

Justice Compromised

How Right-Wing Groups and State Machinery Fuel Communal Agendas and Weaponize Sexual Assault Charges

Bijainagar, Rajasthan

A Fact-Finding Report

बिजयनगर
BIJAI NAGAR



Association for
Protection of
Civil Rights

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**ASSOCIATION FOR PROTECTION
OF CIVIL RIGHTS (APCR)**

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FOREWORD

The debate around interfaith relationships in India is increasingly shaped by communal narratives and political agendas. Cases like the Bijainagar incident show how legal issues can be used to spread suspicion and deepen social divisions instead of being handled with fairness. The idea of “Love Jihad” fits into this pattern, portraying interfaith relationships—especially between Muslim men and Hindu women—as a threat. This not only restricts personal freedom but also weakens legal protections, making it important to view such narratives as part of a larger effort to divide communities.

Love Jihad is defined as a phenomenon wherein Muslim men entrap Hindu women under the pretense of loving them and subsequently marry them, ultimately to convert the Hindu women to Islam. Widely used by the political and religious right wing, “Love Jihad” is viewed as “an organized racket rooted in a widespread conspiracy.”¹ The theory reduces people to their religious identity and gendered stereotypes even when it comes to something as intimate as love - the men to their religious identity and “commitment to religious warfare/*jihad*”, and the women as gullible creatures without agency who require protection and guidance for making the right decisions in terms of choosing their life partner and, by extension, their religion.

Casting the Muslim man as the potential enemy furthers not only an ideological agenda but also a socio-cultural one. The Muslim man as the enemy and “violator” of Hindu women - as a narrative - contributes to the creation of a larger alienation towards the Muslim community. Furthermore, and perhaps more sinisterly, it discourages people from the possibility of interfaith marriages and narrows down their agency of choosing a partner of their own choice by casting doubt over Muslim men as a choice of partner. The lived experience of being in an interfaith marriage is a testament to the fact that love is not bound by religious identities (or any other identity, for that matter). This lived experience can be a concrete response and shield against being brainwashed by “Love Jihad” and other such communal narratives and stereotypes. Perhaps knowing this - that interfaith marriages would prevent the spread of communal narratives - is why interfaith marriages are being penalized under the current administration. This is visible through the introduction of various Bills in legislative assemblies across the country - be it the *Rajasthan*

1 <https://www.aljazeera.com/opinions/2020/11/30/what-is-behind-indias-love-jihad-legislation>

Prohibition of Unlawful Conversion of Religion Bill, 2025, in the Rajasthan Legislative Assembly or the passage of the *Uniform Civil Code of Uttarakhand Act, 2024* in Uttarakhand.

Thus, it is imperative to situate all allegations of Love Jihad within this larger context of a continual attack on the secular fabric of Indian society and a larger conspiracy to vilify the Muslim community as the "common Other/enemy" of the "Indian population" (i.e., the Hindus).

EXECUTIVE SUMMARY

Friendships & Fights

The arrest of ten youths—nine of whom are Muslim—in Bijainagar on allegations of molesting minor girls has sparked widespread controversy. While the FIRs claim coercion, blackmail, and forced religious conversion, inconsistencies in statements, procedural lapses, and conflicting testimonies raise serious doubts about the narrative. The case has quickly moved beyond a legal investigation into a communal flashpoint, with right-wing groups framing it as part of a broader “Love Jihad” conspiracy, influencing public perception and legal proceedings even before the investigation is complete.

Masjid, Qabristan Targeted

Following the arrests, punitive actions against the local Muslim community have intensified, including demolition notices to two mosques, two madrasas, and a *qabristan* under the pretext of encroachment along with the families of the accused². Additionally, homes linked to the accused have been marked for demolition, despite procedural irregularities that violate Supreme Court guidelines. These actions suggest a pattern of collective punishment, reinforcing concerns that the legal system is being leveraged to marginalize and intimidate the Muslim community rather than ensure a fair and impartial investigation.

Manufactured Communal Tensions, Legal Boycott

Right-wing groups have capitalized on the case to inflame communal tensions, organizing mass protests demanding the death penalty for the accused and advocating for bulldozer demolitions. The legal system itself has also been compromised, with local bar associations refusing to represent the accused and reports of physical assaults on individuals linked to the case. Violations of due process—such as improper service of notices, denial of FIR access, and extrajudicial punishments—demonstrate how the case has been weaponized to further a communal agenda, eroding trust in fair legal proceedings and governance.

² As of now, thanks to APCR's intervention, a stay order has been given on the demolition notices to the homes of five families of the accused. See number 5 in Appendix

METHODOLOGY

The methodology comprises primary research (i.e., group interviews, focus group³, semi-structured interviews⁴, narrative data⁵ collected from testimonies, official documents including copies of notices, FIRs, and letters) and secondary research (news articles, testimonies derived from therein). The data collection was done using primarily qualitative research methods, while the analysis and setting out of the larger context included mixed research methods, i.e., qualitative and quantitative.

The inclusion of secondary research data has ensured the inclusion of perspectives of involved persons who were otherwise difficult to reach out to in person, i.e., the girls and their families, police personnel, etc. It has also ensured that the findings are contextualized based on an exhaustive foundation of evidence and perspectives, which is crucial, given that the aftermath of the incident and the tensions in Bijainagar are still developing and ongoing.

The fact-finding team documented the accounts of various persons involved in the incident, its different stages, and its aftermath, and recorded their testimonies, some of which have been anonymized for privacy while others have been mentioned with the correct names as is (except minors'), given that those names have already appeared in media reports and notices / FIR copies.

3 Matthews, Bob and Liz Ross. "Chapter C5: Focus groups." *Research Methods: A Practical Guide for the Social Sciences*. Pearson Education Limited. Essex, England. (2010): pp. 234-253.

4 Ibid, 218-233.

5 Ibid, 264-275.

INTRODUCTION

The series of events began when ten youths were arrested in Bijainagar (Beawar, Rajasthan) for allegedly molesting minor girls in that area. Nine out of the ten youths are Muslim. The communication between the boys and the girls came to light when her family found a Chinese company-origin phone in one of the girls' possessions.

The series of events after this discovery has multiple versions from various perspectives - the boys' families, the girls and their families' media bytes, the Masjid committee, the lawyers' fraternity, and the police officials. This report seeks to present the multiple versions of the events in chronological order. The fact that multiple versions exist makes the truths murky, and the involvement of grave actions like communal targeting and alleged sexual assault leaves open the possibility of pitting one transgression against the other, in a twisted attempt to cancel out the other - in all of which, the truth coming to light becomes compromised.

