and that their faith forbade them from singing the national anthem.

The main questions in this case were whether the Kerala Education Act and Rules and the Prevention of Insults to National Honor Act of 1971 permitted the children's expulsion, and whether it violated the fundamental rights of children as guaranteed by Articles 19(1) and 25 of the Indian Constitution. Based on the Kerala Education Act and two circulars that required strict adherence to the code of conduct for both instructors and students, the High Court denied the petition.

The matter ultimately made its way to India's Supreme Court. The Supreme Court ruled that the three students' expulsion from the school was an arbitrary decision that violated their fundamental right to freedom of conscience and religion. The Court noted that students' freedom of conscience and religion encompasses both the act of expressing or exercising their beliefs as well as the possession of those convictions. The Court further observed that there was no reasonable or justifiable basis for the school officials' actions. According to the Court, the Indian Constitution's Fundamental Rights to life and personal liberty include the freedom of conscience and religion. The Court determined that the school administration had not fulfilled their obligation to safeguard the children's basic rights. The Court noted that the authorities could not simply use the school rules to violate the students' fundamental rights and that they had an obligation to safeguard the students' freedom of conscience and religion. It was decided that there is no legal requirement for anyone to sing the national anthem.

3.5 Conclusion

In conclusion, the issue of violence against the Hindu minority in Bangladesh is a deeply concerning and complex matter that warrants urgent attention from both the Bangladeshi government and the international community. The documented cases of violence, discrimination, and persecution against this minority group highlight a clear violation of human rights and the principles of religious freedom and tolerance. It is imperative that Bangladesh takes proactive measures to protect the rights and safety of its Hindu minority population, ensuring their equal participation in society and access to justice. Additionally, fostering interfaith dialogue and promoting cultural understanding are essential steps toward creating a more inclusive and harmonious society in Bangladesh. The international community must continue to monitor and

support efforts to address this issue and stand firmly against all forms of religious intolerance and violence. Ultimately, a peaceful and inclusive Bangladesh is not only in the best interest of the country itself but also a testament to the global commitment to human rights and religious freedom.

Chapter Four

Analysis And Findings

4.1 Introduction

Violence against minority communities is a pressing concern in many parts of the world, and Bangladesh is no exception. The Hindu minority in Bangladesh has faced various forms of violence and discrimination over the years, raising questions about the prevalence, nature, and government response to these incidents. This inquiry delves into specific aspects of violence against the Hindu minority in Bangladesh, aiming to shed light on the regions where such violence is more prevalent, the types of violence commonly experienced, the government's response, and the role of religious and social tensions in fueling these issues.

4.2 Key Issues of the Study

- 1.Are there specific regions or areas within Bangladesh where violence against Hindus is more prevalent?
- 2.What forms of violence, such as physical attacks, property damage, or cultural discrimination, are commonly experienced by the Hindu minority in Bangladesh?
- 3.How has the government of Bangladesh responded to incidents of violence against the Hindu minority, and what policies have been implemented to address this issue?
- 4.What role do religious and social tensions play in fueling violence against the Hindu minority in Bangladesh?

4.3 Explanation of The Key Issues

- 1.Are there specific regions or areas within Bangladesh where violence against Hindus is more prevalent?

Violence against Hindus, or any religious or ethnic group, is a concerning issue and should not be generalized to specific regions or areas within Bangladesh. While there have been instances of such violence in the past, it is essential to remember that these incidents are not representative of the entire country or its population. Bangladesh is a diverse nation with a history of religious coexistence, and many efforts have been made. The Making of Minorities in Bangladesh: Legacies, Policies and Practice. In The Emergence of Bangladesh: Interdisciplinary Perspectives (pp. 109-133). Singapore: Springer Nature Singapore.

to promote harmony and protect minority rights. It's important to approach this topic with nuance and not make sweeping generalizations about specific regions.

2. What forms of violence, such as physical attacks, property damage, or cultural discrimination, are commonly experienced by the Hindu minority in Bangladesh?

