



HUMAN
RIGHTS
WATCH

VIOLENT COW PROTECTION IN INDIA

Vigilante Groups Attack Minorities

HUMAN
RIGHTS
WATCH

Violent Cow Protection in India

Vigilante Groups Attack Minorities

Copyright © 2019 Human Rights Watch

All rights reserved.

Printed in the United States of America

ISBN: 978-1-6231-37083

Cover design by Rafael Jimenez

Human Rights Watch defends the rights of people worldwide. We scrupulously investigate abuses, expose the facts widely, and pressure those with power to respect rights and secure justice. Human Rights Watch is an independent, international organization that works as part of a vibrant movement to uphold human dignity and advance the cause of human rights for all.

Human Rights Watch is an international organization with staff in more than 40 countries, and offices in Amsterdam, Beirut, Berlin, Brussels, Chicago, Geneva, Goma, Johannesburg, London, Los Angeles, Moscow, Nairobi, New York, Paris, San Francisco, Sydney, Tokyo, Toronto, Tunis, Washington DC, and Zurich.

For more information, please visit our website: <http://www.hrw.org>

Violent Cow Protection in India

Vigilante Groups Attack Minorities

Summary	1
The Politics of Cow Protection	2
Denying Accountability	5
Police Failure to Investigate and Prosecute	6
Cow-Protection Vigilantes and Livelihoods.....	9
Measures to Address Vigilante Violence.....	10
Key Recommendations	11
Methodology.....	12
I. The Politics of Cow Protection in India	14
Laws Banning Cow Slaughter	16
Indian Constitution.....	19
Rise in Attacks Against Minorities	20
State Response to Communal Violence	22
Supreme Court Directives to Address Mob Violence	23
India’s Obligations Under Domestic and International Law.....	24
II. Police Bias in Responding to Cow-Related Violence	27
Delays in Filing First Information Reports, Cases Against Victims	27
Pehlu Khan, Rajasthan	28
Anas, Arif, and Nazim, Uttar Pradesh	30
Umar Khan, Rajasthan.....	31
Noman, Himachal Pradesh	32
Police Fail to Follow Procedures, Shield Perpetrators.....	33
Mazlum Ansari and Mohammed Imteyaz Khan, Jharkhand	33
Mohammed Qasim, Uttar Pradesh	36
Police Complicity and Attempts to Cover Up	38
Akbar Khan, Rajasthan	39
Minhaj Ansari, Jharkhand	41
Mustain Abbas, Haryana	42
Political Patronage Fostering Violence and Impunity	44

Alimuddin Ansari, Jharkhand	49
Mohammad Akhlaq, Uttar Pradesh	51
III. Failure to Protect Witnesses	54
IV. Impact on Agriculture, Trade, and Livelihoods	56
Impact on Communities	57
Illegal Cattle Trade.....	60
Uncertainty in Meat Industry	60
Decline in Leather Exports	61
Rising Costs of Protecting Cows	63
V. Recommendations.....	66
To the Indian Parliament.....	66
To the Union Home Ministry, Union Territory Police, State Home Ministries, and State Police ..	66
To Foreign Governments and Donors.....	69
Acknowledgments.....	70
Appendix: India National and State Cow Protection Laws.....	71

Summary

On March 18, 2016, a group of men murdered two Muslim cattle herders who were on their way to sell bulls at an animal fair in India's Jharkhand state. The attackers, all linked to a local "cow protection" group, accused Mohammed Mazlum Ansari, 35, and Imteyaz Khan, 12, of selling the cattle for slaughter, then beat them to death and hanged their bodies from a tree. Imteyaz's father, Azad Khan, said he watched helplessly as the attack took place: "I hid in the bushes when I saw them beating up Imteyaz and Mazlum. If I stepped out, they would have killed me too. My son was screaming for help, but I was so scared."

Members of the Bharatiya Janata Party (BJP), since coming to power at the national level in May 2014, have increasingly used communal rhetoric that has spurred a violent vigilante campaign against beef consumption and those deemed linked to it. Between May 2015 and December 2018, at least 44 people—36 of them Muslims—were killed across 12 Indian states. Over that same period, around 280 people were injured in over 100 different incidents across 20 states.

