

## Is Tablighi Jamaat exclusively responsible for Outbreak of COVID-19? A Review

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### Abstract

Corona virus disease 2019 (COVID-19) is an infectious disease. It does not see race, religion, colour, caste, creed, language or borders before striking. Public health emergencies during an outbreak of communicable diseases may cause fear and anxiety leading to prejudices against people and communities, social isolation and stigma such behaviour may culminate into increased hostility, chaos and unnecessary social disruptions.

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### Introduction

Corona virus disease (COVID-19) is an infectious disease caused by Severe Acute Respiratory Syndrome Corona Virus 2 (SARS-CoV-2). [1] It is rapidly spreading worldwide from its place of origin in Wuhan City of Hubei Province of China. On 30<sup>th</sup> January, 2020 World Health Organization (WHO) declared the current novel corona virus outbreak as Public Health Emergency of International Concern (PHEIC). [2].

### A Tablighi Jamaat Organization

Tablighi Jamaat organization was founded in 1926 in the northern Indian region of Mewat by prominent Islamic scholar Maulana Mohammed Ilyas Kandhalawi. Its aim was to inculcate "true" Islam among the "Umma" (Global Islamic community). Tablighi Jamaat is now a global religious movement, with followers in more than 80 countries, including Indonesia, Malaysia and the United State etc. The Jamaat has its own headquarters in every country, but its global spiritual centre remains the Markaz (centre) in Delhi. The Markaz comprises a mosque and dormitories that can accommodate 5,000 people. Tablighi Jamaat members claim that it is a non-political organization which aims to build an Islamic society based on the teachings of the Quran. The Jamaat delegates visited to different countries for 40 days a year and sometimes for shorter durations. Some of its more famous members of Pakistani cricket team players, Shahid Afridi, Inzamam ul-Haq and South African cricketer Hashim Amla, former Pakistani Presidents, Mr. Farooq Legari and Mohammed Rafiq Tarar were followers while former

Indian President Dr Zakir Hussain was also associated with Tablighi Jamaat. [3]

The Nizamuddin Markaz's calendar shows three events scheduled during March: Aalmi Mashwara (International executive committee meeting) during 8–10 March 2020, Andhra Pradesh jod (gathering) during 15–17 March and TamilNadu Jod (gathering) during 22–24 March. The Aalmi Mashwara probably attracted 1500 persons from different states of India as well as various countries in Asia and Europe.

### Nizamuddin Markaz issue during the Covid -19

A Tablighi Jamaat religious congregation that took place in Delhi's Nizamuddin Markaz in early March 2020, on 13<sup>th</sup> March, the Delhi government issued an order prohibiting sports gatherings, conferences and seminars with over 200 people due to Covid -19 pandemic. A second order was issued on 16 March, banning all gatherings over 50 people.

Prime Minister Mr. Narendra Modi urged to the people of country to follow a "Janta Curfew" on Sunday March 22 in fighting corona virus pandemic. On 24 March, the Prime Minister of India announced a nationwide lockdown for 21 days, limiting movement of the entire 1.3 billion population of India as a preventive measure against the corona virus pandemic in India. When a nationwide lockdown came into effect, the Markaz received a notice from the SHO of the Hazrat Nizamuddin Police Station (which is the next door neighbour of the Markaz) asking for the closure of the building. Officials of Markaz replied that ongoing program in Markaz Nizamuddin was discontinued immediately after PM's announcement.

On March 25, the Tehsildar along with medical team visited the Markaz and inspected the premises of Markaz Nizamuddin. On March 26, the SDM of the area visited the premises of Markaz and called Officials of Markaz for a further meeting with the District Magistrate.

On March 27, six corona viruses suspected people were taken away from the Markaz for medical checkups and were later put in a quarantine facility. The next day on March 28, SDM and a team of World Health Organization (WHO) again visited the Markaz and 33 peoples were taken for medical checkup and kept in the isolation ward at Rajeev Gandhi Cancer Hospital Delhi. On March 29, Delhi police and health authorities started taking out people from Markaz and sending them to hospitals and Quarantine centers

On March 30, around 100 suspected corona virus cases were kept in isolation ward in Narela area of Delhi. Those who were ill, they were admitted to various hospitals in Delhi.

On March 31, the head quarter of Markaz was sealed and thousands of attendees, including foreigners from countries like Indonesia, Malaysia, and the US, were quarantined. [4]

Eight Indonesians of Tablighi Jamaatees were found tested positive in Karimnagar in Telangana and two Thai Nationals were found tested positive in Tamil Nadu. They had attended this congregation in Delhi in early March. On April 18, Union Health Minister of India said 4,291 out of 14,378 confirmed cases in 23 Indian states and union territories have been linked to this event.