This report is thus an attempt to present all the facts and situate them in the larger context of growing communal hatred, violence, and targeting, and also the possible weaponization of sexual assault allegations to achieve other ulterior motives (e.g., easy vilification of the "other" community). This is not to say that the reality of this series of events is such - the investigation into the allegations is still ongoing, and to arrive at any predetermined conclusion would be wrong. Still, the report emphasizes the importance of considering the various realities and patterns of communally targeted actions that seek to obstruct the course of justice. In cases such as those of sexual assault, the due course of justice should be followed without any external influence, and justice and restoration of agency should be assured for the survivor/victim.

COMMUNALIZING FRIENDSHIP, WEAPONIZING SEXUAL ASSAULT

Narratives, Media Trials & Punishment Before Proven Guilt

Three FIRs have been registered in connection with the allegations of sexual assault, namely, FIRs 60, 61, and 62. A summary of each of them is given below:

- **FIR 60:** Filed by the father of one of the girls, Sakshi⁶, the FIR was registered on 16th February at 9:37 pm. The FIR contents in Hindi state that he discovered his daughter speaking with one of the accused on a small phone. After asking her to call him back, the father states that he overheard the boy threaten Sakshi, pressuring her under lews contexts and asking her to meet him immediately, failing which he would make her pictures/videos viral (all taken supposedly nonconsensually). The boy then asked Sakshi to meet her at the graveyard; the father recalls witnessing Sakshi get abuse thrown at her and manhandled. Upon resolving all this and reaching home, Sakshi told her father that this not being a one-off occurrence: that the boy did this regularly, also pressuring her to meet at a cafe, wear clothes of his choice, tried to establish physical relations with her, pressured her to introduce him to her friends for physical abuse, him and his friends coerced Sakshi and her friends for the same, forcibly read the Qalma and fast (Roza rakhna), etc. According to the father, Sakshi also shared that upon refusal to do these, she was threatened with the murder of her family members and subjected to mental torture for professing the Muslim faith. When she told the boy that she was a minor, he falsely assured her that he would let her go if she introduced one of her friends to one of his friends. The father has stated that upon getting the information from his daughter, he has found that all the girls involved are Hindu, and all the accused boys are Muslim.

The father alleges that he called the family members of the other girls and discovered that all the other girls also have a similar phone and that same things have happened with them as well. The FIR states “उक्त व्यक्ति एवं इसके साथीगणों द्वारा एक गिरोह के रूप में नाबालिग बालिकाओं को अपना शिकार बनाकर उनके साथ मानसिक प्रताड़ना, देह शोषण, सेक्सुअल हरेसमेंट शारीरिक प्रताड़नाएं कर जबरन धर्मांतरण हेतु विवश किया जा रहा है”.

6 Name changed for privacy of the minor victim

7 Translation: “The above mentioned person and his associates, in the form of a gang, are making minor girls their victims and are subjecting them to mental torture, physical exploitation, sexual harassment and physical torture, thereby forcing them to convert to Islam.” The father has also alleged his daughter and other girls being subject to blackmail.

father has requested for a legal investigation against this boy and the other boys living with him (“उक्त व्यक्ति के खिलाफ नामजद कानूनी कार्यवाही कर उसके साथ रहने वाले सभी लड़कों पर कानूनी कार्यवाही करे”) and to register the case under the POCSO Act.

“तहरीर रिपोर्ट प्रार्थी को पढ़कर सुनाई सुन समझ सही मान अपने हस्ताक्षर किये⁸” is entered in the typed copy of the FIR, which shows that the statement was registered by the father on behalf of the girl Sakshi.

- **FIR 61:** The applicant was one of the girls, Mohini⁹, and indirectly her uncle; the FIR was registered on 16th February at 10:19 pm. The FIR contents in Hindi state that Mohini found out about what happened with Sakshi and realized that she too was being victimized by the same gang of boys, but in her case by another boy of the same “gang” who was gradually pressuring/coercing her and had given her a small phone as well. Mohini states that she is penniless, from a scheduled caste background, and without a father (he has passed away). Hence, she approached her closest relative, i.e., her uncle, and confided in him and is submitting this report in a completely conscious and sound mind. She states that what has happened with Mohini has happened to her multiple times and that all the accused boys are involved¹⁰.

Accusations in the FIR include “coercion to establish physical relations, keep fast (*Roza*), read Qalma, profess Islam as faith, go to masjid, blackmail through possession of photos and videos of minor girls¹¹,” etc. The FIR also confirms and states Mohini’s date of birth to be 09/03/2025¹², which would make her FIR registration date that of an unborn baby’s - an error that brings into question the diligence (or lack thereof) with which the FIR’s contents have been verified and recorded. This is also depicted by the details of some of the accused having been recorded as “XYZ ki mosi ka ladka” (XYZ’s aunt’s son), “ABC ka padosi DEF or other” (ABC’s neighbour DEF or other) - which sounds more like hearsay rather than carefully considered information.

- **FIR 62:** Applicants are the 3 fathers of three girls. The FIR was registered on 16th February at 10:55 pm. The FIR contents in Hindi state that upon finding out what happened with Sakshi, all three fathers inquired with their daughters to

8 Translation: “The written report was read out to the applicant, he heard it, understood it and signed it after considering it to be correct.”

9 Name changed for privacy of the victim

10 A seemingly sweeping and inadequately substantiated statement to make

11 “पिकल 6 माह से दबाव बनाये हुए है कि तू अपनी सहेलियों से मिलवा, बात करवा, शारीरिक संबंधों के लिए राजी कर तथा बिजयनगर एवं आस-पास के !बिस्मिल्ला की तालिम अपनाने हेतु दबाव बनाया गया !”; “इस गिरोह के पास मेरी एवं मेरी सहेलियों के अलावा अन्य नाबालिग लड़कियों के फोटोज एवं वीडियो बनाये जाकर ब्लैकमेल किया जा रहा है”

