

30 May 2024

REFORMS TO NATIONAL CLASSIFICATION SCHEME

SUBMISSIONS FROM THE AUSTRALIAN MUSLIM ADVOCACY NETWORK LTD and ALLIANCE AGAINST ISLAMOPHOBIA INCORPORATED.



1. ABOUT AMAN AND AAI

The Australian Muslim Advocacy Network Ltd (**AMAN**) works to prevent the harms of systemic racism, online hatred and Islamophobia through policy engagement and law reform.

The Alliance Against Islamophobia Incorporated (**AAI**) is dedicated to preserving social harmony and cohesion within Australian communities, particularly focusing on Australian Indian communities affected by the dissemination of dehumanising ideologies such as 'Love Jihad' and other anti-Muslim violence-inducing conspiracy theories.

2. ABOUT ANTI-MUSLIM SENTIMENT

This submission refers to successive Mapping Social Cohesion reports of the Scanlon Institute. Successive social cohesion surveys have shown that Australian Muslim communities receive, by far, the least positive views and most negative views from surveyed Australians compared to any racial or religious group.¹ Just under one in four Australians have a positive view of Muslims, and 29% hold negative views.²

The *Countering Islamophobia in the Victorian Population Issue Paper* by CRIS involved a survey of 4019 Victorians and received feedback from community and government stakeholders. Alarming, from the survey:

- (i) Just under half of the respondents would accept living near a mosque (48.4%).
- (ii) One-third (33.7%) agreed that women should not be allowed to wear the hijab in Australia; this rose to 48.9% when asked about wearing the niqab or burqa.
- (iii) Nine (9%) of respondents held blatantly supremacist and hostile views towards Muslims.

Additionally, increasing terrorism concern has a proven capacity to eliminate gains made through community relationship-building, anti-racism education and religious knowledge.³

¹ Australian Cohesion Index 2023.

² Ibid.

³ Matteo Vergani, Fethi Mansouri, Liliana Orellana (2022) Terrorism concern and persistence of negative attitudes towards Islam and Muslims. *Community and Applied Social Psychology*. Volume 32, Issue 6

3. OVERVIEW OF SUBMISSION

This submission notes and welcomes the reforms arising from the first stage of the Government's two-stage reform process.

This submission highlights ongoing issues with dehumanising material in mainstream publications, films, and computer games and the need for a coherent communications legislation framework.

AAI's leading advocacy with cinemas and use of classification review processes has confirmed that there is a harmful gap in the classification framework: it does not consider discrimination and vilification as a consideration in classifying materials.

Cinemas have expressed to the AAI the need for any gap to be addressed by the Australian Government rather than exposing the cinema industry to potential vilification complaints.

Our concern is that this gap fails to address the promotion of racist and dehumanising ideologies through films, leading to widespread hate speech and acts of discrimination, hostility and violence against specific communities.

In particular, we note the rise in Islamophobic material making its way into the mainstream media through cultural and political avenues, including Hindutva-endorsed films.

Currently, the only remedy for addressing such films is for complaints to be brought against cinemas using anti-vilification laws, burdening the affected protected group and only providing protection after the harm has occurred.

This submission emphasises that 'maintaining social cohesion' is not an acceptable goal to include in classification law due to its unclear parameters and criteria. The appropriate objective should be to maintain all human rights, including freedom of expression, the right to non-discrimination and the security of person.

Our proposed remedy to address these issues includes clarifying that preventing unlawful vilification should be a distinct consideration in classifying films under the Classifications Act.

Recognising the difficulty in defining hate speech and racism for administrators and regulators, the Australian Muslim Advocacy Network (AMAN) has developed working definitions of 'dehumanising material'. We refer to AMAN's working definition of dehumanising material at **ANNEXURE A**.

4. RECOMMENDATIONS

4.1 We propose that the National Classification Scheme (NCS) be expanded to actors who serially or systematically publish materials from a website or organisation that, over time, creates aggregate harm by dehumanising an outgroup to an ingroup audience.

4.2 We propose that the NCS adopt in its legislation the definition of dehumanising material outlined in our Overview above.

4.3 We propose that the NCS introduce civil penalties for bad-faith actors who repeatedly or continually publish material in accordance with Paragraph 3.1 above.

4.4 We propose alignment of the NCS with the regulation of material published in mass media via the online sphere by bad-faith actors attempting to circumvent the Scheme and its relevant offence provisions.

4.5 We propose that preventing vilification should be a distinct consideration in classifying films under the Classifications Act. This means:

- (a) A film that uncritically propagates dehumanising ideologies already alive online, such as great replacement theory, racial supremacy or exclusionary racist nationalism, should be considered as enlivening unlawful vilification concern.
- (b) Criticisms of governments, nation-states, and militaries will never constitute unlawful vilification.

4.6 We propose to treat vilification as a public health harm, regardless of the targeted community size, in line with the Australian Government's commitment to anti-racism. As such, the Classification (Waiver of Fees) Guidelines 2014 should be amended to reflect the broader interpretation of public interest, which encompasses the prevention of harm to public health, to make it easier for community groups to seek review on legitimate grounds.

5. INTRODUCTION

5.1 We note a disturbing rise in Islamophobic content percolating into Australia's mainstream media, primarily through extreme right-wing or otherwise anti-Islamic movements such as supporters of India's Hindutva regimes who have published a normal of films both within India as well as to international audiences including Australia⁴⁵.

5.2 In 2020, we studied five actors producing significant amounts of pseudo-news content that triggered explicitly dehumanising and violent responses by users on Facebook and X (formerly known as Twitter). The findings of that research were published in a peer-reviewed journal in September 2021.⁶

5.3 Given that these actors operate primarily online, they are able to communicate their divisive views to a mass audience beyond the scope of the NCS.

5.4 Similarly, mainstream networks such as Sky News have continually utilised online spaces to publish their content which would ordinarily be captured by the NCS. In this manner, these actors have created a vacuum for the NCS wherein mass-market media outlets can publish content to the same TV and film audiences, only using online platforms that circumvent the NCS. This underlines the need for coherence between all communications legislation to prohibit serial or systematic dehumanisation of groups based on protected characteristics.

6. RELEVANT LAW

6.1 Classification of publications under the Classification Act

- (a) Section 9, subject to section 9A, provides that publications are to be classified in accordance with the National Classification Code (the Code) and the classification guidelines. Section 9A states that a publication that advocates the doing of a terrorist act must be classified RC.
- (b) Section 11 of the Classification Act requires that the matters to be taken into account in making a decision on the classification of a publication include the following:

⁴ Roshan Muhammad Salih, "The Kerala Story: The Hindutva anti-Muslim hate film screening in a cinema near you", *5Pillars UK*, 22 May 2023.

⁵ Wajiha Mehdi, "'The Kerala Story': How an Indian film ignited violence against Muslims and challenges to interfaith marriage", *The Conversation*, 28 July 2023.

⁶ Abdalla M, Ally M, Jabri-Markwell R. Dehumanisation of 'Outgroups' on Facebook and Twitter: towards a framework for assessing online hate organisations and actors. *SN Soc Sci.* 2021;1(9):238. doi: 10.1007/s43545-021-00240-4. Epub 2021 Sep 22. PMID: 34693340; PMCID: PMC8455158.

- (i) standards of morality, decency and propriety generally accepted by reasonable adults, and
- (ii) literary, artistic or educational merit (if any) of the publication, and
- (iii) general character of the publication, including whether it is of a medical, legal or scientific character, and
- (iv) persons or class of persons to or amongst whom it is published or is intended or likely to be published.

6.2 The National Classification Code

- (a) Relevantly, the Publications Table of the National Classification Code (the Code) provides that:

Publications (except RC publications, Category 2 restricted publications, and Category 1 restricted publications) are to be classified Unrestricted, and the Code also sets out various principles to which classification decisions should give effect, as far as possible:

- adults should be able to read, hear, see and play what they want
- minors should be protected from material likely to harm or disturb them
- everyone should be protected from exposure to unsolicited material that they find offensive
- the need to take account of community concerns about depictions that condone or incite violence, particularly sexual violence and the portrayal of persons in a demeaning manner.

6.3 The Guidelines

- (a) Three essential principles underlie the use of the Guidelines for the Classification of Publications 2005 (the Guidelines), determined under section 12 of the Classification Act:
 - (i) importance of context
 - (ii) assessment of impact, and
 - (iii) the six classifiable elements—themes, violence, sex, language, drug use and nudity.

7. CONCERNS WITH THE CLASSIFICATION FRAMEWORK

- (a) There is a lack of clarity and certainty about which legal framework protects against vilification.