### Propaganda of multiple media

Various government agencies were trying to blame each other with none of them taking responsibility for the lapses. The campaign against Muslims was in full stride. Islamophobic hash tags, such as Corona Jihad, Covid-786, Nizamuddin Idiots, trended on social media platforms. Tablighi Jamaat members have become an easy target on social media. They have been accused of "spreading the virus" and being "careless". With social media and some TV channels were fuelling hatred against Muslims. The circulation of fake-news was running frequently. Print, electronic media and relentless social media were feeding off each other against Tablighi Jamaat. Several outlets alleged that the Tablighis were spitting on people to infect them with the corona virus. They also carried reports and circulated videos claiming to "expose misbehavior of the Jamaatis". TV news channel stepped up anti-Muslim rhetoric amid reports of spike in Covid-19 cases. Media used words like Corona jihad, manav bomb, human bomb, Corona Jihad, Covid-786, spreader Moulana, Nizamuddin Idiots, etc.

A prominent Hindi daily newspaper alleged that members of the Tablighi Jamaat quarantined in Saharanpur Western UP demanded non-vegetarian food and were defecating in the open inside the hospital. This claim was repeated by another leading Hindi daily Patrika. On April 5, the Saharanpur police confirmed that no such thing had happened. It was all a lie. After the police debunked their false

claims, both newspapers withdrew their reports from their websites.

According to media reports, who were Tablighi Jamaatees quarantined at a railway facility in Delhi "misbehaved" and "spat on" doctors and healthcare personnel. Media said that attendees quarantined at a facility in Ghaziabad reportedly roamed around naked in the facility and made lewd comments and directed vulgar signs at the nurses. However, a lady medical officer told that she did not face any incidents of misbehaviour from the respondents. She stated that they mostly kept to themselves, reading namaaz, and seemed unaware of what was happening beyond their world.

Researchers Soundarya Iyer of the French Institute of Pondicherry and Shoibal Chakravarty of the Divecha Centre for Climate Change at the Indian Institute of Science, wrote in "The Hindu Business Line" that we analyzed media reportage about the Jamaat from March 20 to April 20 we found that these stories fed into an epidemic of Islamophobic fake news and hate speech.

Fake videos on social media are hydra-headed, said cyber experts. Old videos depicting Muslims in poor light surfaced, even as fact checkers worked to dismiss them.

Voyager Infosec, a digital investigations lab based in Delhi, studied more than 30,000 videos and observed that hundreds of these videos were created to target Indian Muslims in a bid to influence them to disregard health advisories and break lockdown orders. The report, submitted to the home ministry, said this was done by investigating them on religious lines by spreading fake information about the Corona virus.

### Discrimination against Muslims

Some Muslim people faced discrimination during lockdown period after the incident of Tablighi Jamaat. In Una district in Himachal Pradesh, a man hanged himself due to taunts from fellow villagers for having come in contact with Tablighi Jamaat missionaries. Several truckers belonging to the Muslim community were allegedly beaten up in Arunachal Pradesh. A Muslim man in Delhi was beaten up by a mob which accused him of spreading corona virus. In another northern state, Himachal Pradesh, a Muslim meat seller committed suicide after returning from quarantine to a social boycott by his neighbours. He had tested negative for coronavirus. [5]

In Punjab, about 80 Muslim men, women and children were chased out of their village. Muslims were denied entry to villages and their residential area. In the southern Indian state of Karnataka, two Muslim men were reportedly beaten and made to kneel and apologize for "spreading the virus." [6]

In the northern state of Uttar Pradesh, Muslim vegetable vendors were allegedly stopped from selling their goods by locals, who accused them of being members of the Tablighi Jamaat. [7]

In some places, Muslim women were denied timely healthcare, ultimately leading to the loss of their babies' lives. Multiple cases of healthcare professionals discriminating against Muslims were reported across the country. In one such case in

Ahmadabad, Hindu and Muslim corona virus patients were allegedly separated from each other.

### Healing the Wound

The Government of India on Wednesday, April 8, issued an advisory to address the social stigma associated with the COVID-19 pandemic, urging people not to label any community or area for the spread of the novel coronavirus. The advisory comes following a spurt in corona virus cases after a Tablighi Jamaat congregation at the group's headquarters in Nizamuddin, especially on social media, blaming the Muslim community for the spread of disease. Public health emergencies during an outbreak of communicable diseases may cause fear and anxiety leading to prejudices against people and communities, social isolation and stigma such behaviour may culminate into increased hostility, chaos and unnecessary social disruptions. Certain communities and areas are being labeled purely based on false report floating on social media and elsewhere. Do not label any community or area for spread of COVID-19. There is an urgent need to counter such prejudices the advisory said. [8]

Equality Labs, a South Asian Community Technology Organization, wrote a letter to the Indian Prime Minister Mr. Narendra Modi, the Director General of the World Health Organization (WHO) Dr. Tedros Adhanom Ghebreyesus, the Chief Executive of Facebook Mr. Mark Zuckerberg and Chief Executive of Twitter Mr. Dorsey.