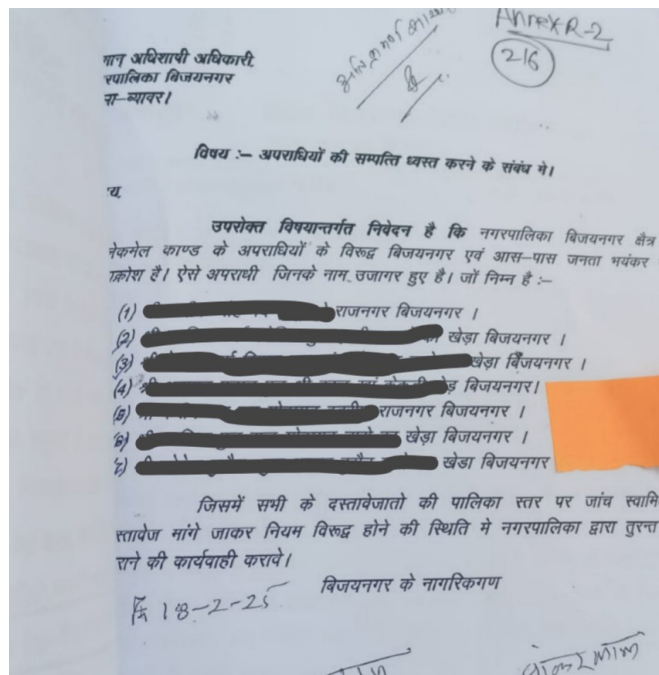
12 “...पीड़िता को जन्म तिथि बाबत दरियाफ्त कि गई तो 09.03.2025 होना बताया...”

find out that this gang of boys was targeting minor girls and entrapping them, giving them small toys like phones, etc., to lure them. The accusations and demands are the same as FIR 60, and the FIR is said to have been recorded in the presence of all 3 girls whose fathers are the applicants.

The above charges highlight how the narrative that has been set has been that the boys entrapped the girls without their consent and with the lure of things like mobile phones and other small gifts, forcing them to develop physical relations with the boys along with wearing certain clothes and completing certain actions which are viewed as forcible acts of professing Islam as their faith. This narrative has been furthered by the right-wing groups who have demanded the death penalty for the accused in multiple rallies taken out in the streets of Bijainagar since the incident. A "citizens'" letter to the officials demanding the demolition of the accused boys' homes was also retrieved by the fact-finding team.

This narrative is as of yet unverified since the case is still under investigation and the guilt of the accused has not yet been proven. However, the boys have already been subjected to a very public and vicious media trial which has accorded them as guilty of perpetrating "love jihad", a narrative that has taken on a life of its own and influenced the ideally unbiased course of investigation by putting pressure on the police and authorities to deliver swift & binding punishment to the accused boys.

Several news outlets have highlighted unverified allegations and communal angles. For instance, *India Today* reported¹³ that a BJP MLA alleged the involvement of individuals linked to the Congress party in the crime, emphasizing the political affiliations of the accused without



A copy of the citizens' public letter demanding the immediate demolition of the accused boys' home if they fail to produce the required documents of ownership

13 https://www.indiatoday.in/india/story/rajsthans-beawar-bijainagar-sexual-assault-arrest-assembly-accused-2686718-2025-02-28?utm_source=chatgpt.com

concrete evidence. Similarly, *The Print* published an article¹⁴ discussing a 'conversion racket' in Bijainagar, which contributed to communal mistrust by suggesting a systematic targeting of Hindu girls by Muslim youths, thereby framing the case within the 'love jihad' narrative. *Navbharat Times* reported¹⁵ on the formation of a Special Investigation Team (SIT) to probe the case and highlighted directives to demolish the illegal properties of the accused, potentially implying guilt prior to a fair trial. Additionally, *Maktoob Media* covered¹⁶ the demolition of a house belonging to one of the accused, noting that such actions have left the families of the accused helpless and may have communal undertones.



Demolished parts of the house of one of the accused



Sealing of the Qabristan (graveyard) by local authorities

This extensive media coverage, often emphasizing communal and political aspects, has likely influenced public opinion and exerted pressure on the investigative process, potentially compromising the fairness of the legal proceedings. Additionally, as what is seemingly part of a larger goal to teach the accused and their community, i.e., Muslims, a

14 https://theprint.in/india/bijainagar-no-longer-another-quaint-rajasthan-town-a-conversion-racket-has-sown-communal-mistrust/2533778/?utm_source=chatgpt.com

15 https://navbharattimes.indiatimes.com/state/rajasthan/jaipur/bijainagar-minor-girls-sex-abuse-case-update-sit-formed-illegal-properties-to-be-bulldozed/articleshow/118652705.cms?utm_source=chatgpt.com

16 https://maktoobmedia.com/india/rajasthan-house-of-muslim-youth-named-in-love-jihad-fir-demolished-mosque-cemetery-shut/?utm_source=chatgpt.com

lesson, the Shahi Jama Masjid committee of Bijainagar received a notice regarding eventual demolition and demanding a showcase of documents proving the masjid's legitimacy and right over the land it occupied. The nearby *qabristan* (graveyard) was also sealed.

While these would be seemingly unconnected developments, the timing of the notice served to the masjid and the sealing of the graveyard in the same area as that of the accused points to a larger, deliberate pattern of intimidation and influencing of the narrative to give it a "love jihad" angle.

Inconsistencies in the Communal Narrative

In our meetings with the family members of the accused boys, members of the Masjid committee, the lawyer representing most of the accused boys, the local journalists, other journalists covering the incident, etc., a lot of inconsistencies in the abovementioned narratives have come to light.



Inside Shahi Jama Masjid, Bijainagar

First, the testimonies of one of the family members of the survivors and the neighbours bring up serious doubt about the accusations against the boys. As stated in a video report by Maktoob Media, "When Maktoob Media reached the house of one of the girls, her grandmother said she had never seen anything like this in her life. "We do not know what is happening. We all live in unity, and I do not know what happened between the boys and girls. But we have always lived peacefully,"

she said.¹⁷ Similarly, in a clear stand taken by the women who were neighbours of some of the accused boys, it was stated how "it is disgusting how these young boys have been framed." They said, "हिन्दू मुस्लिम तो...यह तो पब्लिक है। बिजयनगर में पहले कभी हुआ नहीं है न, तो अब यह करना चाहते हैं...वो लड़का की कोई गलती नहीं, बच्चे की। हम तो परिवार जैसे रहते हैं। हम तो कभी हिन्दू जाने नहीं, कभी मुसलमान जाने नहीं, एक परिवार जैसे ही रहते हैं। इंसान सही है इसलिए (उनके साथ) खड़े हैं। गलत होता तो हम भी खड़े नहीं रहते।"¹⁸

Second, upon speaking with the fathers of the accused, it was found that four of the 11-12 accused are brothers. Their ID cards were shared with us, which showcased different years of birth. However, in the FIR copies made available to us, the year of birth of **all 12 boys** is the same, i.e., 2007. This points to the possibility of a hastily put-together FIR & charges without verifying the reality and following due procedure.