- (b) The current Classifications regime does not appear to include specific reference to considerations of discrimination (such as s9(1A) of the Race Discrimination Act), offensive hate material (s18C of the RDA), or vilification (as per state and territory legislation).
- (c) AAI has made vilification complaints to various cinemas that exhibited the film under the Victorian Racial and Religious Tolerance Act (which includes authorising and assisting), who claim that the original decision of the Classification Board protects them.
- (d) Discrimination is an issue considered by classification boards in other jurisdictions. A review of the classification regime by Neville Stevens, released by the Albanese Government in March 2023, found the Government should consider including discrimination and racial vilification as distinct considerations when classifying materials. He pointed to classification regulations in the Netherlands, UK, Singapore and New Zealand that do consider these harms.
- (e) We submit that clear and universal parameters of what constitutes dehumanising material should be used. AAI supports the Review Board using the definition of 'dehumanising material' as reflected in published reports.⁷
- (f) A film that viscerally propagates through graphic and sexual violence that a group lacks, pollutes or threatens humanity because of their race, religion, or other protected characteristic is dangerous. By denying or diminishing their humanity, we reduce the moral significance of their future deaths or the duties owed to them by potential perpetrators.⁸
- (g) The harm referred to in our submissions should not be seen as harm to only the Australian Indian community or Australian Muslim community.
- (h) Hatred against any group based on race or religion harms the entire nation by undermining our values (respect for the freedom and dignity of an individual, freedom of religion, freedom of speech) and tearing at social cohesion.
- (i) We appreciate the fundamental importance of freedom of expression, particularly in the arts.
- (j) Our submissions do not discount freedom of expression but seek to maximise all human rights and fundamental freedoms, including freedom of expression and safety for marginalised peoples.

⁷ Purpose (2023), Online Hate Speech in Australia: Part 2. Appendix A, p50
<https://www.purpose.com/wp-content/uploads/2023/09/Online-Hate-Speech-in-Australia_Part_2_2023_Purpose.pdf>

⁸ Leader Maynard, Jonathan and Benesch, Susan (2016) "Dangerous Speech and Dangerous Ideology: An Integrated Model for Monitoring and Prevention," *Genocide Studies and Prevention: An International Journal*: Vol. 9: Iss. 3: 70-95, 80.

- (k) We submit there must be some protections for the community where a film engages in dehumanisation; thereby inciting or authorising hatred against a group based on their race or religion.

8. IMPACTS OF DEHUMANISING FILM

8.1 Online Sample Evidence

- (a) **ANNEXURE B** includes examples of the impact of the exhibition of “The Kerala Story”, demonstrating how (non-Muslim) Indian audiences accept this film as factual and a compelling cause to action to reject secularism and expunge Islam and the Muslim community.

8.2 Academic research

- (a) **ANNEXURE C** to this submission is Professor Mohan Dutta’s report, “The Dehumanizing Effect of the Kerala Story on Indian Muslims in the Diaspora.” It documents the accounts of threats and risks experienced by Indian Muslims in Australia connected to the film. It concludes that the film was “part of a broader hate infrastructure that dehumanizes Muslims, increases their sense of isolation, generates gendered threats of violence, and increases exposure to Hindutva discourse.”

9. AAI SUBMISSIONS IN RELATION TO THE KERALA STORY

9.1 In its application for classification review of The Kerala Story, AAI made the following submissions, which illustrate how film operates as a part of a broader hate infrastructure.

9.2 Submissions in relation to Section 11 of the Classification Act

- (a) The film does not have educational merit in that it does not intend to accurately represent or portray any historical or current event or social issue.
- (b) The film’s promoters will argue that it has educational merit in highlighting the dangers of radicalisation by highlighting the dangers of Islam. Whereas in fact, greater religiosity and religious literacy are protective factors from violent extremism.⁹
- (i) The intention of the film was to

⁹ Beller J and Kröger C (2018) Religiosity, religious fundamentalism, and perceived threat as predictors of Muslim support for extremist violence. *Psychology of Religion and Spirituality*10(4): 345, 345;

Aly A and Striegheer J (2012) Examining the role of religion in radicalization to violent Islamist extremism. *Studies in Conflict & Terrorism* 35(12): 849–862, 859;

Patel F (2011) Rethinking radicalization. Research Report. Brennan Center for Justice.

(A) Use terrorism concerns as a touchstone to spread mistruths about the Muslim community and Islam;

(B) Dehumanise and demonise Muslims;

(C) Disrupt social harmony between religious communities;

(D) Exert foreign influence over Australian Indian diaspora audiences to support the Modi Government's agenda for India to become a Hindu nation.

(E) Provoke and mobilise Hindu audiences.

(ii) During the promotion of the film, the filmmakers falsely claimed the film was inspired by true events when close to 32,000 Non-Muslim Indian girls from Kerala were brainwashed, converted, impregnated, sent to terror camps, raped, and ended up as sex slaves in ISIS camps in Syria and Afghanistan.

(iii) Through a series of triggering and viscerally violent scenes, the film expresses that violence and deception are a natural part of Islam and being Muslim. The film only includes evidence to this effect.

(iv) The film does not include material on the political motivations of ISIS or distinguish between ISIS ideology and Islam.

(v) The film is inaccurate in that research shows that greater religiosity and religious knowledge of Islam are inversely related to involvement in violent extremism.

(c) Dehumanising ideas about a group based on race, religion or other protected characteristics, which portray that group as being an inhuman or subhuman existential threat, violates the standards of morality, decency and propriety generally accepted by reasonable adults.

(d) In particular, the film viscerally portrays Muslims

(i) To be polluting, despoiling, or debilitating¹⁰ the Hindu community and Indian nation.

(ii) To have a diminished capacity for human warmth and feeling or to make up their own mind, reason, or form their own individual thoughts¹¹;

(iii) To homogeneously pose a powerful threat or menace to Hindus, Hindu society and Indian society, posing overtly or deceptively;

(iv) To be inherently criminal, dangerous, violent or evil by nature;¹²

¹⁰ Leader Maynard, Jonathan and Benesch, Susan (n 8).

¹¹ Haslam, Nick. (2006). Dehumanization: An Integrative Review. *Personality and social psychology review* : an official journal of the Society for Personality and Social Psychology, Inc. 10. 252-64. 10.1207/s15327957pspr1003_4.

¹² Supreme Court of Canada in *Saskatchewan (Human Rights Commission) v. Whatcott* 2013 SCC 11, [2013] 1 S.C.R. 467.

(v) To prey upon their children, the aged, and the vulnerable;¹³

(vi) to be inherently primitive, coarse, savage¹⁴, and

(vii) as a group who must be excised or exiled from the community or nation.

- (e) The film was published for predominantly Australian Hindu audiences, who are currently targeted by ethno-nationalist and anti-Muslim material due to political conditions in India.

9.3 Submissions in relation to the National Classification Code

- (a) Depictions in the film of graphic and barbaric violence and sexual violence have the effect of inciting violence against Muslims by portraying them as subhuman and inhuman existential threats to an audience likely to be strongly incited.
- (b) Depictions of Muslims in the film also portray Muslims in general in a demeaning manner by attaching violence and deception to their inherent identity of being Muslim and following the Qur'an.

9.4 Guidelines for the Classification of Publications 2005

Context

- (a) Political and official speakers have lent authority to the themes (**below**) of the film, increasing the film's authority and intensifying the impact¹⁵:
- (i) Prime Minister Modi has referred to this film to make an argument about the threat of Love Jihad
- (ii) His Bharatiya Janata Party ('**BJP**') has pushed this film within India through tax exemptions despite the film being highly divisive and stirring significant anti-Muslim hatred in India.
- (iii) Love Jihad is a conspiracy theory in India.
- (iv) Love Jihad is a highly dangerous rhetoric in India that has become a justification for the murder and assault of Muslim men for their marriage to Hindu women by individuals and groups who believe they are policing their national interests.
- (v) Love Jihad advances Hindutva ethno-nationalism propagated by the governing BJP, which wants to see a Hindu-only nation.

¹³ Ibid.

¹⁴ Haslam (n11) 258.

¹⁵ Maynard and Benesch speak to the authority of the speaker in dangerous speech.

(vi) Love Jihad and ethno-nationalist rhetoric have spread beyond India and are being localised into the existing ethnonationalist vocabulary.

(vii) Australia provides ripe conditions given its own prevalent anti-Muslim sentiment.

(viii) In Australia, ASIO and various Ministers repeatedly use the term ‘religiously motivated terrorism’, lending authority to the film’s theme that the Quran motivates terrorism, as opposed to a violent ideology that is religiously packaged.¹⁶

Impact

- (b) The dehumanisation of any group based on protected characteristics inevitably leads to that group being targeted by discrimination, hatred and violence.
- (c) It is dangerous to continue spreading misinformation to diaspora audiences, where NGO Genocide Watch has warned that propaganda contributes to the early genocidal stages of Indian Muslims.¹⁷
- (d) This film has had a demonstrable impact in increasing vilification and hostility towards Muslims on the basis of their religion, causing distress and humiliation.
- (e) Australian Muslims are a highly socially marginalised and vulnerable group.
- (f) We are concerned that the film has substantial human rights impacts. In particular, the film
 - (i) incites hatred, severe ridicule and serious contempt (vilification) against Muslims;
 - (ii) authorises, assists and encourages the vilification of Muslims within the Indian diaspora community;
 - (iii) Fundamentally impairs the human rights and fundamental freedoms of Australian Indian audiences of Muslim origin, specifically their right to

(A) Non-discrimination

(B) Freedom of expression

(C) Freedom of religion

Themes

- (g) The film contains the following themes:
 - (i) Islam demands brutal, sexual and violent subjugation of non-Muslims.