The attacks have been led by so-called cow protection groups, many claiming to be affiliated to militant Hindu groups that often have ties to the BJP. Many Hindus consider cows to be sacred and these groups have mushroomed all over the country. Their victims are largely Muslim or from Dalit (formerly known as "untouchables") and Adivasi (indigenous) communities.

This report details 11 vigilante attacks that killed 14 people and the government response. It examines the link between cow protection and the Hindu nationalist political movement, and the failure of local authorities to enforce constitutional and international human rights obligations to protect vulnerable minorities. In most of the cases documented here, families of victims, with the support of lawyers and activists, were able to make some progress toward justice, but many families fear retribution and do not pursue their complaints. The report also examines the impact of the attacks and the government response on those whose livelihoods are linked to livestock, including farmers, herders, cattle transporters, meat traders, and leather workers.

In almost all of the cases, the police initially stalled investigations, ignored procedures, or even played a complicit role in the killings and cover-up of crimes. Instead of promptly investigating and arresting suspects, the police filed complaints against victims, their families, and witnesses under laws that ban cow slaughter. In several cases, political leaders of Hindu nationalist groups, including elected BJP officials, defended the assaults. In a particularly egregious case of political opportunism, after two people including a police officer were killed in mob violence in December 2018 in Uttar Pradesh state, the chief minister described the incident as an “accident,” and then went on to warn, “Illegal slaughtering, and not just cow slaughter, is banned in the entire state.”

In July 2018, India’s Supreme Court issued a series of directives for “preventive, remedial and punitive” measures to address “lynching”—the term used in India for killing by a mob. While cow protection is an emotional issue for many Hindus, the Supreme Court denounced violent attacks by so-called cow protectors, saying: “It is imperative for them to remember that they are subservient to the law and cannot be guided by notions or emotions or sentiments or, for that matter, faith.”

Human Rights Watch calls upon national and state governments to enforce the Supreme Court directives; ensure proper investigations to identify and prosecute perpetrators regardless of their political connections; initiate a public campaign to end communal attacks on Muslims, Dalits, and other minorities; reverse policies that are impacting livestock-linked livelihoods, particularly in rural communities; and hold to account police and other institutions that fail to uphold rights because of caste or religious prejudice.

The Politics of Cow Protection

Cow slaughter is forbidden in most parts of Hindu-majority India. However, over the last few decades, Hindu nationalists have led a political campaign complaining that the authorities do not do enough to enforce the ban and stop cattle smuggling. Since beef is consumed largely by religious and ethnic minorities, BJP leaders, in seeking to appeal to Hindu voters, have made strong statements about the need to protect cows that have enabled, and at times may have incited, communal violence. Narendra Modi, when he was chief minister of Gujarat state and during the 2014 national election campaign, repeatedly called for the protection of cows, raising the specter of a “pink revolution” that he claimed had endangered cows and other cattle for meat export. After he was elected

prime minister, Modi did not robustly condemn vigilante attacks by cow-protection groups until as late as August 2018, when he finally said, “I want to make it clear that mob lynching is a crime, no matter the motive.” In January 2019, he said these attacks did not “reflect well on a civilized society.” He, however, appeared to dismiss claims of growing Muslim insecurity as being politically motivated.

According to a survey by New Delhi Television, there was a nearly 500 percent increase in the use of communally divisive language in speeches by elected leaders—90 percent of them from the BJP—between 2014 and 2018, as compared to the five years before the BJP came to power. Cow protection formed an important theme in a number of these speeches.

In addition to beating up cattle traders and transporters that have caused serious injuries, even fatalities, cow protectors have reportedly assaulted Muslim men and women in trains and railway stations in Madhya Pradesh state, stripped and beat Dalit men in Gujarat, force-fed cow dung and urine to two men in Haryana, raided a Muslim hotel in Jaipur, and raped two women and killed two men in Haryana for allegedly eating beef at home.

In September 2015, a mob killed Mohammad Akhlaq, 50, in Uttar Pradesh state, and critically injured his 22-year-old son, over allegations that the family had slaughtered a calf for beef. Following public outrage—and because the state was then governed by an opposition party—the police made some arrests including of a local BJP leader’s son and relatives. The suspects’ Hindu supporters responded by damaging a police van and other vehicles. Several senior BJP leaders backed the alleged actions of the suspects. As a result, Akhlaq’s family had to leave the village in fear. More than three years later, the trial has yet to begin. All of the accused have been released on bail, raising fears among the victims’ families.