Third, the family members of the accused informed us that they were aware of the communication and exchange between the boys and the girls through the phones, and they said that all of it was completely consensual. The siblings of a few of the accused also seemed aware of the ongoing communication, which was supposedly no more than a budding friendship and possible mutual romantic interest (the latter is difficult to ascertain and verify at this stage).



Fourth, the Deputy Inspector General (DIG) of Police Ajmer Range Mr. Om Prakash categorically stated in an article in *Dainik Bhaskar* on 20th February 2025 that these series of events do not constitute "love jihad". However, the same article goes on to state its views of the entrapment angle being real, in a seeming attempt to dilute the statement of the DIG.

17 <https://youtu.be/jpYwLY70tts?si=0JZzTnQ78gLLW-Sbh>

18 Translation: "The Hindu Muslim (thing/debate)... this is public. This has never happened in Bijainagar before, so now they want to do this... it is not the boy's fault, the child's. We all live like a family. We never know (of people as) Hindus, never know (of people as) Muslims, we live like a family. We stand with the person because he is right. If he was wrong, we would not have stood with him either."

NOTICES SERVED, LEGAL BOYCOTT - STEREOTYPING AND PUNITIVE TARGETING OF THE ACCUSED & THEIR COMMUNITY

Against the backdrop of three communally sensitive criminal cases registered in Bijainagar, the first target of the bulldozer was Chill Out Café, located at Gaurav Path Road, Bijainagar, where the accused boys and victim girls allegedly used to meet or hang out. The cafe was given a notice by Bijainagar Municipality on 19.02.2025 for removing encroachment outside the café premises within 24 hours, failing which the encroachment was cleared through JCB by the Municipality team at around 11 am the next day. Consequently, a total of two cafes were sealed on the grounds of commercial activity in the residential premises after the incident came to light.

On March 2, 2025, **Cabinet Minister Avinash Gehlot** of the Rajasthan Government visited Bijainagar, took note of the minor girls' Blackmail case, and asked for strict action against the accused. He also said that the Municipality has served notices to the accused to get details of their properties. He instructed the local administration to take strict action against the illegal encroachments in Bijainagar.¹⁹

The very next day after his visit, the administration took major action against illegal encroachments and coal kilns in Bijainagar. Ten Coal kilns were demolished with bulldozers along with some encroachments beside *Qabristan* near the Railway line by a team of local administration led by **SDM Kuldeep Singh Shekhawat** and **Tehsildar Ramkishore Jangid**.²⁰

Assembly Speaker Vasudev Devnani and several organizations demanded the demolition of the houses of the accused. Hindutva groups are also holding bands and 'Aakrosh rallies' in Bijainagar and neighboring districts and towns, urging the government for stringent punishment for the accused, including implementation of the 'Yogi's Bulldozer model of Justice' in Rajasthan.²¹

The district administration has also issued notices to a graveyard and two mosques of Muslims, alleging encroachment of land or illegal constructions, along with houses

19 <https://rajasthan.ndtv.in/rajasthan-news/bulldozer-action-bijainagar-illegal-encroachments-demolished-7842859>

20 dibr

21 <https://theprint.in/india/bijainagar-no-longer-another-quaint-rajasthan-town-a-conversion-racket-has-sown-communal-mistrust/2533778/>

of eight accused residing in the Raja Ka Kheda Area, which are mentioned below:

S.N.	Notice Number	Date of Issue	Accused/Notices
1	2025/5706	20.02.2025	Adhyaksh Jama Masjid Kekdi Road, Rajnagar
2	2025/5707	20.02.2025	Adhyaksh Qabristan Gopal Bari
3	2025/5718	20.02.2025	Aashik S/o Raj Mohammad
4	2025/5718	20.02.2025	Sohail Mansuri @ Soyal Hussain S/o Anwar Hussain
5	2025/5718	20.02.2025	Karim Khan S/o Mohammad Idrish
6	2025/5718	20.02.2025	Rehan @Riyan S/o Chand Mohammad
7	2025/5718	20.02.2025	Sahil @ Fauriya S/o Idrish
8	2025/5717	21.02.2025	Saddique Mohammad (Bhura)
9	2025/5793	25.02.2025	Adhyaksh, Masjid Mohammadi, Nai Basti, Rajnagar

Discrepancies in Notices & Violations of the Supreme Court Guidelines

The landmark Supreme Court's ruling *In Re: Directions in the matter of Demolition of Structures*²² dated 13.11.2024 framed pan-India guidelines to regulate the arbitrary exercise of the extreme power of demolition of properties through the hands of executive authorities. The extreme step of demolition has irreversible consequences for the affected families, having a huge toll on their right to shelter, which is a fundamental right of every citizen under Article 21 of the Indian Constitution. The guidelines laid down by the apex court were in addition to the already existing legal framework of state-wise municipal and land laws that regulate the demolition of structures.

In the present case, show-cause notices were issued by the Bijainagar Municipality to the accused persons, two mosques, and a graveyard with respect to their residential properties soon after FIRs were registered against them under the pretext and demand of some local residents and political groups. The nuances of these facts establish that the Municipality has selectively targeted the families of the accused along with the two religious institutions of the accused person's community. Here, the overreach of the municipal authorities is starkly visible in the criminal proceedings, which are outside the scope of powers vested in them under the law. The manifestations of these arbitrary actions also amount to inflicting collective punishment on the accused families and their communities.