Equality Labs wrote that this is a time when the entire world is reeling under the pressure of dealing with the devastating impacts of COVID-19. But, we are appalled that despite the calls to end disinformation and hate speech targeted at Muslims, we are seeing a virulent form of coronavirus related Islamophobia through multiple social media platform. [9]

On April 19, Prime Minister Narendra Modi tweeted: "COVID-19 does not see race, religion, colour, caste, creed, language or borders before striking. Our response and conduct thereafter should attach primacy to unity and brotherhood. We are in this together."

Dr. Michael J. Ryan, Executive Director of the World Health Organization's health disaster program, said that patients infected with corona virus should not be classified on the basis of race, religion or opinion.

Mr. Lav Agarwal, Joint Secretary of India's Ministry of Health and Family Welfare told to The BMJ that India "doesn't discriminate against anyone based on religion." [10]

Dr. Srinivas Rajkumar T, General Secretary of the residents' doctors association at All India Institute of Medical Sciences said that "The initial cluster (Tablighi Jamaat) was unduly highlighted, leading to communalization of the pandemic."

A well known Epidemiologist Jayaprakash Muliyl said that targeting a special community in a pandemic "sets a bad precedent" for the public healthcare system.

The Maharashtra Chief Minister Uddhav Thackeray said "This COVID-19 sees no religion".

At least one government hospital in the western state of Gujarat has segregated Muslim patients with covid-

19 from Hindus, claiming it is under local government orders and for both sides' safety. [11]

Convalescent plasma therapy uses a blood component called Plasma- which contains virus-fighting antibodies- from who have recovered from the infection to treat those who are severely ill with covid-19.

The Tablighi Markaz Chief Maulana Saad appealed to all the Covid-19 survivors Tablighi Jamaat members to donate their blood plasma for the treatment of other patients. Hundreds of recovered Tablighi Jamaat members came forward or expressed willingness to donate their blood plasma. Female Jamaat members also donated their plasma. They considered blood donation as their duty towards the nation.

It's an experimental treatment known as convalescent plasma therapy. However, in late April, the Union Health Ministry stated that there was no concrete evidence yet to support plasma therapy. In response to this, Delhi Chief Minister Arvind Kejriwal stated that the Delhi government would not stop plasma therapy trials since the "initial results have been promising".

The Tamil Nadu BJP leader Narayanan Thirupathy thanked the Tablighi Jamatees who donated their blood plasma to patients.

Advocate Mazhar Jahagirdar, said "the Tablihi Jamaat were targeted in the media and in some parts of society, further he told "Tablihi Jamaat were made the scapegoat."

### Judicial Overview

Criminal cases were registered against the congregation attendees in the courts across India. Judicial perspective on the concerned matter can be observed from the following pronouncements:

#### Madras High Court: [Md Kameual Islam v. State, decided on 12-06-2020]

G.R. Swaminathan, J., while addressing a petition with regard to release of Tablighis, stated that, Covid-19 should teach us to care for each other rather than use the arsenal of law.

Petitioners who are foreign nationals were arrested by respondent police on the ground that they had engaged in religious activities in breach of visa conditions.

They defied COVID-19 lockdown norms as were imposed by the Government. In the norms, religious places were ordered for closure, yet the petitioners stayed inside the mosques in groups by defying the norms laid down by the Government.

Thus, in view of the above stated reasons, FIRs were lodged against the petitioners for committing offences under Section 13 and 14 of the Foreigners Act, 2014, Sections 188, 269, 270, 271 and 278 of IPC, Section 3 of Epidemic Diseases Act 1897, Section 58(4), 134, 135 of the Tamil Nadu Public Health Act, 1939 and Section 51(b) of the Disaster Management Act, 2005.

Bench recorded, "Prof. Upendra Baxi's remark in his recent essay on "Exodus Constitutionalism" published by The India Forum that "there is, also, no such thing as 'migrants' but only persons and groups with distinctively (and often disturbingly) different needs and abilities..."

The above stated helped the Court to see the petitioners as “30 individuals” instead of collectively thingifying them as “Tablighis”.