¹⁶ Hardy K (2011) Hijacking public discourse: religious motive in the Australian definition of a terrorist act. *University of New South Wales Law Journal* 17(1): 333-350; Jabri Markwell, R. (2023) “Religion as a Motive – Does Australian Terrorism Law Serve Justice?”, *International Journal for Crime, Justice and Social Democracy*. doi: 10.5204/ijcjsd.2686.

¹⁷ <https://www.genocidewatch.com/single-post/genocide-watch-expert-warns-of-genocide-of-muslims-in-india>

(A) The film conveys that Muslims believe Islam is the only religion that deserves to exist.

(B) A cleric, impatient with how slowly the victims are being turned, advises his followers to “bring them close, drug them, have sex with them, and if possible make them pregnant”. His advice is followed and shown in sickening detail.

(ii) Muslims lack qualities intrinsic to being human and act mechanically to enact violence and deception by virtue of being Muslim

(A) In *The Kerala Story*, every single Muslim with a speaking part is irrevocably and inhumanly emotionless, with access to copious amounts of cash, and willing to go to any lengths to manipulate and destroy the lives of their chosen targets. They seem to have no family or friends who could possibly think differently from them or rein in their excesses.

(B) Muslims kill, rape, maim and murder not only Hindus with gleeful abandon but also fellow Muslims. Not a shred of remorse or doubt is granted to them, even in the worst circumstances.

(C) A woman spits on her dying father for not sharing her Muslim faith.

(D) The British Classification Board found, “The film presents a partial and unbalanced view of Islam which focuses on radical Islamist characters and motivations to the exclusion of more moderate and mainstream forms of the faith.”¹⁸

(iii) Muslims are an existential threat to Hindu Indian culture and Hindu communities

(A) In *The Kerala Story*, Nimah Matthews (played by Yogita Bihani) goes to the police and starts narrating unsubstantiated facts about thousands of girls (32,000 to be exact) from Kerala who have been brainwashed and kidnapped by local Kerala Muslims to become suicide bombers and sex slaves of ISIS in Afghanistan and Syria.

The police officer, to his credit and the audible disappointment of everyone sitting in the movie theatre, brings up the (apparently insensitive) point that, as a representative of the law, he can’t act upon circumstantial evidence. Nimah responds with a stinging question (met with claps from the audience)— will he keep asking for evidence even as Kerala is turned into an Islamic state, or will he get up and do something to save the country?

Violence

(h) The Kerala story shows a lot of violence. The rape culture, chopping off hands, beheading and trauma caused to innocent women is shown brutally.

Sex

(i) There are extremely triggering, graphic scenes of sexual violence. In one scene, a pregnant woman is slammed against a table while her Muslim husband tells her it is her duty to have sex with him. From the rapist lifting her

¹⁸ <https://www.bbfc.co.uk/release/the-kerala-story-q29sbgvjdgvlbjpwwc0xmdezjmjux>

clothes to undo the strings of her pyjamas to heaving over her and orgasming, the camera captures it all. It's a "shock value" scene – and in a country where there is stringent opposition to criminalising marital rape, it is shocking only because of the religious identity of the husband.

- (j) There are scenes in which women are gang raped, including one woman who is unconscious after her boyfriend has drugged her.
- (k) There are several scenes in which young women are seduced and sexually coerced by other men and women trying to recruit them to the Islamic State.
- (l) Other forms of sexual coercion and harassment include a group of young women being attacked and having their clothes ripped off in public, as well as a woman who is blackmailed by her boyfriend using sexually explicit images.

9.5 The Review Board empathised with these submissions but noted that the concerns could not be considered under the existing classification framework and that AAI's efforts to use existing markers to demonstrate unlawful vilification concern were not an appropriate fit of those markers.

10. ROLE OF DEHUMANISATION IN VIOLENCE

- (a) Research from the fields of atrocity prevention¹⁹, counterterrorism and countering violent extremism²⁰ shows that dehumanising rhetoric is often co-present and a precursor to atrocities and violence against a targeted outgroup.

¹⁹ Maynard and Benesch (n8).

²⁰ Dehumanisation is a core element of right-wing extremism, including exclusionary nationalism: Department of Security Studies and Criminology (2020, October 9) Mapping networks and narratives of online right-wing extremists in New South Wales (Version 1.0.1). Sydney: Macquarie University.

There is significant research supporting the treatment of dehumanising material as an appropriate intervention point to protect communities from a range of movements that seek to violently deny diversity: Christchurch Call Advisory Network, Report to the Christchurch Call, 12 September 2022, <[CCAN-Report-on-Anti-Dehumanization-Policy.pdf \(christchurchcall.network\)](#)>; Risius M, Blasiak K, Wibisino S, Jabri-Markwell R, Louis W (2021) Dynamic Matrix of Extremisms and Terrorism (DMET): a continuum approach towards identifying different degrees of extremisms. Report to the Global Internet Forum to Counter Terrorism.

11. 'LOVE JIHAD' CONSPIRACY THEORY

11.1 Definition of Love Jihad

- (a) Love Jihad, also known as Romeo Jihad, is a rhetoric spurred on by Hindu nationalist discourse purporting that Muslim men are seducing, harassing, converting, trafficking, violating and abusing Hindu girls by marrying them.²¹
- (b) The political purpose of this theory is to gather support for the de-Islamification of India to restore India's Hindu Golden Age.²²
- (c) To build support, it includes
 - (i) the demonisation of Muslim men as conspiring to violate or pervert Hindu women,²³
 - (ii) the promotion of the idea of a Muslim takeover through the slow conversion of India's religious demography²⁴ and
 - (iii) capitalising on and promoting terrorism concerns about Muslims²⁵

11.2 BJP political weaponisation of 'love jihad'

- (a) The rise of the Love Jihad rhetoric is attributable to the coming to power of the BJP in 2014 and the change in the face of Hindu nationalism. Among the changes includes the 'legitimation of Hindutva (Hinduness) as a way of life synonymous with Indianness.'²⁶
- (b) Much of the traction experienced by the Love Jihad rhetoric is not attributable to Western Islamophobia but to a series of high-profile Love Jihad cases in the Indian Courts and statements made by political figures of the BJP.²⁷

²¹ Aastha Tyagi and Atreyee Sen, 'Love-Jihad (Muslim Sexual Seduction) and *ched-chad* (sexual harassment): Hindu nationalist discourses and the Ideal/deviant urban citizen in India' (2020) 27(1) *A Journal of Feminist Geography* 104, 104. Aly (n 9) 859.

²² Kathinka Frøystad, 'Sound Biting conspiracy: From India with "Love Jihad"' (2021) 12 *Religions* 1064, 1067.

²³ *Ibid*, 1066.

²⁴ *Ibid*.

²⁵ Amy Piedalue, Amanda Gilbertson and Manas Raturi, 'A Majoritarian View of 'Gender Justice' in Contemporary India: Examining Media Coverage of 'Triple Talaq' and 'Love Jihad' (2021) 44(4) *South Asia: Journal of South Asia Studies* 739, 772.

²⁶ *Ibid*, 739.

²⁷ *Ibid*.

- (c) An example of the influence of BJP political figures comes from legislator Sanjay Gupta, who proposed Love Kranti, a movement of Hindu men marrying Muslim women, to counter Love Jihad.²⁸
- (d) Love Jihad rhetoric has informed the development of laws in India, including Uttar Pradesh's *Prohibition of Unlawful Conversion of Religious Ordinance 2020* ('**the Love Jihad Law**').
 - (i) The Love Jihad Law creates an imprisonable offence of converting religions without submitting an advance declaration to the District Magistrate. Individuals converting their religion must give advance notice of 60 days or face punishment of imprisonment for between six months and three years and a fine of 10,000 Rupees (almost AUD 180). Convertors must give advance notice of one month or face a punishment of imprisonment for between one and five years and a fine of at least 25,000 Rupees (almost AUD 470).
 - (ii) In the first month of its adoption, 49 persons were gaoled.²⁹
 - (iii) Similar laws designed to 'address the issue of religious conversion through fraudulent means'³⁰ are now operational in Arunachal Pradesh, Odisha, Madhya Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, and Uttarakhand.³¹
- (e) Other laws have been distinctly anti-Muslim; his 2019 citizenship amendment granted citizenship to residents from Pakistan, Afghanistan and Bangladesh on the condition that they were not Muslim.³²

11.3 BJP promoted the film

- (a) The government of West Bengal took the step of banning the Kerala Story film, while BJP-led governments in Madhya Pradesh, Uttar Pradesh, and

²⁸ Yogesh Kumar, 'Will start 'Love Kranti' to counter 'Love-Jihad', says BJP MLA from Laksar' *The Times of India* (online, 5 October 2018).