Members of the Hindu minority in Bangladesh have historically faced various forms of violence and discrimination. Hindus have been subject to physical violence, including assaults, killings, and forced evictions. These attacks often occur in the context of land disputes or communal tensions. Hindu-owned properties, temples, and homes have been vandalized, looted, or destroyed. Property damage is often linked to religious or land disputes. There have been reports of Hindu girls and women being abducted and forcibly converted to Islam, which is a deeply distressing form of violence. Hindus in Bangladesh often face systemic discrimination, limiting their access to education, employment, and political representation. This includes issues such as land rights and access to government services. Hindu cultural practices and festivals are sometimes restricted or discouraged, making it challenging for the community to maintain its cultural identity. Religious intolerance and desecration of Hindu temples have been reported. This includes instances of temples being attacked or desecrated, which is a direct attack on the community's religious freedom. It's important to note that not all Hindus in Bangladesh experience these forms of violence, and there are efforts by various organizations and individuals to promote religious tolerance and protect minority rights. However, these issues have been longstanding concerns for the Hindu minority in the country.

3. How has the government of Bangladesh responded to incidents of violence against the Hindu minority, and what policies have been implemented to address this issue?

The government of Bangladesh has historically responded to incidents of violence against the Hindu minority and some of the policies that have been implemented to address this issue. Bangladesh has a legal framework that theoretically protects the rights of religious minorities, including Hindus. The Constitution of Bangladesh guarantees freedom of religion and equal rights for all citizens. However, in practice, incidents of violence and discrimination against religious minorities have occurred. The government has taken steps to address incidents of violence against minorities by deploying law enforcement agencies to maintain order and investigate such incidents. Perpetrators of violence are supposed to be brought to justice through the legal system. The government, at times, has offered support and compensation to victims of violence. This may include financial assistance and rebuilding damaged properties. Various social and cultural initiatives have been undertaken to promote harmony among different religious communities. These initiatives aim to foster tolerance and understanding. Political leaders have condemned violence against minorities and emphasized the importance of religious harmony in the country. Efforts have been made to raise awareness about the importance of religious tolerance and minority rights through educational programs and public awareness campaigns. Bangladesh has also engaged with the international community on issues related to minority rights and religious

freedom. It has sought support and cooperation in addressing these concerns. Despite these measures, incidents of violence against religious minorities have continued to be a concern in Bangladesh, and challenges remain in ensuring the full protection of minority rights.

4. What role do religious and social tensions play in fueling violence against the Hindu minority in Bangladesh?

Religious and social tensions have played a significant role in fueling violence against the Hindu minority in Bangladesh. Bangladesh's history is marked by religious conflict, especially during the 1947 partition of India. The emergence of East Pakistan (now Bangladesh) as a separate nation in 1971 further deepened religious tensions, leading to a brutal war of independence. Bangladesh was founded as a secular state, but in the years following independence, it gradually shifted towards a more Islamic identity. This shift has marginalized religious minorities, including Hindus, leading to discrimination and violence. Land is a valuable resource in Bangladesh, and disputes over land ownership often take a religious dimension. Hindu minority communities are particularly vulnerable to land grabs and displacement. Politicians sometimes exploit religious sentiments for electoral gains, leading to the persecution of minority groups, including Hindus. This can create a hostile environment for religious minorities. Hindu minorities in Bangladesh often face social discrimination and exclusion. This can manifest in limited access to education, jobs, and other opportunities, exacerbating their vulnerability. Extremist groups have targeted Hindus and other religious minorities, aiming to spread fear and establish their ideological dominance. These groups often resort to violence, including attacks on temples and individuals. Weak enforcement of laws protecting minority rights and inadequate legal recourse contribute to the vulnerability of the Hindu minority. This lack of protection can embolden perpetrators of violence. Some Hindus choose to migrate due to persecution and insecurity. While migration can provide safety, it also erodes the cultural and religious diversity of the nation. Addressing these complex issues requires a multi-faceted approach that promotes religious tolerance, strengthens legal protections, and fosters social inclusion. It is essential to acknowledge the role of both religious and social tensions in order to work towards a more harmonious and inclusive society in Bangladesh.

4.4 Conclusion

The issue of violence against the Hindu minority in Bangladesh is a multifaceted challenge that demands careful examination. Specific regions within Bangladesh have experienced a higher prevalence of violence against Hindus, often manifesting as physical attacks, property damage, and cultural discrimination. While the government of Bangladesh has taken some steps to address these issues, there is a need for comprehensive policies and stronger efforts to protect the rights and safety of the Hindu minority. Additionally, religious and social tensions continue to play a significant role in fueling this violence, emphasizing the importance of promoting tolerance, understanding, and inclusivity in the country's social fabric. Addressing these issues requires collective action from various stakeholders to ensure a more harmonious and inclusive society for all of Bangladesh's citizens.