Hate Crime Watch, a collaborative database by the Indian organization FactChecker, documented 254 reported incidents of crimes targeting religious minorities between January 2009 and October 2018, in which at least 91 persons were killed and 579 were injured. About 90 percent of these attacks were reported after BJP came to power in May 2014, and 66 percent occurred in BJP-run states. Muslims were victims in 62 percent of the cases and Christians in 14 percent. These include communal clashes, attacks on inter-faith couples, and violence related to cow protection and religious conversions. Maja Daruwala,

senior advisor to the civil society organization Commonwealth Human Rights Initiative said, “The obvious impunity for the string of crimes that have taken place, and their hugely shameful valorization by some leaders, is distinctly a strong factor in their continuation.”

Examples of Remarks Made by Officials on Cow Protection

“We should not take law into our hands. But we have no regret over his death [Pehlu Khan] because those who are cow smugglers are cow-killers; sinners like them have met this fate earlier and will continue to do so.”

–Gyan Dev Ahuja, BJP lawmaker, Rajasthan state, April 2017

“There is only one way to protect Indian culture: to protect gau (cows), Ganga, and (goddess) Gayatri...Only the community that can protect this heritage will survive. Otherwise there will be a huge crisis of identity, and this crisis of identity will endanger our existence.”

–Adityanath, BJP chief minister, Uttar Pradesh state, November 2017

“Till cow is not accorded the status of ‘Rashtra Mata’ [Mother of the Nation] I feel the war for gau raksha [cow protection] will not stop even if gau rakshaks [cow protectors] are put into jails or bullets are fired at them.”

–T Raja Singh Lodh, BJP lawmaker, Telangana state, July 2018

“Those who are dying without eating beef, can go to Pakistan or Arab countries or any other part of world where it is available.”

–Mukhtar Abbas Naqvi, BJP union minister of state for parliamentary affairs, May 2015

“We won’t remain silent if somebody tries to kill our mother. We are ready to kill and be killed.”

–Sakshi Maharaj, BJP member of parliament, on the killing of Mohammad Akhlaq, October 2015

“Muslims can continue to live in this country, but they will have to give up eating beef. The cow is an article of faith here.”

–Manohar Lal Khattar, BJP chief minister, Haryana state, October 2015

“We will hang those who kill cows.”

–Raman Singh, BJP chief minister, Chhattisgarh state, April 2017

“I had promised that I will break the hands and legs of those who do not consider cows their mother and kill them.”

–Vikram Saini, BJP lawmaker, Uttar Pradesh state, March 2017

Denying Accountability

Since 2014, several BJP-ruled states have passed stricter laws to prohibit the killing of cows and adopted cow protection policies that critics contend are populist gestures to promote Hindu nationalism. Many of the new legal provisions make cow slaughter a cognizable, non-bailable offense, putting the burden of proof on the accused, in violation of the right to be presumed innocent. Mrinal Satish, executive director of the Centre for Constitutional Law, Policy, and Governance at National Law University in Delhi, said:

In some of these laws where there is a shifting of burden and consequently a presumption of guilt, that should be very rarely used because it curtails fundamental liberties. The impact that it can have is that they can make certain professions such as that of transporters, butchers, leather workers, susceptible to the criminal process and the process itself ends up being the punishment in most cases.

Some state laws provide severe punishments for slaughtering cows, including life imprisonment. After Gujarat state amended its cow protection laws in 2017 to increase punishments, Pradeepsinh Jadeja, the minister for home affairs, said, “We have equaled the killing of a cow or cow progeny with the killing of a human being.”

Numerous policies introduced around cow protection by BJP-ruled state governments have enabled vigilante groups. Members of cow protection committees—sometimes alongside police—patrol streets and highways at night, stop vehicles, check them for cattle, intimidate drivers, and react with violence if they find cows. Said Sajjad Hassan, convener of Citizens Against Hate, a collective that documents hate crimes in India: “The police have effectively outsourced the identification and apprehension of the alleged violators of these cow protection laws.”