²⁹ Manish Sahu, '1 month of UP 'love Jihad' law: 14 cases, 49 in jail, woman 'victim' complainant in only two', *Indian Express* (online, 9 January 2021) <<https://indianexpress.com/article/india/love-jihad-law-up-police-7124001/>>.

³⁰ Mohammad Jamshed, Mohammad Rezaul Karim and Sameena Banu, 'Disempowering Women and Constructing Muslims as 'Other': A study of India's Anti-Conversion Legislations' (2023) 30(2) *Indian Journal of Gender Studies* 170, 172.

³¹ Tariq Ahmad, *State Anti-conversion Laws in India* (Law Library of Congress, Global Legal Research Center, 2018) 1.

³² Sean Mantesso, 'As India marks 75 years since independence, how is Australia's 'dear friend' Narendra Modi reshaping the country?', *ABC News* (online, 13 February 2022) <<https://www.abc.net.au/news/2022-02-13/how-is-australias-dear-friend-narendra-modi-reshaping-india/100713750>>.

Uttarakhand not only supported it but also granted it tax exemption.³³ Despite its connection with the Love Jihad theory, Prime Minister Narendra Modi pledged his support for the movie during an election rally in Karnataka state.³⁴ It was reported:

“Citing the controversial film The Kerala Story to bolster his tirade against the Congress, Mr Modi said, “In the changing times, the nature of terrorism is also changing... The sound of bombs, rifles, and pistols could be heard [in one kind of terrorism]. But the terrorism of a new type, which undermines society from within, makes no sound. The Kerala Story is a film based on such a conspiracy in Kerala... See the bad luck of the country the Congress is seen hand in glove with this terrorism. It is, from the back door, doing politics and deals with people with such terrorist mindset.”

11.4 Mainstreaming of Love Jihad Theory in India

(a) The filmmaker claimed that in Kerala, 32000 Hindu and Christian girls had been forcibly converted to Islam through “Love jihad”, taken to join ISIS, and then buried in Yemen and Syria. This is an outright lie. The correct figure is 3. The Supreme Court of India asked the filmmaker to include a disclaimer within the film by 20 May 2023 concerning the “32 000” figure to read “there is no authenticated data to back up the suggestion on the figure of the conversion.”³⁵ The filmmaker continues to promote such falsehoods of mass conversions, including in his more recent YouTube Video.³⁶

(b) #LoveJihad is a dehumanising narrative that combines terrorism concern with great replacement (or demographic invasion) theory. Dr Eviane Leidig published on the Global Network on Extremism and Technology³⁷:

Love jihad is a term used by Hindu nationalists in India to describe the seduction and conversion of Hindu women to Islam by Muslim men. Although

³³ “The Kerala Story: Know states that declared movie tax free vs states that banned controversial film” < <https://www.dnaindia.com/india/report-the-kerala-story-know-states-that-declared-movie-tax-free-vs-states-that-banned-film-uttar-pradesh-bengal-3041210>>

³⁴ <https://www.thehindu.com/elections/karnataka-assembly/pm-modi-uses-the-kerala-story-to-attack-congress-poll-campaign/article66815976.ece>

³⁵ <https://www.indiatodayne.in/entertainment/story/supreme-court-orders-the-kerala-story-filmmakers-to-carry-disclaimer-that-it-is-fictionalised-version-560362-2023-05-19>

³⁶ <https://youtu.be/GBYouJ0QruE>

³⁷ <https://gnet-research.org/2020/11/26/now-streaming-love-jihad-on-netflix/>; See also: Dr. Eviane Leidig, Far-Right Terrorism is Global, but Coverage is Not: Hindu Nationalist

Violence in India, Global Network on Extremism and Technology, 24 Feb. 2020, <https://gnetresearch.org/2020/02/24/far-right-terrorism-is-global-but-coverage-is-not-hindu-nationalistviolence-in-india/>;

there are some overlaps with how the European far-right depicts the hypersexual, violent Muslim male ‘rapefugee’, love jihad connotes a much more insidious figure that engages in manipulative behaviour. It is a conspiracy theory driven by the belief that Muslims are intent on engaging in covert demographic replacement of the Hindu-majority population. According to Hindu nationalists, Hindu women must be protected from Muslim men since they symbolise the daughters of Bharat Mata (Mother India): an assault on a Hindu woman is by extension an assault on India herself.

For years, Hindu nationalist organisations and political parties have mobilised on the fear of love jihad, which has even stoked communal riots across the country. In 2013, riots in the northern state of Uttar Pradesh (UP) resulted in 62 people dead and 50,000 Muslims displaced, preceded by months of a BJP love jihad campaign. BJP and other Hindu nationalist actors spread disinformation that certain mosques in the area were being funded by terrorist organisations and Islamic countries in order to convert Hindu women, with such conspiracies spread through fake videos on WhatsApp.

The past few weeks has witnessed several protests in New Delhi against love jihad following the murder of a young Hindu woman by a Muslim man last month. Hindu nationalist actors have galvanized on this murder rallying in the streets and calling for violence towards Muslims. The incendiary rhetoric is also present online, with a popular far-right YouTuber filming footage of the protests and calling for Hindus to pick up arms in retaliation for the dishonouring of Hindu women by Muslim men. Another far-right figure, who earlier this year opened fire on peaceful protestors against the Citizenship Amendment Act, recently posted a hate video on Facebook concerning love jihad.

(c) Love Jihad conspiracy theory (linked to the Great Replacement conspiracy theory) has been linked to violence against Muslims in Canada³⁸, and led to violent attacks on interfaith couples.³⁹

(d) In January 2022, The Guardian reported,

But what was once a fringe extremist theory has now been brought into the political mainstream and, last year, numerous BJP-ruled states, including Uttar Pradesh and Madhya Pradesh, passed legislation to clamp down on conversion for interfaith marriages – laws colloquially known as the “love jihad” laws.

While the legislation covers all religions, over the past year it has predominately been used to target minorities as well as emboldening rightwing

³⁸ <https://theconversation.com/recent-mosque-attacks-raise-questions-about-the-affinity-between-white-supremacy-and-far-right-hindu-nationalism-204001>;

³⁹ <https://www.theguardian.com/world/2022/jan/21/they-cut-him-into-pieces-indias-love-jihad-conspiracy-theory-turns-lethal>

Hindu vigilante groups to halt interfaith marriage. In Uttar Pradesh, Muslim men who have attempted to marry consenting Hindu women have been violently attacked, forced into hiding or sent to jail. Of the 208 people arrested under the new anti-conversion law between November 2020 and August 2021, all were Muslim. None have been convicted so far.⁴⁰

(e) Research published by the [International Centre for Political Violence and Terrorism Research](#) states,

In recent years, anti-Muslim violence in India has increased alarmingly. Underlying this violence is the Hindutva ideology, which aims at making secular India a Hindu state. The aggressive pursuit of a hardline Hindu agenda by the ruling Bharatiya Janata Party (BJP) and its fraternal organisations is deepening the insecurities of India's religious minorities, especially Muslims. At the same time, the growing influence of Hindutva groups has implications for other religious groups, including Hindus. With their repeated and robust assaults on India's secularism, Hindutva radicals are not only weakening the idea of India but the security of all its people.⁴¹

(f) While the Love Jihad neologism was coined by Pramod Muthalik in 2005,⁴² the belief that Hindu women should not marry Muslim men is far more longstanding.⁴³

(g) Long-standing in Indian culture and values is the proposition that Hindus should 'marry within their own caste, with a suitable partner chosen, or at least accepted, by their parents.'⁴⁴

(h) Love Jihad proponents often point to the fact that Indian Muslims only permit Muslim men to marry 'people of the book', of which Christians and Jews are included while Hindus are not. Under this system, Muslim men cannot marry Hindu women without first converting them to Islam.⁴⁵ However:

⁴⁰ Ibid.

⁴¹ <https://www.jstor.org/stable/26918077>

⁴² Vikhar Sayeed, 'Karnataka's role in creating the trope of love jihad despite no proven cases' *Frontline* (online, 1 December 2020) <<https://frontline.thehindu.com/cover-story/karnataka-role-in-creating-the-trope-of-love-jihad-despite-no-proven-cases/article33201197.ece>>.

⁴³ Frøystad (n 22) 1065.

⁴⁴ Frøystad (n 22) 1064.

⁴⁵ Jyoti Punwani, 'Myths and Prejudices about 'Love Jihad' (2014) 49(42) 12, 12.