- **Improper Service of Notice and Back-dating:** The locals have alleged that the show-cause notices dated 20.02.2025, which were issued by the executive officer of the Bijainagar Municipality were delivered by hand by a sanitation worker of the Municipality on 21.02.2025. Neither the notices were delivered through registered post A.D. nor were they pasted conspicuously on the outer portion of the subject property as mandated by the Supreme Court guidelines, raising apprehensions on the legality of such notices and proceedings. Since the back-dated notices dated 20.02.2025 were received on 21.02.2025, it raised apprehensions of backdating as well as violation of guidelines which mandates email intimation to the concerned District Collector/District Magistrate of the service of notice with an auto-generated acknowledgment reply.
- **Notice Period for Reply:** The Supreme Court has mandated a minimum 15-day notice period from the date of receipt of notice for filing of reply. On the contrary, these notices mention that certain documentary proofs should be immediately produced after receiving the notice, which is not only arbitrary but also gravely violates demolition guidelines.
- **Contents of Notice:** The contents of these notices are largely identical or copy-pasted from the same notice format, whereas the guidelines mandate the mentioning of the nature of unauthorized construction and specific violations and grounds for demolition, which are blatantly missing in these notices. The content of the notices shows that even authorities are unclear about whether the subject properties are violative of unauthorized construction or encroachment. The notice also fails to mention the date of the personal hearing and the date on which such personal hearing will take place, which is another violation of the guidelines.
- **Digital Portal:** Our fact-finding team has put in efforts to find any digital portal of the Bijainagar Municipality where the details of the service of show-cause notice, reply, and order should be available, as it has to be in place since 3 months of the date of the Supreme Court's judgment has already lapsed. The absence of this portal raises doubts over the forging of records as it was strange to note that notices dated 20.02.2025 which were given to five accused persons bear the same serial number (Serial No./N.Pa.Bi./Encroachment/2025/5718) whereas the notice dated 21.02.2025 given to another accused's brother bears serial number (Serial No./N.Pa.Bi./Encroachment/2025/5717). Even if we believe that this discrepancy in the notices could be some sort of clerical error, it still raises concerns as to what compelled the authorities to issue notices in such a hasty and haphazard manner with discrepancies visible on the face of

the record and violating the crucial procedural requirement of law.

During our fact-finding, we also observed that Municipal officials were exerting pressure on the Jama Masjid committee to give their reply and document after the expiry of 3 days by visiting the mosque. After the President of Jama Masjid filed their reply to the notice and sought 15 days to submit the necessary documents by citing the Supreme Court's guidelines, the Municipal authorities issued a fresh notice giving 15 days to reply and expressed their adherence to Supreme Court guidelines and relevant provisions of the Rajasthan Municipalities Act, 2009. But the very next day, on 25.02.2025, a similar kind of notice was issued to another mosque (Mohammadi Masjid), which is located at Nai Basti, Rajnagar, giving 15 days to submit the relevant documents.

VICTIMHOOD OF ACCUSED (HOW THE RIGHT TO FAIR TRIAL OF THE ACCUSED IS BEING VIOLATED)

Lawyers' Boycott and Assault

'Innocent until Proven Guilty' has been the cornerstone principle of our criminal jurisprudence for quite a long time, but this rule has weakened over time with the rise of instant media and public trials. In which the accused are deemed guilty spontaneously without any trial or procedure.

Since the constitution of India guarantees every accused person the right to representation, particularly under Article 22(1), no person shall be denied the right to defend themselves through a legal practitioner of their choice. Also, Article 39A of DPSP mandates equal access to justice and the right to free legal aid, and Article 14 states 'equality before the law'.

These rights are abridged when the bar associations get swayed away by public opinion and pass resolutions to not defend certain accused persons and also restrain and instigate other advocates for the same, violating the fundamental right of the accused to be defended by the legal practitioner of their choice. The Supreme Court in *A S Mohammed Rafi vs State of Tamil Nadu*, 2010 landmark ruling such boycott resolutions by bar associations as unconstitutional, unethical, and a violation of professional ethics²³. Nevertheless, such boycotts are consequential upon the ordinary course of justice and compromise on judicial integrity.

Things become messier when the lawyers under the garb of their black coats forget every law they studied and transcend beyond their professional ethics and turn into a lawless mob to deliver retributive justice through physical assault of the accused individual in the court premises (temple of justice). Indeed, it is a criminal act unleashed by advocates assuming themselves as the custodian of justice. In Bijainagar, "a former Municipal Councillor from Bijainagar was thrashed by the lawyers and onlookers on the court premises after the remand proceedings²⁴".

23 https://www.business-standard.com/india-news/can-lawyers-boycott-cases-over-ethical-reasons-what-does-the-law-say-124112000521_1.html

24 <https://www.thehindu.com/news/national/rajasthan/rights-groups-protest-against-assault-of-accused-in-black-mail-case-families-move-high-court/article69290691.ece>

No Access to FIRs and Grounds and Reasons of Arrest

The absence of legal representation or consultation often makes it hard for the accused family to marshal the crucial information from the police, including securing a copy of the FIR, which becomes unnecessarily arduous. Without being informed of the charges leveled against the accused in FIR and the contents of the complaint against the accused at an appropriate time, it becomes excessively difficult to prepare for one's defense.

As was made abundantly clear to the factfinding team in the testimonies given by the accused boys' fathers, none of them were given an arrest warrant or a memo detailing the charges their sons were being taken away for. In the case of one of the accused boys, his younger brother was picked up around midnight by the police and the parents had to send the elder brother to the police station in exchange for the return of their younger child. This seems to be setting a dangerous precedent of kidnapping, intimidation, and extortion tactics by the police. Additionally, two to three arrests seem to be pending and the cafe caretaker and the owner/landlord have also been arrested, despite having nothing to do with the events except running the cafe where the boys and girls allegedly met.

DEBUNKING THE LOVE JIHAD/ CONVERSION RACKET MYTH

Support Mechanisms for Sexual Assault Survivors: Present or Absent?

Sexual assault and coercion for sexual relations are serious offences that deserve swift and thorough justice for the survivor, especially in a patriarchal society where such instances are usually underreported and the survivor faces barriers at every stage of seeking justice. However, the widely accepted gravity of such cases is also misused and weaponized for communal and other gains.

It is imperative to understand that various legal and procedural steps need to be ensured by the police administration and courts in cases of sexual assault against girls, especially minors. For instance, in case of sexual assault against minors, police officials must ensure that the minor survivor gives her statement in front of a magistrate as soon as possible (as mandated under Section 164 CrPC/Section 183 BNSS). Have the Bijainagar police ensured that this is done?

Furthermore, it is known that under *the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989*, victims from SC/ST communities are entitled to compensation for atrocities committed against them. The *Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules 1995* outline the procedure and scale of relief. Traditionally, compensation is supposed to be disbursed upon filing the FIR. The question here arises: Given that one of the supposed victims is a girl belonging to an SC community (Berwa), has the police ensured that the process of compensation is initiated for the girl from their end by contacting the Welfare Department?

Lastly, the FIRs filed by the girls' family members are dated 16th February. The notice issued to the Bijainagar Jama Masjid committee is dated 20th February. The short time between the notice and the FIR raises doubts about the nature and intent of the notice. At the surface level, such notices are supposedly against illegal constructions and encroachments. However, such notices, and in this case primarily to the masjid in the area where most of the accused boys are residing, raise the question: is the notice an isolated procedure or is it meant to punitively target the community to which the accused belong, i.e., Muslims?