In 2016, the Haryana government set up a 24-hour helpline for citizens to report cow slaughter and smuggling, and appointed police task forces to respond to the complaints. In March 2017, after becoming the BJP chief minister of Uttar Pradesh state, Adityanath, a Hindu cleric, ordered the closure of numerous slaughterhouses and meat shops, mostly run by Muslims.

In Rajasthan, the previous BJP state government opened six *gau raksha* (cow protection) police posts tasked with curbing cattle smuggling. These posts have become a hotbed for cow protection groups who target Muslim cattle traders, dairy farmers, and herders from Haryana, even if they have official purchase receipts for their cattle. In April 2017, a mob in Rajasthan brutally assaulted a 55-year-old dairy farmer, Pehlu Khan, and four others with sticks and belts and allegedly tore their purchase receipts. Khan died two days later from his injuries. Rajasthan’s home minister sought to defend the cow protectors by blaming the victims: “People know cow trafficking is illegal, but they do it. *Gau bhakts* [cow worshippers] try to stop them. There’s nothing wrong with that but it’s a crime to take the law in their [own] hands.”

The police themselves can feel threatened by these politically protected groups. Richhpal Singh, a former additional superintendent of police in Rajasthan, said the uptick in violence by cow vigilantes was political: “Police face political pressure to sympathize with cow protectors, and do a weak investigation and let them go free. These vigilantes get political shelter and help.”

Police Failure to Investigate and Prosecute

Instead of promptly investigating cow-protection attacks and prosecuting perpetrators, the police, in at least a third of the reported cases, have filed complaints against victims’

family members and associates under laws banning cow slaughter. Counter complaints against witnesses and family members have often served to make them afraid to pursue justice. In some cases, witnesses turned hostile because of intimidation both by the authorities and the accused.

In eight cases documented in this report, the police acted improperly: in two, they delayed filing First Information Reports (FIRs) required to begin an investigation into a crime; in two others, they violated procedures, even allegedly falsified details in one of them; and in four the police were allegedly complicit in the death of the victim and tried to cover-up the crime. The police were compelled to respond only after media criticism, protests, or intervention through the courts by human rights activists and lawyers.

In the killing of Imteyaz Khan and Mazlum Ansari in Jharkhand, the police arrested eight men, who all confessed to the killings and said they were members of a cow protection group that had previously threatened Muslim cattle traders. The police filed charges against all eight in May 2016, but did not include a prominent member of the local cow protection group, the only accused who had been named in the FIR filed by a witness to the case. In a glaring failure of procedure, none of the statements of the accused were recorded in front of a magistrate, even though a confession made to a police officer is not admissible as evidence under Indian law. The victims' families told Human Rights Watch when the eight accused were released on bail in June 2016, they were scared for their safety. In December 2018, a court in Jharkhand convicted all eight accused and sentenced them to life in prison.

In some cases, alleged perpetrators enjoyed open political patronage. For instance, BJP minister Jayant Sinha welcomed the release on bail of the men convicted of killing Alimuddin Ansari in Jharkhand in June 2017, following their appeal of the conviction in a higher court. The released defendants had gone to thank Sinha for his legal assistance, where he garlanded them and posed for photographs. Wrote activist Harsh Mander: "It is this moral messaging that spurs lynch mobs in every corner of the country to turn upon their victims with the cruelty and loathing that has penetrated the souls of young people, even children."

In December 2018, an angry mob set fire to a police station and burned several vehicles in Bulandshahr in Uttar Pradesh, after villagers found some animal carcasses they said were

of slaughtered cows. Two people, including police officer Subodh Kumar Singh, were killed. The authorities transferred three police officials and arrested over 30 people. However, it was only after public criticism that the authorities arrested the two main accused, one a local leader of the Bajrang Dal, a militant youth organization ideologically affiliated to BJP, and the other a leader of the BJP youth wing. On the other hand, the police promptly arrested six men for cow slaughter and filed a case under the National Security Act (NSA)—a repressive law that permits detention without charge for up to a year—against three of them. Soon after the violence and killings, a senior police official said investigators were determined to prosecute those involved in slaughtering cows. “The cow-killers are our top priority. The murder and rioting case is on the backburner for now.”