- (i) The strictness of this system is debatable, with one documentation of seven interfaith marriages entailing only two conversions pressured upon the Hindu woman by their male Muslim partner.⁴⁶
- (ii) This indicates that religious identity is not a significant consideration in selecting marriage partners to many young Muslim men.
- (iii) Irrespective of this, the view that Muslim men cannot marry Hindu women without converting them to Islam is well-established in India.⁴⁷
- (iv) The Love Jihad rhetoric is also predicated on the self-depiction of Hindu men as needing to save their women from a life of gendered subordination.⁴⁸
- (i) Descriptions of pre-colonial Muslim rulers in 19th-century textbooks emphasised their adultery, sexual deviance, and harems. In the 1920s, this attribution would be expanded to encompass the average Muslim male.⁴⁹
- (j) This division between Indian Muslims and Hindus in the 1920s would continue to grow and form the basis for the later Love Jihad movement.⁵⁰
- (k) The sexual violence of Boko Haram in North Nigeria is also weaponised in Indian representations of Muslim male sexual savagery.⁵¹
- (l) The Hindu People's Awakening Organisation of Karnataka has also claimed that 30,000 young women in their state were 'duped by Love Romeos'.⁵²
- (m) India's courts have also perpetuated the Love Jihad rhetoric, as seen in the Karnataka High Court's 2010 investigation into a 23-year-old woman who converted to Islam for marriage. During the investigation, the Court ordered the woman to be 'restored' to her parents for the course of the investigation,⁵³ indicating their presumption that Love Jihad had occurred.

⁴⁶ Ibid.

⁴⁷ David James Strohl, 'Love jihad in India's moral imaginaries: religion, kinship, and citizenship in late liberalism' (2019) 27(1) *Contemporary South Asia* 27, 33-4.

⁴⁸ Piedalue, Gilbertson and Raturi (n 25) 750.

⁴⁹ Frøystad (n 22) 1077.

⁵⁰ Charu Gupta, 'Hindu Women, Muslim Men: Love Jihad and Conversions' (2009) 44(51) *Economic and Political Weekly* 13, 13.

⁵¹ Iselin Frydenlund and Eviane Leidig, 'Introduction: "Love Jihad": Sexuality, Reproduction and the Construction of the Predatory Muslim Male' (2022) 13 *Religions* 201, 203.

⁵² Mohan Rao, 'Love Jihad and Demographic Fears' (2011) 18(3) *Indian Journal of Gender Studies* 425, 425.

⁵³ Ibid.

(n) Prominent female influencers in India have also spread Love Jihad rhetoric. The most salient example followed the shooting of Hindu woman Nikita Tomar by two Muslim men. Indian female influencers used this case to legitimise the Love Jihad rhetoric and call for more stringent laws to make interfaith marriages illegal and impose severe criminal penalties on those involved.⁵⁴

(o) The United Nations Office of the High Commissioner for Human Rights (OHCHR) has also expressed concern about the growing trend of religious intolerance and discrimination in India, including promoting "love jihad" conspiracy theories.

"In India, Hindu nationalists have pushed the "love jihad" narrative, claiming that Muslim men conspire to marry, seduce or otherwise induce Hindu women into converting to Islam. Notably, conspiracy theories have been amplified by a number of so-called "counter-jihad" and "alt-news" websites, blogs and organizations across Europe and North America. These theories have also directly incited terrorists to commit atrocities offline, including in Norway and New Zealand, who frequently referenced such conspiracies as justifications for their acts".⁵⁵

(p) Human Rights Watch criticized the "love jihad" narrative as an example of anti-Muslim bigotry in India: "the 'love jihad' campaign is a toxic attempt to fan communal hatred and a sign of how law enforcement has been politicized under the current government."⁵⁶

(q) Police officers were allegedly complicit, colluded with or actively participated in mob attacks against Muslims in India.⁵⁷

(r) In India, WhatsApp group chats and forwarding features have been used, including allegedly by government officials, to propagate disinformation about the Muslim population, depicting members of Muslim communities in India as criminals or terrorists and sometimes including specific calls to violence.⁵⁸

(s) Echoing the trope of the Muslim terrorist, in India, the "corona jihad" hashtag (#coronajihad) went viral on Twitter following the Government's announcement of high levels of coronavirus disease (COVID-19) infection among the Muslim community.⁵⁹ This led to many acts of hatred and discrimination.

⁵⁴ Eviane Leidig, 'From Love Jihad to Grooming Gangs: Tracing Flows of the Hypersexual Muslim Male through Far-Right Female Influencers' (2021) 12 *Religions* 1083.

⁵⁵ Countering Islamophobia/anti-Muslim hatred to eliminate discrimination and intolerance based on religion or belief, Report of the Special Rapporteur on freedom of religion or belief, Ahmed Shaheed (13 April 2021)

⁵⁶ <https://www.hrw.org/news/2021/02/19/india-government-policies-actions-target-minorities>

⁵⁷ India (submission by Dr. Ritumbra Manuvie. <https://scroll.in/latest/969614/delhi-violence-mob-burnt-22-year-old-mans-unconscious-body-to-check-if-he-was-dead-say-police>; www.hrw.org/news/2019/08/14/failing-hold-violent-cow-protectors-account-india).

⁵⁸ <https://thedi diplomat.com/2019/05/manufacturing-islamophobia-on-whatsapp-in-india/>.

⁵⁹ www.hrw.org/news/2020/05/01/coronajihad-only-latest-manifestation-islamophobia-india-has-been-years-making.

(t) In 2020, India shut Amnesty International's India office, a move reportedly triggered by its report on the 2020 Delhi riots, in which the police were accused of human rights violations against Muslims.⁶⁰

(u) In January 2020, it was found that 55 per cent of the most aggressive online hate speech directed at Indian female politicians was directed at Muslim women.⁶¹

(v) In the Bulli Bai app case, young people ranging from 18 to 21 years of age were allegedly behind holding online auctions of Muslim women. It was reported:

Women said the app was part of the routine harassment they faced on social media in an increasingly polarised environment under the right-wing, Hindu-nationalist Narendra Modi government.⁶²

(w) Widely published Indian author Sowmya Rajendran has explained that dehumanising discourse about Muslims is prevalent throughout politics, culture and online behaviour:

“The consequence is an ecosystem where crimes against Muslims are vocally justified, defended, celebrated openly. Even the gangrape and murder of an eight-year-old Muslim girl. Calls for genocide are not universally condemned. What used to be limited to RSS shakhas and VHP camps is loudly proclaimed on television, with anchors brazenly endorsing it, and amplified in political platforms across the country. This anti-Muslim rhetoric has consistently equated Muslims with animalistic behaviour. Derogatory references to what they eat, how they pray, who they fall in love with, what work they do, how they celebrate, how many children they have, how they treat women are commonly thrown around not only in WhatsApp university but are platformed by political leaders, including the PM and his trusted aide, the Home Minister.”⁶³

(x) The 2022 United States Commission on International Religious Freedom (USCIRF) report also highlighted ongoing state-complicit discrimination against Muslims.⁶⁴

11.5 Love Jihad's connection with violence in India

(a) Love Jihad and the Hindutva values underpinning it have resulted in numerous violent attacks in India. While there is no official data collection on instances of

⁶⁰AL IND 17/2020.

⁶¹www.amnesty.org.uk/press-releases/india-women-politicians-face-shocking-scale-abuse-twitter-new-research.

⁶² <https://www.independent.co.uk/asia/india/bulli-bai-app-arrests-muslim-women-b1988504.html>

⁶³ Sowmya Rajendran “How the Indian Muslim is being dehumanised: Lessons from history” (7 January 2022) <https://www.thenewsminute.com/news/how-indian-muslim-being-dehumanised-lessons-history-159593>

⁶⁴ US Department of State, *2022 Report on International Religious Freedom: India*, [India - United States Department of State](#)

Love Jihad violence and murders⁶⁵ to determine the true extent of how violence pervades the rhetoric, examples are easily found.

- (b) On 6 December 2017 in Rajasthan, the Muslim man Afrazul Kham was hacked with an axe to death by a Hindu man named Shambhu Lal Raigher.⁶⁶ The murder was recorded by Raigher and subsequently went viral,⁶⁷ with Raigher being hailed as a hero by Hindu nationalist leaders.⁶⁸ In the video, Afrazul repeatedly begs for his life. After his death, Raigher makes the following statement:

“Jihadis, this is what your condition is going to be: you spread this love jihad in our country; if you do this in our country, this will be the fate of each of you Jihadis. End Jihad ... or else this will be the end of each of you Jihadis.”⁶⁹

- (c) In opposition to Love Jihad in 2017, ‘vigilante’ groups known as anti-Romeo *dals* were formed by the BJP government. These groups aimed to ensure girls’ safety in public spaces,⁷⁰ with BJP national co-convenor Sunil Bharala reported to have said, ‘in Love Jihad, innocent girls are targeted and lured. To ensure their safety, anti-Romeo squads will be formed.’⁷¹
- (d) June 2021 saw Sikh protests in Jammu, Kathua, Udhampur, Reasi, Srinagar, and Anantnag in response to allegations of Kashmir Sikh women being forcibly married and converted to Islam.⁷² It was further claimed that a Sikh woman in

⁶⁵ Sreerexha Sathi, ‘Marriage murders and anti-caste feminist politics in India’ (2023) 100 *Women’s Studies International Forum* 1, 3.

⁶⁶ Ajita Sharma, ‘Afrazul’s murder: Law and love jihad’ (2020) 11(1) *Jindal Global Law Review* 77, 77.