Setting the Scene: Rajasthan Prohibition of Unlawful Conversion of Religion Bill, 2025

The allegations of “love jihad” in the Bijainagar case serve as a convenient tool to inflame communal tensions while diverting attention from the facts of the case. Despite the lack of legal recognition of “love jihad” as a criminal offense in India, certain political groups and media outlets have framed the case as part of an organized conspiracy to convert Hindu women forcibly. However, the investigation has not presented any substantial evidence so far linking the accused to a larger network of religious conversion. Instead, the use of this narrative appears to be a strategic move to push forward a broader ideological agenda rather than to ensure justice for the survivor. Similar allegations have been weaponized in other states to justify stringent laws targeting interfaith relationships, often leading to wrongful incarcerations and increased societal polarization.

Given the timing and intensity of the communal rhetoric surrounding this case, the “love jihad” angle appears to be a deliberate attempt to generate public outrage and create momentum for the passage of the Rajasthan Prohibition of Unlawful Conversion of Religion Bill, 2025. The Bill aims to prevent religious conversions achieved through misrepresentation, force, undue influence, coercion, allurement, or fraudulent means, including those conducted solely for marriage. Key provisions of the bill include categorizing such unlawful conversions as cognizable and non-bailable offenses, with penalties ranging from fines of ₹50,000 to imprisonment of up to ten years.

With several BJP-ruled states having already enacted such laws—often used to disproportionately target Muslim men—the push for a similar bill in Rajasthan aligns with the broader legislative pattern seen across the country. For instance, Uttar Pradesh’s *Prohibition of Unlawful Conversion of Religion Act, 2021*, criminalizes religious conversions accomplished through misrepresentation, force, undue influence, coercion, allurement, or by any fraudulent means, with penalties including imprisonment and fines. Madhya Pradesh’s *Freedom of Religion Act, 2021*, also imposes stringent penalties for forced conversions and mandates prior notification to district authorities for individuals intending to convert.

By leveraging the emotional charge of the Bijainagar case, proponents of the bill may seek to pressure the state government and judiciary to expedite its introduction in the upcoming parliamentary sessions. This manufactured urgency not only risks undermining legal due process in the current case but also sets a dangerous precedent where communal fear-mongering dictates policymaking rather than evidence-based governance.

KEY FINDINGS

1. Inconsistencies and Procedural Lapses in FIRs

The FIRs filed against the accused contain numerous inconsistencies, including contradictory statements, factual errors, and procedural lapses. Some accused individuals share the same recorded birth year, despite official IDs showing different ages. One FIR lists an incorrect birthdate for a complainant, calling into question the diligence with which these reports were filed. Additionally, testimonies from family members and community members contradict key aspects of the allegations, suggesting a rushed and unverified investigation.

2. Extrajudicial Punishments and Targeting of Muslims

The case has extended beyond legal proceedings into targeted actions against the Muslim community. Authorities have issued demolition notices to two mosques and a *qabristan*, while the homes of the accused have been selectively marked for demolition. These actions, taken soon after the FIRs, strongly indicate collective punishment rather than lawful administrative action. Furthermore, mass rallies and public demands for bulldozer justice have heightened communal tensions, creating an environment where the accused are declared guilty even before due process is followed.

3. Erosion of Legal Rights and Judicial Fairness

The legal rights of the accused have been severely compromised. Local bar associations have passed resolutions refusing to represent them, violating their constitutional right to legal defense. Lawyers have engaged in physical assaults within court premises, further undermining the principle of a fair trial. The accused and their families have been denied access to FIRs and basic legal documentation, obstructing their ability to mount a defense. These actions indicate an alarming trend where legal mechanisms are being manipulated to serve communal narratives rather than justice.

4. Weaponization of Sexual Assault Allegations

While allegations of sexual assault require serious and impartial investigation, the case demonstrates how such accusations can be weaponized for political and communal gains. The right-wing narrative of "Love Jihad" has overshadowed

the actual investigation, influencing police actions and public discourse. This politicization not only jeopardizes the rights of the accused but also undermines the genuine pursuit of justice for survivors of sexual violence.

5. **Use of the Case to Justify Anti-Conversion Laws**

The Bijainagar case has been strategically linked to broader political efforts to pass the **Rajasthan Prohibition of Unlawful Conversion of Religion Bill, 2025**. The allegations align with patterns seen in other states where similar laws have been enacted, often targeting interfaith relationships and disproportionately affecting Muslim men. The timing and framing of the case suggest that it is being used as a tool to push legislative changes rather than address the specific legal issues at hand.

RECOMMENDATIONS

1. Ensure an Unbiased Investigation

Authorities must ensure that the investigation into the sexual assault and POCSO charges against the accused is conducted without communal bias or external influence. The focus should remain on justice for the survivors while safeguarding the legal rights of the accused. The police must follow due process, verify testimonies, and avoid succumbing to political pressure.

2. Take Legal Action Against Violations of Due Process

Cases should be filed against lawyers and others who engaged in physical attacks within court premises, as well as against those who obstructed the legal defense of the accused. The Supreme Court's ruling in *A.S. Mohammed Rafi vs. State of Tamil Nadu (2010)* should be upheld, ensuring that bar associations do not engage in unconstitutional boycotts.

3. Halt Unlawful Demolitions and Collective Punishment

The demolition notices served to the masjid, *qabristan*, and homes of the accused should be reviewed for compliance with **Supreme Court guidelines on demolition procedures**. Selective targeting of properties under the guise of administrative action must be stopped immediately to prevent the erosion of legal safeguards.

4. Protect Legal Rights and Access to Justice

To ensure a fair trial, the accused should have full access to legal representation, FIR copies, and other essential documents. The Rajasthan State Legal Services Authority should intervene to provide **legal aid** where necessary, thus preventing further violation of due process.

5. Counter Communal Narratives with Factual Clarity

Authorities, civil society, and media organizations must work to **counter misinformation** surrounding the case. The public discourse should focus on facts rather than communal narratives that fuel violence and discrimination. Investigative agencies must issue **neutral, evidence-based statements** to prevent the politicization of criminal cases.

6. Address the Larger Issue of Sexual Assault with Systemic Reforms

Instead of using sexual assault cases to push communal agendas, systemic changes must be implemented to improve survivor support mechanisms. The police must ensure that minor survivors' **Section 164 CrPC statements** (now **Section 183 BNSS**) are recorded at the earliest. Additionally, under the **SC/ST Prevention of Atrocities Act, 1989**, victims from marginalized backgrounds must receive due compensation and support.