In the case of Akbar Khan, who was killed in Alwar district in Rajasthan in July 2018, local BJP lawmaker Gyan Dev Ahuja demanded the release of the accused and the arrest of Khan’s associate, who had managed to flee the mob and was a witness to the case. Meanwhile, after an inquiry following media criticism, one police official was suspended and four others were transferred because they had allegedly deliberately delayed bringing Khan, who was critically injured, to the hospital. It took them three hours to reach the hospital, which was only 20 minutes away, because they reportedly stopped to drink tea and arrange transportation for Khan’s cows. Khan, alive when the police picked him up, was declared dead on arrival at the hospital.

The police response to the June 2018 mob attack on Samaydeen and Mohammad Qasim in Hapur district of Uttar Pradesh exposed complicity in covering up crimes. Qasim was killed and Samaydeen severely injured and hospitalized. However, the police allegedly filed a false report attributing the death to a motorbike accident. Samaydeen’s brother Yaseen told Human Rights Watch he put his signature on the FIR despite the false claim of a motorbike accident because of police threats:

The police would not tell us the hospital they had taken Qasim and Samaydeen. Then the police threatened us: “Unless you sign this FIR we will not tell you where Samaydeen is.” They also threatened us with arrest under cattle protection laws, saying they would put our whole family in jail. The police said, “Don’t you know whose government it is? What can happen? It’s better for you all to say nothing.”

In the case of Mustain Abbas, who was killed in Kurukshetra district in Haryana in March 2016, the High Court, hearing a habeas corpus petition by his father, determined the police had allowed cow protectors to “unleash terror” with impunity. In its final order, a month later after the police had finally filed a case of murder against four people, the court again found that the local administration appeared to be backing the vigilante groups and that “there is every likelihood that local police to save its officers and on account of political overtones is not likely to investigate this ugly incident in its entirety.” The court ordered the case be investigated by the Central Bureau of Investigation (CBI). The CBI filed a fresh FIR in May 2016. However, at this writing more than two and a half years later, the investigation was still pending, and charges had yet to be filed.

Cow-Protection Vigilantes and Livelihoods

Vigilante attacks by cow protection groups and stricter laws on cow slaughter and transportation of cattle have disrupted India’s cattle trade and the rural agricultural economy, as well as leather and meat export industries that are linked to farming and dairy sectors.

India is the largest beef exporter in the world, exporting buffalo meat worth about US\$4 billion a year. However, after the BJP government came to power in 2014, exports have mostly declined. The leather industry has also been affected, with a government economic survey noting that “despite having a large cattle population, India’s share of cattle leather exports is low and declining due to limited availability of cattle for slaughter.”

The government has authority to enact laws and policies restricting the buying and selling of cattle but, in doing so, need to guard against disproportionately harming minority communities and ensure that any such laws or policies are consistent with the right to a livelihood for all Indians.

Muslims and Dalits have been disproportionately affected by the laws, policies, and unlawful attacks harming cattle-related industries. Slaughterhouses and meat shops are mostly run by Muslims. Dalits traditionally carry out jobs to dispose of cattle carcasses and skin them for commercial purposes such as leather and leather goods. The resulting policies are harming entire communities, particularly farmers and laborers.

“It’s not just about Muslims,” said P. Sainath, an author, journalist, and expert on India’s agricultural economy. Previously, cattle owners, including many Hindus, who were unable to cope with the economic burden of keeping unproductive livestock, sold the cattle to slaughterhouses. Now, he said, forced to continue feeding and caring for them, many have simply abandoned the animals. This has caused problems for farmers with stray cattle destroying their crops.

M.L. Parihar, an author and agricultural expert, said: “The Hindutva leaders who are promoting this obsession with cows don’t realize how much loss they are causing to their own Hindu community, and damage they are causing to their country.”

Measures to Address Vigilante Violence

In July 2018, the Supreme Court in *Tehseen S. Poonawalla & Ors. v. Union of India & Ors* directed central and state governments to publicly make statements and spread the message that “lynching and mob violence of any kind shall invite serious consequence under the law.” In response, the home minister told the parliament the government had formed a panel to suggest measures to stop mob violence in the country. “We will also bring a law if that is required,” he said.

The court also ordered all state governments to designate a senior police officer in every district to prevent incidents of mob violence and ensure that the police take prompt action against the perpetrators and safeguard victims and witnesses. It recommended a victim compensation scheme and said all such cases should be tried in fast-track courts, with victims or the family members given timely notice of any court proceedings including of applications for bail, discharge, release, or parole filed by the accused persons. Finally, the court said action should be taken against any police or government officials who fail to comply with these directives.