⁶⁷ Shruti Menon, ‘Behind Rajasthan Killing, Mistaken Identity, “Love Jihad” Lie, Hate Clips’, *NDTV* (online, 26 December 2017) <<https://www.ndtv.com/india-news/behind-rajasthan-killing-mistaken-identity-love-jihad-lie-hate-videos-1792369>>.

⁶⁸ Purnima Mankekar, ‘“Love Jihad,” digital affect, and feminist critique’ (2021) 21(4) *Feminist Media Studies* 697, 698.

⁶⁹ Pooja Chaudhury, ‘When Religious Politics Fuels Murder: The Myth of Love Jihad’ *The Logical Indian* (online, 8 December 2017) <<https://thelogicalindian.com/opinion/myth-of-love-jihad-rajasthan-murder/>>.

⁷⁰ India Today Web Desk, ‘Romeos must die: On Yogi Adityanath’s orders, UP police forms squads to crack down on eve-teasers’ *India Today* (online, 23 March 2017) <<https://www.indiatoday.in/india/story/yogi-adityanath-orders-up-police-to-form-anti-romeo-squads-966933-2017-03-22>>.

⁷¹ *Ibid.*

⁷² FP Staff, ‘Sikh community demands law after reports of woman’s forced conversion, marriage to Muslim man: All you need to know’, *Firstpost* (online, 29 June 2021) <<https://www.firstpost.com/india/sikh-community-demands-law-after-reports-of-womans-forced-conversion-marriage-to-muslim-man-all-you-need-to-know-9763631.html>>.

Srinagar was kidnapped by a Muslim male, who was subsequently arrested.⁷³ This claim proved untrue when police, the man's family, and the woman stated that a consensual interfaith marriage had occurred.⁷⁴

11.6 Transnational spread of Love Jihad theory

- (a) The Western contribution to Love Jihad can be considered the 'global grammar of Islamophobia'⁷⁵ following the September 11 attacks. This caused the vernacularisation of Islamophobia to be localised as Love Jihad through existing Indian values opposing Muslim men marrying Hindu women.⁷⁶ In recent times, however, Love Jihad has spread beyond India.
- (b) Boko Haram's practices of sexual enslavement put young Nigerian girls at serious risk. With the distinction between the Christian-dominated Nigerian South and the Muslim-dominated North, Love Jihad found a foothold in Islamophobic rhetoric disseminated through digital platforms.⁷⁷
- (c) News of Love Jihad in India is disseminated throughout Scandinavia's far-right media platforms, like Norway's *Reset*.⁷⁸ Analysis of the manifesto of the perpetrator of Norway's 2011 terrorist attacks shows references to Hindu nationalist conspiracy theories, although no explicit reference to Love Jihad is made.⁷⁹ However, the Oslo terrorist did reference Robert Spencer, the author of *JihadWatch*, an Islamophobic information operation that, in recent years, has received significant audiences among Hindu-Indian diasporas worldwide.⁸⁰ Now, *JihadWatch* promotes Love Jihad to its online audiences through a

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ Khaled Beydoun, 'Exporting Islamophobia in the Global "War on Terror"' (2020) 95 *New York University Law Review Online* 81.

⁷⁶ Frydenlund and Leidig (n 51) 203.

⁷⁷ Ibid 206.

⁷⁸ Ibid.

⁷⁹ Ibid 207.

⁸⁰ Titley, Gavan. 2013. "THEY CALLED A WAR, AND SOMEONE CAME:" *Nordic Journal of Migration Research* 3(4):216-224. Mattias Ekman (2015) *Online Islamophobia and the politics of fear: manufacturing the green scare*, *Ethnic and Racial Studies*, 38:11, 1986-2002, DOI: [10.1080/01419870.2015.1021264](https://doi.org/10.1080/01419870.2015.1021264). Enebakk, V. 1001 pieces of Islamist Propaganda?. 1001 Distortions, 265; Fekete, L. (2012). The Muslim conspiracy theory and the Oslo massacre. *Race & Class*, 53(3), 30–47. <https://doi.org/10.1177/0306396811425984>

prolific trail of unverified or falsely recontextualised stories.⁸¹ In 2013, Spencer was banned from travelling for 3 to 5 years for making “statements that may foster hatred that might lead to inter-community violence”.⁸²

- (d) Dehumanisation linked to Hindutva ethnonationalism is considered to be the cause of some hate crimes outside India, including an incident where an Indian Canadian drove into worshippers at a mosque.⁸³

12. HINDUTVA AND LONG DISTANCE NATIONALISM

- (a) Hindutva is at the core of Love Jihad and spread worldwide through long-distance nationalism.
- (b) In America, Hindutva saw the development of the Hindus for Trump organisation in support of Trump’s 2016 election. This organisation spread India’s nationalist rhetoric, blaming Muslims for breaking America apart with racial hatred in response to the murder of three Indians in America.⁸⁴
- (c) Hindus for Trump’s ethnonationalist views found synergy with alt-right Trump supporters in their mutual hatred of Islam.⁸⁵
- (d) In the UK, the British Hindu diaspora succeeded in lobbying not to include discrimination based on caste in UK discrimination law.⁸⁶
- (e) In the US, the Hindu American Foundation succeeded in its campaign to influence the revision of California textbooks to censor discussion of systemic Indian violence and mistreatment of Dalit and Sikh minorities.⁸⁷

⁸¹ Zeinab Farokhi, Recent mosque attacks raise questions about the affinity between white supremacy and far-right Hindu nationalism, 21 April 2023. < <https://theconversation.com/recent-mosque-attacks-raise-questions-about-the-affinity-between-white-supremacy-and-far-right-hindu-nationalism-204001>>

⁸² <https://islamophobia.org/islamophobic-individuals/robert-spencer/>; see also [US bloggers banned from entering UK - BBC News](#)

⁸³ https://www.yorkregion.com/news/update-man-allegedly-tried-to-run-over-worshippers-at-markham-mosque-during-ramadan/article_ff54f3fe-bc6b-5993-8658-3435072a1d19.html

⁸⁴ Sitara Thobani, ‘Alt-Right with the Hindu-right: long-distance nationalism and the perfection of the Hindutva’ (2019) 42(5) *Ethnic and Racial Studies* 745.

⁸⁵ Ibid 747.

⁸⁶ Nisha Thapliyal, ‘Unmasking transnational Hindutva: activist knowledge practices from the Indian diaspora’ (2023) *Globalisation, Societies and Education* 1; Nicolas Jaoul and Meena Dhanda, ‘Confronting Denials of Casteism: an Interview with Prof. Meena Dhanda, a UK based Anti-caste Academic Activist’ (2021) 27 *South Asia Multidisciplinary Academic Journal*.

⁸⁷ Thapliyal, (n 86), 11; Asam Ahmad, ‘The Latest in a 10-Year Battle Over How California Teaches South Asian History’, *Colour Lines* (online, 1 April 2016) <<https://colorlines.com/article/latest-10-year-battle-over-how-california-teaches-south-asian-history/>>; Mridula Chari, ‘Last hearing today: Should the word ‘Dalit’ be used in California textbooks?’, *Scroll.in* (online, 19 May 2016)

12.2 Hindutva ethnonationalism in Australia

- (a) Australia is home to⁸⁸:
- (i) 813,392 Muslims;
 - (ii) 783,953 people with Indian ancestry, including 673,352 people who were born in India; and
 - (iii) 684,002 Hindus.
- (b) In April 2008, a known far-right Hindu extremist from India addressed the inaugural Australian Hindu Conference in NSW.⁸⁹ During his address, Swami Vigyananand made highly inflammatory remarks, primarily targeting Muslims, portraying them as threats to democracy. He further used dehumanising hate speech to describe both Muslims and Christians as lacking in reason, characterising them as subhuman automatons who unquestioningly follow the Pope or the Caliph.⁹⁰
- (c) In 2018, violent protests broke out in India as farmers marched on parliament, opposing Modi's new farming laws. These protests saw increasing tensions among the Indian diaspora community in Australia, with four Sikh men attacked in Harris Park, Sydney, at the height of the protests.⁹¹
- (d) In 2021, Senator Faruqi of New South Wales criticised the amicable relationship of then Prime Minister Scott Morrison with India's Prime Minister Narendra Modi. Faruqi noted that under Modi, authoritarian, nationalist, and Islamophobic rhetoric has increased. This has directly impacted Australian Muslim communities, who have experienced even more vilification.⁹²
- (e) Under Modi, freedom of the press has diminished substantially as journalism and the online space become heavily censored where in opposition to Hindutva.⁹³ This nationalist censorship under Modi has directly impacted

<<https://scroll.in/article/808394/california-to-decide-today-whether-hindu-groups-can-dictate-what-dalits-call-themselves-in-textbooks>>.

⁸⁸ 2021 Census.

⁸⁹ <https://www.acnc.gov.au/charity/charities/14e49964-38af-e811-a95e000d3ad24c60/documents/a9090701-23c6-ed11-b597-002248933d22>

⁹⁰ <https://researchers.mq.edu.au/en/publications/transnational-bionecropolitics-hindutva-and-its-avatars-australia>

⁹¹ Ibid.