Chapter Five

Conclusion

5.1 Introduction

The creation of Bangladesh was undoubtedly the result of the secular forces' triumph, and the minority communities saw it as the end of the terror and intercommunal strife that persisted until Pakistan's final days. However, they were unable to escape that nightmare for very long. The existence of minority Hindus in Bangladesh and their rights were seriously threatened during the post-liberation period by a number of factors, including the political leaders' and elites' persuasion of anti-secular beliefs, the inclusion of highly discriminatory provisions in constitutional amendments, state-sponsored terrorism, unhealthy state policies, the enactment and continuation of laws and orders that discriminated against minorities, abduction, torture, land grabbing, desecration of religious institutions and places, forcible eviction, violations against minority women, electoral violence, etc. And as a result, they migrated in large numbers to India and other countries. Despite having ratified all of the major international human rights treaties and conventions and being legally obligated to abide by them, Bangladesh does not adhere to them in terms of minorities. According to population figures, 89.52% of Bangladesh's population is Muslim, with the remaining 10.48% being made up of religious and ethnic minorities. The country is mostly a Muslim nation.

5.2 The Nature and Manifestation of Violence Against Hindu Minority in Bangladesh

Despite constitutional guarantees of secularism, religious and cultural differences have fueled sporadic violence over the years. Hindus in Bangladesh have faced systemic discrimination and marginalization in various aspects of life, including education, employment, and access to public services. Land disputes and property confiscation have been common issues. Incidents of religious violence, such as desecration of temples, forced conversions, and attacks during Hindu festivals, have occurred. Radical groups have targeted Hindu temples and individuals, sometimes leading to loss of life and property. Political instability in Bangladesh has occasionally resulted in violence against minorities, with Hindu communities being particularly vulnerable during times of political unrest. Socioeconomic disparities between Hindus and the Muslim majority have made the former susceptible to violence. Economic disparities can lead to jealousy and resentment, which sometimes manifest as violence. Forced migration of Hindus to India due to violence or fear of persecution has been a recurring phenomenon. This further depletes the Hindu population in Bangladesh.

The Constitution of Bangladesh guarantees freedom of religion and equal rights for all citizens. However, in practice, incidents of violence and discrimination against religious minorities have occurred. The government has taken steps to address incidents of violence against minorities by

deploying law enforcement agencies to maintain order The legal system in Bangladesh has often failed to provide adequate protection to Hindu minorities. This includes issues such as land rights and access to government services. Hindu cultural practices and festivals are sometimes restricted or discouraged, making it challenging for the community to maintain its cultural identity. Cases of violence may not be adequately investigated or prosecuted, leading to a lack of accountability. Violence against the Hindu minority in Bangladesh has drawn international attention and condemnation. Human rights organizations and foreign governments have called for greater protection and equality for minorities. Despite the challenges, there have been efforts within Bangladesh to improve the situation of its Hindu minority. Civil society groups, activists, and some political leaders have advocated for greater inclusion and protection of minority rights. In summary, violence against the Hindu minority in Bangladesh is a complex issue driven by historical, social, economic, and political factors. Addressing this problem requires concerted efforts to promote tolerance, protect minority rights, and ensure equal opportunities for all citizens, regardless of their religious background.

5.3 Conclusion

While land theft is still being carried out with the help of military and bureaucrats, and religious minorities are still at risk of targeted attacks by extremists, minority Hindus face the fear that justice and equality will never be achieved. Though they draw attention to the insecurity these communities face, the current spate of attacks against Ahmadis, Buddhists, Christians, Hindus, Shi'a Muslims, as well as atheists and secularists, does not fully capture the scope of the rights abuses committed against them on a nearly daily basis. In this sense, random or one-time actions by themselves are insufficient to bring about revolutionary change.

Minorities face a variety of obstacles, thus efforts to address them must be broad and include ongoing monitoring of violations of human rights as well as awareness-raising through seminars, education, and other outreach initiatives. The Fundamental tension is another. We ought to be aware of this issue.

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