Further the Court added that, there are scores of foreign Tablighis who are presently in detention. They hail from different countries. Some of them are women. Quite a few are senior citizens. They are normal human beings. They are now stuck in alien surroundings.

### Entitled to bail?

Offences which the petitioners are alleged to have committed are not akin to those offences for which there are limitations for grant of bail.

The Bench states that there cannot be any objection for granting bail to the petitioners.

Continued incarceration of the petitioners will not serve any purpose. Since the petitioners are foreigners, it would obviously be difficult for them to arrange local sureties.

Thus, petitioners shall be released on their own bond.

### Right to return to native country

Bench stated that the petitioners had come to India to serve the cause of their religion. Circumstances suddenly turned adverse and landed them in prison. They have spent more than 70 days in what are truly difficult conditions. Merely because the petitioners have contravened the visa conditions, they cannot be seen as criminals.

Court feeling sensitive to the petitioners' misery in the present COVID-19 times, posed a question, whether it is acting beyond jurisdiction?

To the above, bench stated,

“The Hon'ble Chief Justice has allotted the subject of Criminal Original Petition-Bail, Anticipatory Bail Petitions, Criminal Appeal and Criminal Revision Petitions to be dealt with by me. But, in view of my being a Judge of the High Court, I certainly have the inherent power to make such orders as may be necessary to secure the ends of justice.”

Failure to respond to the petitioners' existential horror would amount to judicial abdication.

Of course, the petitioners having violated the visa conditions cannot demand that they must be allowed to return as a matter of right. But then, the authorities cannot arbitrarily deny the said request.

### Unjust, Unreasonable and Unfair

Petitioners are willing to bear the cost of transportation. They will coordinate with their embassies and consulates and arrange their return. All that the respondents need to do is to play a facilitatory role. Instead of doing so, if the respondents insist on detaining the petitioners and prosecuting them, it can only be characterized as unreasonable, unjust and unfair. [12]

### Karnataka High Court: [Farhan Hussain v. State, decided on 05-08-2020]

Krishna S. Dixit, J., quashed the criminal proceedings against 9 foreign nationals belonging to the Tablighi Jamaat while directing FRRO to issue exit permits with imposing a fine and the undertaking to not visiting India for next ten years.

Present petitions challenged the initiation of criminal proceedings inter alia under the provisions of the Foreigners Act, 1946 for the violation of VISAS in question.

The Court stated that there is no specific prohibition in the Visas in question for preaching religious principles in the Tablighi congregation, hence what is not provided for in the Visa, is deemed to be impermissible.

Bench laid down the following directions:

- FRRO is directed to issue exit permits to the petitioners and ensure their exit from the country.
- Petitioners shall pay the fine amounts and file an undertaking to the effect that they would not visit this Country within the next 10 years.[13]

However, in *Toichubek Uulu Bakytbek V. State of Karnataka* (decided on 16-11-2020), Supreme Court has nullified order of the Karnataka High Court putting a 10-year restriction on visiting India on the nine foreigner Tablighi Jamaat members who had attended the Nizamuddin Markaz event here during the onset of COVID-19 outbreak here. A bench of Justices S Abdul Nazeer and Sanjiv Khanna took note of the plea by one of them against the high court's decision and said that if in future, they apply for visa to visit India, their applications be treated on merits without being influenced by the high court's order.[14]

### Bombay High Court [Konan Kodio Ganstone v. State of Maharashtra, decided on 27-08-2020]

In judgment in August 2020, the Bombay High Court quashed three FIRs against 34 petitioners – 28 of them foreign nationals – who attended a Tablighi Jamaat congregation in Delhi's Nizamuddin in March and travelled from there to different parts of India.

A division bench of Justices TV Nalawade and MG Sewlikar of the Aurangabad bench said in his judgment “During the situation created by Covid-19 pandemic, we need to show more tolerance and we need to be more sensitive towards our guests particularly like the present petitioners.” “The allegations made show that instead of helping them, we lodged them in jails by making allegations that they are responsible for violation of travel documents, they are responsible for spreading of virus etc.”

The court concurred, “A political Government tries to find scapegoat when there is pandemic or calamity, and the circumstances show that there is probability that these foreigners were chosen to make them scapegoats.

Considering the schedule of petitioner's arrival in India and the dates when they were taken in custody, the Court said that there is more possibility that they got infected in India and they were not already infected when they arrived in India. Further, admittedly screening at the airport was done of these petitioners before allowing them to leave the airport. The Court reiterated that criminal cases cannot be tried on suspicion.