⁹² Commonwealth, *Parliamentary Debates*, Senate, 1 December 2021, (Mehreen Faruqi).

⁹³ See, eg, Reporters Without Borders, 'Indian journalist arrested in worsening press freedom climate', *Digital Space and Democracy* (Web Page, 29 June 2022) <<https://rsf.org/en/indian-journalist-arrested-worsening-press-freedom-climate>>; Reporters Without Borders, 'Indian reporter murdered over story

Australia's capacity to conduct discourse on India. Thirteen academics of the Australia India Institute at Melbourne University quit in 2022 in opposition to the Indian High Commissioner to Australia, who they allege has intervened in their research where it would run counter to Hindutva, particularly when discussing India's caste system and race.⁹⁴

- (f) Hindutva's rhetoric of misinformation and disinformation spreads transnationally and greatly threatens Australia's inclusivity, social cohesion, and multiculturalism as communities are polarised and minorities are othered.⁹⁵
- (g) The danger of Hindutva is far-reaching, as its utilisation can threaten Australia's democracy by shaping election campaigns.⁹⁶ Young Hindu diaspora is recruited by cyber-Hindutva networks⁹⁷ to create fictional narratives of Hinduphobia and coordinate trolling and attacks on Hindutva critics.⁹⁸ This was evident when Greens Senator David Shoebridge raised concerns about Hindutva in Parliament and was subject to significant online trolling and abuse.⁹⁹ This has had significant impacts on freedom of speech and safety for Australians of Muslim-Indian heritage.

just hours after publication', *Violence Against Journalists* (Web Page, 8 February 2023) <<https://rsf.org/en/indian-reporter-murdered-over-story-just-hours-after-publication>>; The Wire Staff, 'RSF Names PM Modi Among 37 'Predators of Press Freedom' With Kim Jong-un, Imran Khan', *Media* (online, 5 July 2021) <<https://thewire.in/media/rsf-narendra-modi-press-freedom-predators-kim-jongun-imran-khan-vladimir-putin>>; Freedom House, 'India', *Freedom in the World 2022* (Web Page) <<https://freedomhouse.org/country/india/freedom-world/2022>>.

⁹⁴ Charmaine Manuel, 'Academics quit Melbourne University institute over foreign interference and free speech concerns', *The Age* (online, 6 April 2022) <<https://www.theage.com.au/national/victoria/academics-quit-melbourne-university-institute-over-foreign-interference-and-free-speech-concerns-20220406-p5ab8x.html>>.

⁹⁵ Jasbeer Mamalipurath, *Examining the Problem of Misinformation Among the Indian Diaspora in Australia* (Research Report, 2023) 11.

⁹⁶ Paula Chakravarty and Srirupa Roy, 'Mr. Modi Goes to Delhi: Mediated Populism and the 2014 Indian Elections' (2015) 16(4) *Television & News Media* 311.

⁹⁷ Nitasha Kaul and Annapurna Menon, 'Hindutva in Western Societies: Entanglements and Paradoxes' in Ruben Gowricharn (ed), *New Perspectives on the Indian Diaspora* (Routledge, 1st ed, 2021) 160.

⁹⁸ Nisha Thapliyal et al, 'Resisting Hindutva in the digital Indian diaspora: notes from Australia' (2022) 46(7) *Ethnic and Racial Studies* 1527; Shakuntala Banaji, 'Vigilante Publics: Orientalism, Modernity and Hindutva Fascism in India' (2018) 25(4) *Javnost-The Public* 333; Deepa Reddy, 'Hindutva: Formative Assertions' (2011) 5(8) *Religion Compass* 439.

⁹⁹ Gauri Gandbhir, 'Countering right-wing Hindu nationalism in the diaspora', (Web Page, 17 March 2021) <<https://www.greenleft.org.au/content/countering-right-wing-hindu-nationalism-diaspora>>.

- (h) In 2023, a [disturbing video surfaced in Sydney](#), released by far-right Hindu nationalists, lauding a militia leader believed to be involved in the deaths of two Muslims.¹⁰⁰
- (i) Should films that propagate ethno-nationalist and dehumanising conspiracy theories about Muslims be widely disseminated, those narratives will be further normalised and elevated within Australian Indian diaspora audiences. This puts Australian Indian Muslim and Australian Muslim communities at a much greater risk of being targeted by acts of hatred, online and offline.

12.3 Similarity between Hindutva and white nationalist narratives

- (a) Australia has its own history of anti-Islam movements and racist nationalism. Research has identified the main far-right narratives conveyed within Australia a year before the Christchurch massacre.¹⁰¹ There is a significant overlap between narratives (i) to (iv) and the themes of the film, the Kerala Story:
 - (i) Linking Muslims to terrorism and crimes
 - (ii) Incompatibility and inferiority of Muslims and Islam with Australia
 - (iii) Trojan horse allegations (deception)
 - (iv) Threat to Christianity and secularism
 - (v) Silencing criticism and preferential treatment of Muslims.

¹⁰⁰

<https://twitter.com/hindutvawatchin/status/1689885414599872512?s=46&t=9k1Pdi5gU9AW0CdmWuDDtA>

¹⁰¹The study of more than 41,000 posts in 12 'far right' Facebook groups: Peucker M, Smith D, Iqbal M (2018) Mapping networks and narratives of far-right movements in Victoria: Project Report. Institute for Sustainable Industries and Liveable Cities, Victoria University

14. CONCLUSION

This submission draws your attention to a matter of urgent public concern: the spread of anti-Muslim hate through fringe films and their corrosive impact on our society.

Our Muslim communities are not just abstract entities; they consist of individuals— women, children, and students—whose everyday lives are marred by the narratives that spill from our cinema screens.

Muslim women in Australia face heightened scrutiny and stereotyping, their dignity stripped by the caricatures played on the silver screen.

Children in schoolyards find themselves isolated or bullied, their identities maligned by classmates who mimic the contempt they see in film. Muslim students grapple with an environment that, too often, echoes the intolerance and suspicion fostered by these movies.

These narratives are not merely stories; they are potent vehicles for hate, contributing to the contempt, ridicule, and systemic discrimination against Muslims in Australia. This goes beyond hurt feelings—it is a public health crisis fostering social isolation and marginalisation.

The review commissioned by the Albanese Government, led by Neville Stevens, underscores a critical gap in the Classifications Act.

Our current laws do not adequately prevent the vilification of communities, particularly Muslims, who endure the brunt of these unchecked narratives. We have learned from cinema operators themselves that they would like to rely on the classification process to determine the appropriateness of content, so that process must be strengthened.

ANNEXURE A

(1) Dehumanising material is the material produced or published, which an ordinary person would conclude, portrays the class of persons identified on the basis of a protected characteristic (“class of persons”) as not deserving to be treated equally to other humans because they lack qualities intrinsic to humans. Dehumanising material includes portraying the class of persons:

(a) to be, or have the appearance, qualities, or behaviour of

(i) an animal, insect, filth, form of disease or bacteria;

(ii) inanimate or mechanical objects; or

(iii) a supernatural alien or demon.

(b) are polluting, despoiling, or debilitating an ingroup or society as a whole;

(c) have a diminished capacity for human warmth and feeling or to make up their own mind, reason or form their own individual thoughts;

(d) homogeneously pose a powerful threat or menace to an in-group or society, posing overtly or deceptively;

(e) are to be held responsible for and deserving of collective punishment for the specific crimes, or alleged crimes of some of their “members”;

(f) are inherently criminal, dangerous, violent or evil by nature;

(g) do not love or care for their children;

(h) prey upon children, the aged, and the vulnerable;

(i) was subject as a group to past tragedy or persecution that should now be trivialised, ridiculed, glorified or celebrated;

(j) are inherently primitive, coarse, savage, intellectually inferior or incapable of achievement on a par with other humans;

(k) must be categorised and denigrated according to skin colour or concepts of racial purity or blood quantum; or

(l) must be excised or exiled from public space, neighbourhood or nation.