Thus far, several states have designated officers and issued circulars to police officials on addressing mob violence. However, most of the court’s other directives have yet to be complied with. Most states have not filed compliance reports and even those that have been filed do not provide details. Mohsin Alam Bhat, executive director of the Centre for Public Interest Law at Jindal Global Law School, said, “At best, these reports just indicate a formal implementation of the court’s guidelines.”

The failure of India's central and state governments to protect minority communities from communal attacks by cow-protection vigilantes or take adequate steps to prosecute those responsible violates the rights to life, non-discrimination, equal protection of the law, and to pursue a livelihood. The government should not endorse or be complicit in using religious belief to advance discrimination against minority communities.

Key Recommendations

- Implement Supreme Court directives on preventing communal violence and ensuring that individuals responsible for mob attacks are held accountable;
- Ensure prompt and impartial investigation and prosecution of the perpetrators and instigators of communal attacks and investigate alleged police inaction in responding to vigilante violence; and
- Clearly and unequivocally signal, through public statements and measures by senior state and high-ranking police officials, that perpetrators in mob violence cases, even those politically connected, will be fully prosecuted.

Methodology

This report is based on Human Rights Watch field research and interviews conducted in India from June 2018 to January 2019 to examine the government’s response to attacks over “cow protection.”

Human Rights Watch interviewed more than 35 witnesses and family members of victims killed by so-called cow vigilantes. In addition, we spoke with more than two dozen lawyers and civil society activists representing families of victims, and journalists who have reported on these crimes. We also interviewed 10 serving and retired government and police officials.

Interviews were conducted in the Indian states of Jharkhand, Rajasthan, Haryana, and Uttar Pradesh, and the city of New Delhi.

The report also draws from research conducted by other rights groups, activists, and journalists. Human Rights Watch, with the consent of the victim’s families or their lawyers, received and has retained copies of police reports, medical records, and other relevant documents.

The Indian government does not collect data on mob attacks and killings related to cow protection.¹ There have been independent efforts to collate such data by some media and civil society groups.² While these databases largely rely on English-language media and likely underestimate the number of cases of violence, they provide a useful point of reference, particularly in the absence of government data. This report uses the data

¹In response to a question in parliament in March 2018, the minister of state for home affairs said there had been 40 cases of “lynchings,” the term used by the media and civil society groups in India to describe mob killings. According to the government, 45 people were killed and 217 people were arrested in these attacks between 2014 and 2017. The government did not provide any disaggregation on the cause or motive for the attacks, or the identity of the victims or perpetrators. Government of India, Ministry of Home Affairs, Lok Sabha, starred question No. 242, March 13, 2018, <http://164.100.47.190/loksabhaquestions/annex/14/AS242.pdf> (last accessed November 20, 2018).

²“DOTO database,” *Documentation of the Oppressed*, <http://dotodatabase.com> (last accessed October 19, 2018); “Halt the Hate database,” *Amnesty International India*, <http://haltthehate.amnesty.org.in/index.html> (last accessed October 19, 2018); “Hate Crime Watch,” *Factchecker*, <https://p.factchecker.in> (last accessed October 19, 2018); “Hate Crime: Cow-related violence in India,” *Factchecker*, <http://lynch.factchecker.in/> (last accessed October 19, 2018).

collected by these collectives, but relies most heavily on our in-depth investigation of 11 cases, including how police and other authorities responded to the incidents.

All interviews were conducted either in Hindi or English. Human Rights Watch provided no remuneration or other inducement to the interviewees. In some cases, Human Rights Watch provided funds to cover food and travel expenses incurred by the witnesses for the interviews.

Human Rights Watch sent letters summarizing our findings to the chief secretaries and the police chiefs of the state governments of Rajasthan, Uttar Pradesh, Haryana, and Jharkhand. However, we did not receive any response at time of writing.