The Court had also criticized the role of the media in the matter. “There was big propaganda in print media and electronic media against the foreigners who had

come to Markaz Delhi and an attempt was made to create a picture that these foreigners were responsible for spreading Covid-19 virus in India," the order said. "There was virtually persecution against these foreigners."

Hence, A Division Bench has quashed all FIRs filed against the foreign nationals who indulged in Tablighi Jamaat. [15]

#### **Allahabad High Court [Mohd. Saad v. State of UP and ors order passed on December 2, 2020]**

While hearing a petition of a juvenile (15-year-old) Tablighi Jamaat member who had challenged the police charge sheet filed against him, the Allahabad High Court said charging a person with attempt to murder for attending Tablighi Jamaat congregation in New Delhi "prima facie reflects an abuse of the power of law".

Javed Habib, the counsel for applicant told the High Court that police in their original charge sheet had charged his client under IPC sections 269 (negligent act likely to spread infection of disease dangerous to life) and 270 (malignant act likely to spread infection of disease dangerous to life). The initial charge sheet was recalled and a fresh charge sheet was submitted under Section 307 of the IPC on orders passed by CO. Directing the Mau SSP and the Circle Officer (CO) concerned to file personal affidavits, Justice Ajay Bhanot asked the CO to "indicate as to how the ingredients of Section 307 of the IPC (attempt to murder) were made out from the facts in the record from the material collected during the investigation".[16]

#### **Supreme Court [ Jamiat Ulama-i- Hind & Ors Vs Union of India & Anr (2020)]**

A petition was filed by the Jamaat Ulema-i-Hind against the communalization of the Tablighi Jamaat gathering held in Nizamuddin area of Delhi during the coronavirus-induced lockdown in March. The petition stated that the media had "demonized the Muslim community" and sought strict action against those who spread bigotry and communal hatred.

The Supreme Court on Oct 07, 2020 Thursday pulled up the Centre for filing an affidavit stating that there "were no instances of bad reporting" on the Tablighi Jamaat congregation, Bar and Bench reported. The court also lashed out at Solicitor General Tushar Mehta as the affidavit had been filed by a junior-level officer. "You cannot treat the court how you are treating it,"

Chief Justice of India Sharad Arvind Bobde observed: "Freedom of speech is one of the most abused freedoms in recent times." [17]

The Supreme Court on 17<sup>th</sup> November 2020 expressed its displeasure over the Centre's latest affidavit filed. Information and Broadcasting Ministry said news reports and articles in print and online publications on the issue have largely been "balanced and neutral" and not communal.

The bench headed by Chief Justice of India S A Bobde said the Centre's affidavit had not addressed two important questions: the applicability of the Cable Television Networks Act upon electronic media and legal regime on this issue.

"We are not satisfied with your affidavit...We had asked you to specify how the Cable TV Act can be used to control the content. The affidavit is silent on this. What steps can you take to deal with such complaints?" the bench asked the Centre.

"We want to know as to what is the mechanism to deal with this content on television. If there is no regulatory mechanism, then you create one," said the bench, also comprising of Justices AS Bopanna and V Ramasubramanian.

"Your affidavit is silent on the mechanism to regulate... It cannot be like we have to refer the matter to private bodies like NBSA (News Broadcasting Standards Authority)... Else we will hand it over to an outside agency," the bench noted while posting the matter for three weeks later. [18]

#### **Conclusion**

Despite government orders prohibiting large gatherings, more than 4,500 people assembled at the Tablighi Jamaat Markaz in mid-March 2020. Officials of Tablighi Jamaat said, this was because a day-long Janata Curfew on March 22 and the 21-day national lockdown announced by Prime Minister Narendra Modi it was virtually impossible to vacate the premises the Markaz. When the lockdown was announced, the Tablighi Jamaat officials clarified, they tried to vacate the Markaz, but got little support from the authorities to do so. And while all this happened, the blame for spreading Covid-19 was placed solely on them. This series of events exemplifies the mindset and political maneuvering around the Tablighi Jamaat event. Tablighi Jamaat was made the scapegoat. Isn't an injustice to give this event a communal colour? It is against democracy. "

Ignored and discrimination-even in health sector against Muslims is not new, but the recent communalization of the COVID-19 outbreak after the sudden glare on the Markaz at Nizamuddin, the global head quarter of the Tablighi Jamaat, have altered the social fabric of the country. The Media added fuel to the communal hatred by blaming Muslims for the spread of the coronavirus across the country. Media trial against Muslims and hate speeches of politicians has made the life of Muslims miserable across the country. Muslims have continuously witnessing humiliation, harassment, social boycott and even lynching. They are stigmatized as "carriers of the virus". It is essential to rebuild the trust of Muslims.

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