CONCLUSION

The Bijainagar case highlights the complex intersection of legal justice, communal narratives, and political agendas. While the allegations of sexual assault deserve a thorough and impartial investigation, the response to the case—including selective demolitions, legal boycotts, and public campaigns framing it as part of a larger conspiracy—raises serious concerns about due process and fairness. These actions risk turning a legal case into a tool for reinforcing communal divisions rather than addressing the specific allegations with sensitivity and rigor.

At the same time, it is important to recognize that sexual assault cases often face systemic barriers, including societal stigma and challenges in accessing justice. Ensuring justice for survivors should remain the priority, but this must be done in a way that does not compromise legal safeguards or unfairly target entire communities. The erosion of legal protections—whether for the accused or the survivors—sets a dangerous precedent that ultimately weakens the justice system for everyone.

Moving forward, the focus should be on conducting a fair investigation, protecting the rights of all parties involved, and resisting efforts to politicize the case. Strengthening legal protections, ensuring access to justice, and countering misinformation are crucial steps in preventing similar situations from escalating into broader communal conflicts.

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3. <https://theprint.in/india/bijainagar-no-longer-another-quaint-rajasthan-town-a-conversion-racket-has-sown-communal-mistrust/2533778/>
4. <https://www.aajtak.in/rajasthan/story/bijainagar-beawar-rajasthan-rape-blackmail-case-of-minor-school-girls-similarities-with-ajmer-grooming-gang-three-decades-back-ntcpmj-rptc-2183147-2025-03-06>
5. <https://youtu.be/jpYwLY7Ots?si=0JZzTnQ78gLW-Sbh>

FACT FINDING TEAM

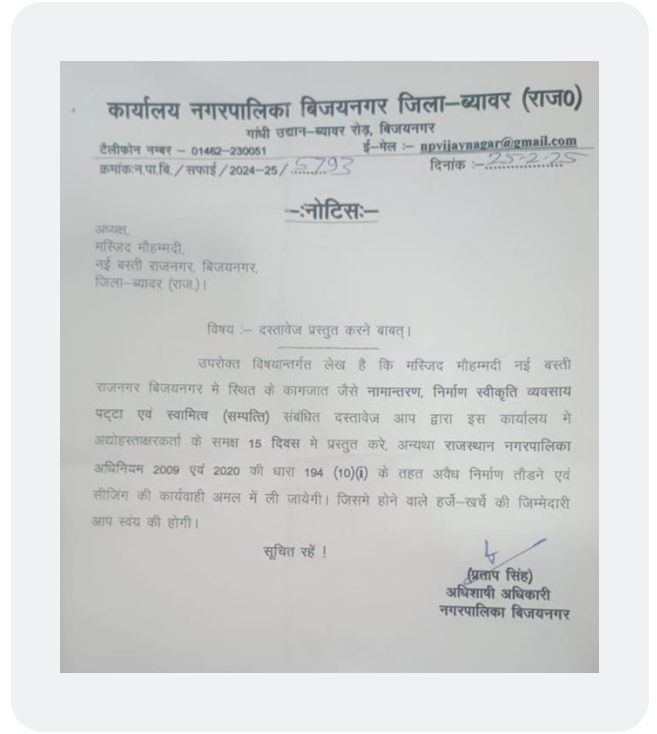
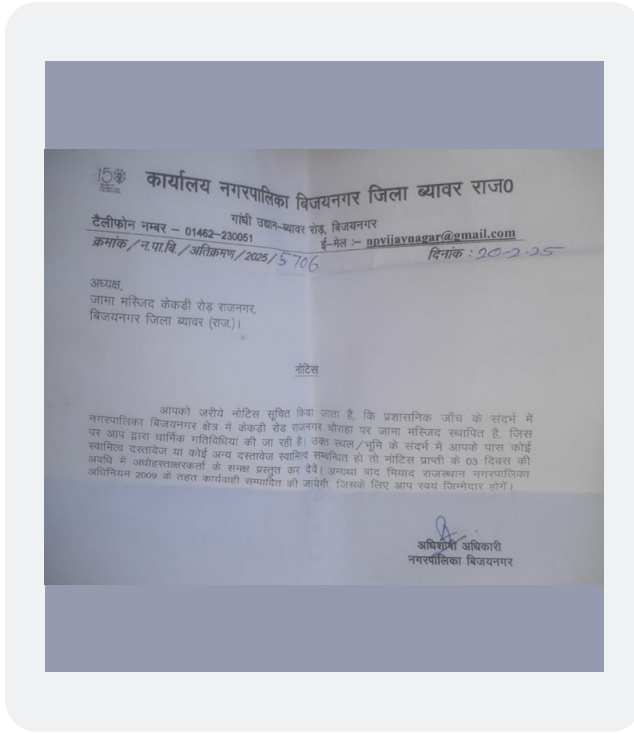
APCR Rajasthan team and APCR National team

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- Rabbe Khan, Assistant Coordinator, APCR Rajasthan
- M Huzaifa, Advocate
- Prakriti, Researcher

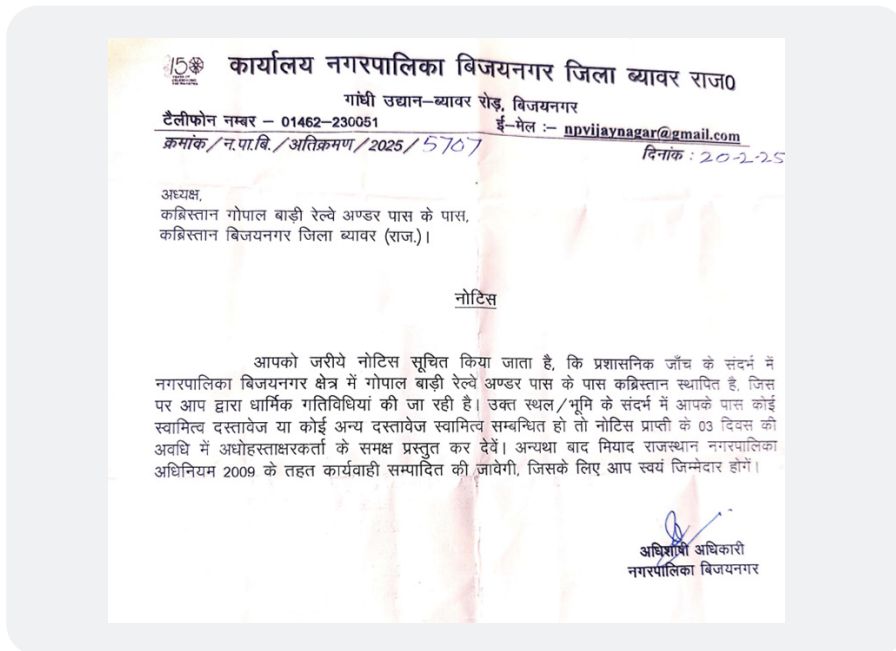
Special thanks to our friends Nikita Jain and Mohammad Qasim at Maktoob Media, and to Nazim Hasan (journalist).