(2) Without limiting how the material in section (1) is presented, forms of presentation may include,

(a) speech or words;

(b) the curation or packaging of information;

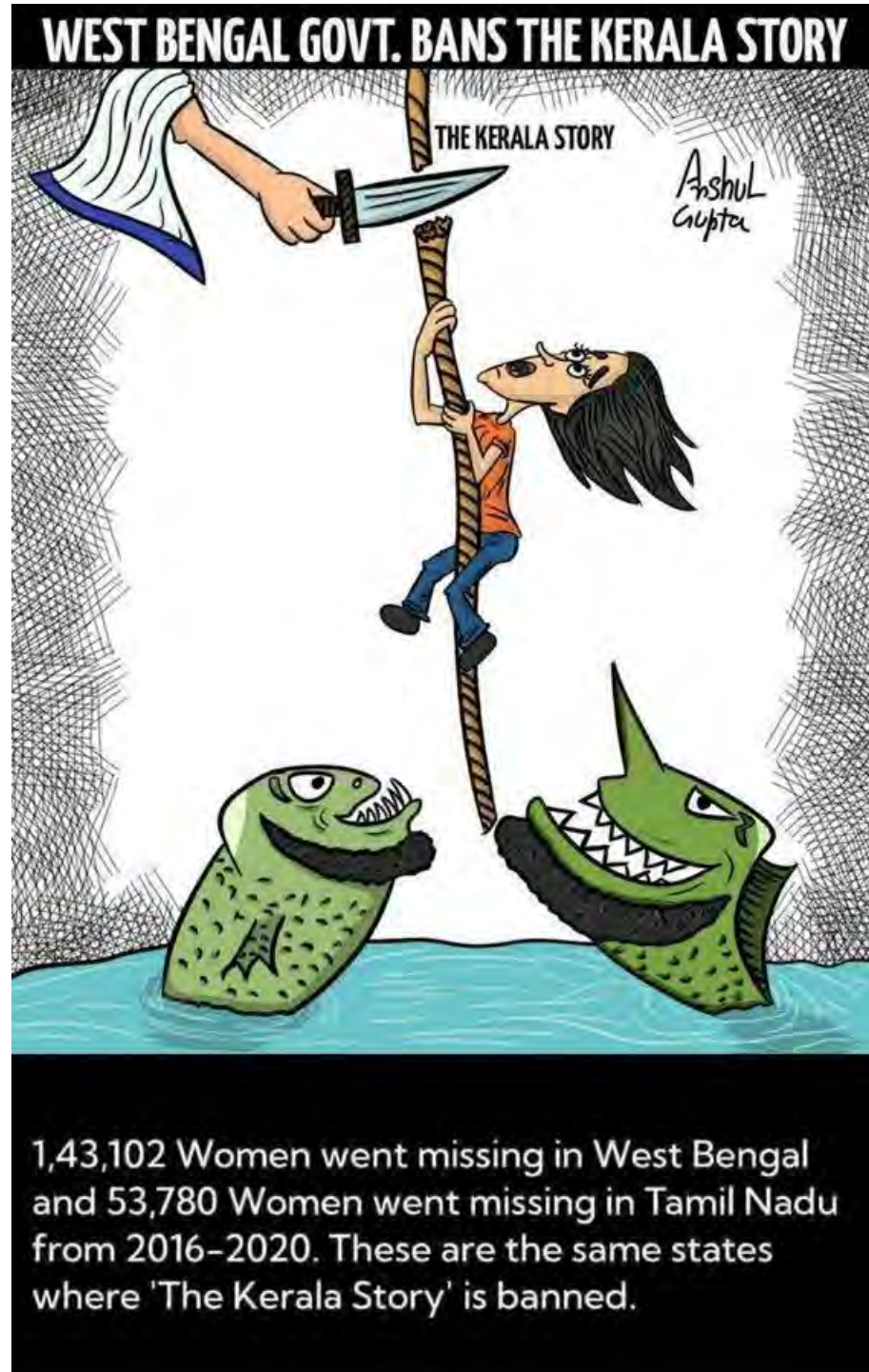
(c) images; and

(d) insignia.

ANNEXURE B


1. [Tweet](#) by @erbmjha states on 9 May 2023: Any star or rating will not do justice to the facts that have been shown in the Kerala Story! I was stunned, shell shocked & angry after watching the movie! Love Jihad is a reality. Wake up! Save your daughters & sisters.
 - a. 4,636 Retweets
 - b. 74 Quotes
 - c. 10.1K Likes
 - d. 119 Bookmarks
 - e. Comments such as
 - i. Adv. Khush Khandelwal @AdvKhushHTF: Repeat after me- Love Jihad is real. So is Isl@mic terr♂rism.
 - f. Quote retweets such as
 - i. Musk Magaadu Ra Bujji | @illakatmafliya: #TheKeralaStory is going to be a bigger hit beyond people's expectations..more importantly it is going to ensure so much Burnol for liberals, commie bastards, self proclaimed Intellectuals, presstitutes that it is going to last for the lifetime of even their grand kids
 - ii. Hitesh Athawasya @hiteshathawasya: This the absolute truth. Islamic culture destroying the fabric of India
 - iii. Vnbalakrishna @balana2: Stunning ordeal of a poor woman inflicted by ever-ravaging brutal ISLAM. Islam is NO religion and has nothing to do with God; everything to do with DESTROYING humanity and morality.
 - iv. Prem Singh Tomar @premtomar91: Wake the fuck up Hindus . Smell the coffee guys . Love Jihad is a brutal reality.
 - v. Manish Pandey @MPandey247: It's high time to fight strongly from #lovejihaad . Make India a Hindu rashtra, else time will be worsened @narendramodi @PMOIndia @CMOKerala @HMOIndia @Shehzad_Ind @sambitswaraj
2. Tweet by [Pagan](#), 10 May 2023, portraying a woman being sacrificed to Muslim men portrayed as monstrous sharks. This is an example of dehumanising imagery, designed to lower the audience's barriers to accept violence against Muslims as necessary and acceptable.

(i)



- a. 3,734 Retweets
- b. 72 Quotes
- c. 6,757 Likes
- d. 62 Bookmarks

e. Quote retweets of this tweet such as

- i. Pagan  @paganhindu: TN and WB has banned Kerala Story. These states had many thousands of cases of missing women, according to

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NCRB data, available on the official government website. Some left wing people pointed out on my tweet, that other states have missing women too. Other states had thousands of cases too, but other governments did not ban the movie. Why is West Bengal and Tamil Nadu governments so scared, of showing the public a proven truth, when other governments are not?

3. This [tweet by Australian Hindu Media](#) on 13 May 2023
In the video accompanying this tweet, this woman from Brisbane refers to Islam and Muslims as “whole new dark side of humanity” , “radical Islam” and its “demonic face.”
 - a. 82 Retweets
 - b. 3 Quotes
 - c. 167 Likes
 - d. Comments on this tweet include
 - i. Jaisanatan @jaisanatan81: Extremely shocking to see this was happening around us and all of us are still singing the secularism song. Secularism and radicalisation can never survive together. It's time we all open our eyes and accept the reality. Secularism is the biggest fraud played on us.
 - ii. Baligazette @Baligazette: Watched yesterday with family and compelled at least 10 fiends to watch it yesterday with me. Being from Mangalore/Kasargod region this was such a bold and factual depiction of the current situation. Common man must rise above political correctness & smell coffee. Problem is real
4. [Video interview of movie goers who watched The Kerala Story Movie](#) published by Australian Hindu Media on 15 May 2023: The interviewees speak about the threat to their children about not being steadfast to their religion and culture. This film ends with movie goers and the filmmaker repeating Jai Shri Ram. Jai Shri Ram is today increasingly deployed as a threat to anyone who dares to challenge Hindu supremacy.¹⁰²
5. An anti-Muslim actor on Twitter named Robert Spencer @jihadwatchRS, cited by the anti-Muslim Oslo terrorist Anders Breivik who killed 77 Norwegians, tweeted on 9 May 2023, “Why ‘The Kerala Story’ is making Islamic apologists uncomfortable in India <https://wp.me/p4hggZ-1dV9>”
 - a. 972 Retweets
 - b. 22 Quotes
 - c. 2,947 Likes
 - d. 25 Bookmarks
6. Comments such as:

¹⁰² <https://foreignpolicy.com/2020/02/13/jai-shri-ram-india-hindi/>

- a. KPL @EasyLife008 May 9: Because it's showing real face of Islam like #TheKashmirFiles #Exposed
- b. Sanjay @sanjay41864302: They are getting exposed - how long can they hide the atrocities committed on kafirs ??
- c. Kamal Bhandari @KamalBhandari__: Conversion is an industry in Islam
- d. Naveen @naveen__reviews: Because #Islamophobia is not wrong
- e. Tech info @Techinf41708053: coz, their agenda & planning is revealed to the general public.
- f. Pradumna Gholap @PradumnaGholap1: Kerala story shows truth and Muslims are banning these movie in India.
- g. Amit R Bhriguvanshi @ARBhriguvanshi: This movie is truly exposing the dangerous and terrible face of Islam,,,,,,must watch #KeralaStorySuperhit movie
- h. THE KERALA STORY: A Must-Watch Masterpiece ! @peace208208_ : !\$-|@m and !\$|@m!\$t\$ cannot withstand the truth !
- i. ...@RAJ™IN @raj_regel: Kerala story shows their religion's reality how they support Isis 😏
- j. Nirbhaye singh @NirbhayeS: Coz they ve implicitly ideology of ISIS. Furthermore they re keened to india to be part of this fucking bullshit. Nevertheless it ain't at all gonna happen. Jai shree ram 🙏
- k. Gaurav Tiwari @GauravT96754791: Wonderful movie I have seen this movie and sharing my opinion please watch this movie and girls of hindu and christians should definitely watch. If they watch they know the real propaganda and the real mean of Islam and islamic scholar.