APPENDIX

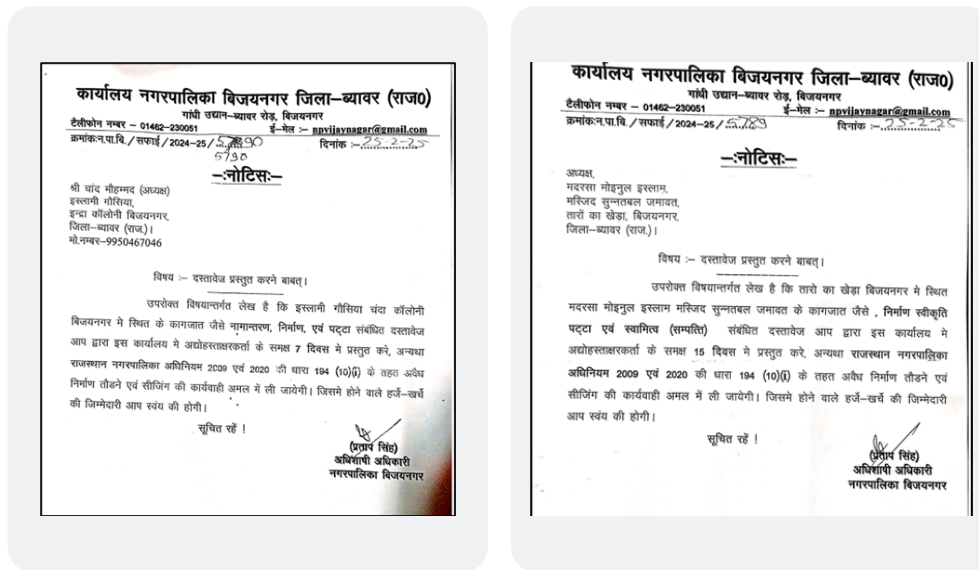
1. Notices were served to the Shahi Jama Masjid Committee and the Mohammadi masjid committee regarding the imminent demolition of the Masjid.



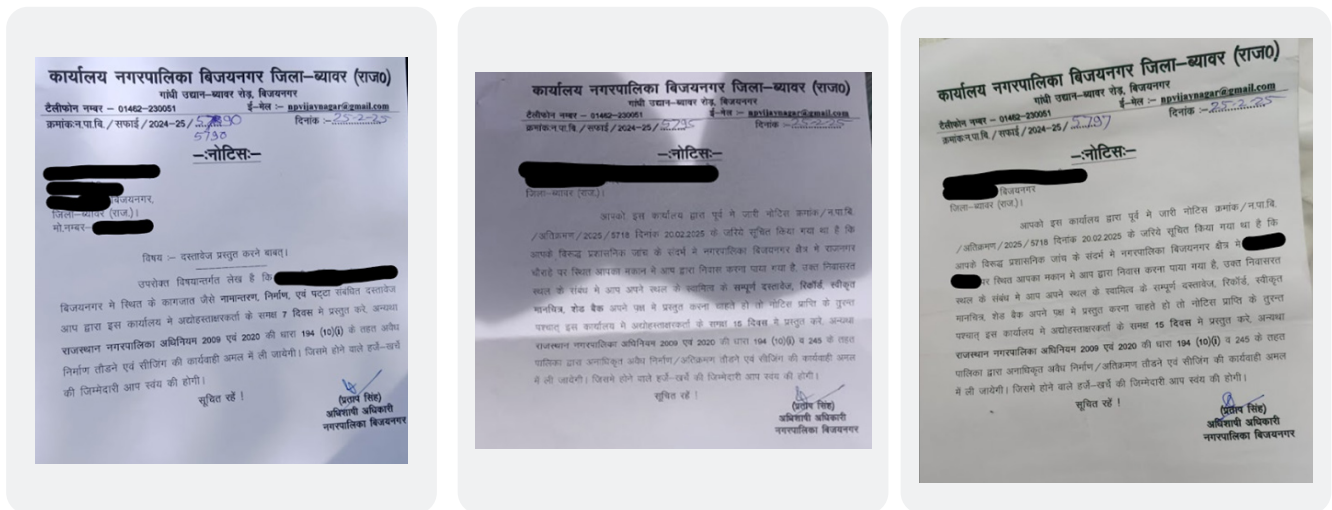
2. Notice served to the graveyard/qabristan



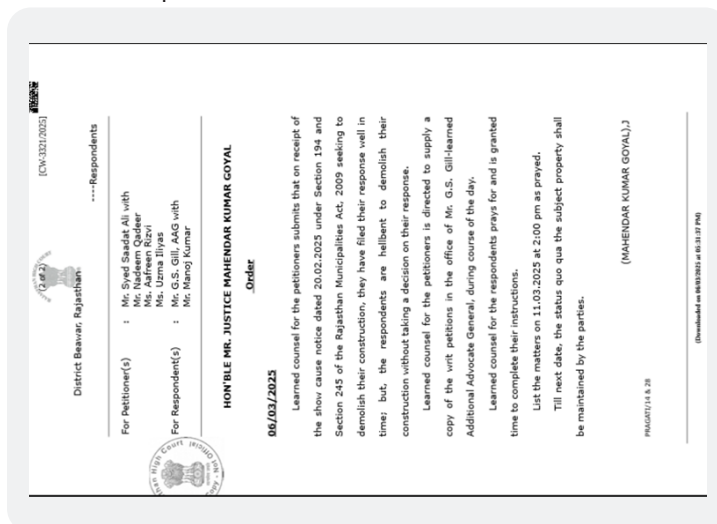
3. Notices were sent to two (2) madrasas



4. Notices were sent to some of the families of the accused boys



5. A stay order was granted on the five demolition notices to the accused boys' families with the help of APCR's intervention





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