I. The Politics of Cow Protection in India

Many Hindus consider the cow to be holy.³ The movements to protect the cow and against the consumption of beef date back centuries.⁴

However, as part of a Hindu nationalist movement led by the Bharatiya Janata Party (BJP) and groups affiliated to it, cow protection has become part of the political agenda.⁵ During

³ W Norman Brown, "The Sanctity of the Cow in Hinduism," *Economic Weekly*, February 1964, https://www.epw.in/system/files/pdf/1964_16/5-6-7/the_sanctity_of_the_cow_in_hinduism.pdf (accessed December 10, 2018). Some historians and academics contend that in ancient India, Hindus consumed beef and even performed animal sacrifices. See generally, DN Jha, *The Myth of the Holy Cow* (New Delhi: CB Publishers, 2001).

⁴ The first widespread rebellion against the British colonial rulers, in 1857, by Indian soldiers, was related to cows as one of the sources. The British introduced a new rifle that required soldiers to bite off the ends of lubricated cartridges for loading, and it was rumored that the grease used to lubricate the cartridges was made with the lard of pigs and cows. This angered both Muslims and Hindus, sparking the mutiny. See Peter Marshall, "British India and the 'Great Rebellion,'" *BBC History*, February 17, 2011, http://www.bbc.co.uk/history/british/victorians/indian_rebellion_01.shtml.

In the 1870s, the first organized cow protection movement began in Punjab by the Sikh Kuka sect. Soon, the Hindu revival movement, with the birth of the Arya Samaj led by Dayanand Saraswati, became a strong advocate of cow protection. Saraswati's writings and activities inspired a number of *gaurakshini sabhas* or cow protection committees in 1882. See Adrija Roychowdhury, "Why the cow is worshipped in Hindutva politics," *Indian Express*, July 17, 2018, <https://indianexpress.com/article/research/cow-protection-hindutva-politics-bjp-india-5227382/>.

The organized cow protection movement was part of a Hindu revivalism to push back on social reforms led by Western-educated Indians at that time, questioning orthodox Hindu practices. Historian John McLane noted: "Hindus who had previously been unorganised now openly defended idol worship, caste, the sanctity of the Puranas and cows, and the legitimacy of customary marriage practices." See Soutik Biswas, "Why the humble cow is India's most polarising animal," *BBC*, October 15, 2015, <https://www.bbc.com/news/world-asia-india-34513185>. See also, Shylashri Shankar, "Hindus and Sacred Cows: Recipe for Identity Politics," *Open Magazine*, April 21, 2017, <http://www.openthemagazine.com/article/essay/hindus-and-sacred-cows-recipe-for-identity-politics>; and John R. McLane, *Indian Nationalism and the Early Congress* (Princeton: Princeton University Press, 1977).

After independence in 1947, there have been several instances of agitation over cow protection. In November 1966, at least eight people were killed in violence outside the Indian parliament when Rameshwaranand, a legislator from the Bharatiya Jana Sangh, the predecessor to the Bharatiya Janata Party, along with Hindu monks, marched to parliament, demanding a nationwide ban on cow slaughter. Then Prime Minister Indira Gandhi sacked Home Minister Gulzarilal Nanda, who was also affiliated with the Bharat Sadhu Samaj. However, following her win in the elections the following year, Gandhi constituted a committee to look into the proposal for a national law to ban cow slaughter. The committee never submitted its recommendations and was eventually disbanded in 1979. See Seema Chishti, "Directive principle, not right: How cow protection became part of Constitution," *Indian Express*, June 1, 2017, <https://indianexpress.com/article/explained/directive-principle-not-right-how-cow-protection-became-part-of-constitution-4683383/> (accessed August 4, 2018).

⁵ The Rashtriya Swayamsevak Sangh (RSS) was founded in the city of Nagpur in 1925, by Keshav Baliram Hedgewar with the mission of creating a Hindu nationalist state. In RSS ideology, Western thought and civilization are perceived as enemies of Hindu culture and religions such as Islam and Christianity are depicted as alien to India, the religions of foreign invaders and colonizers. The RSS seeks to have "the entire gamut of social life" designed "on the rock bed of Hindu nationalism," a goal

the 2014 national election campaign, the BJP's prime ministerial candidate, Narendra Modi, repeatedly called for the protection of cows, raising the specter of a "pink revolution" by the previous government that he claimed had endangered cows and other cattle to export meat.⁶

Since the BJP came to power in 2014, there has been increased rhetoric against religious and other minorities, including over consumption and export of beef and related products. According to one report, there was a nearly 500 percent increase in the use of hateful and divisive language by elected leaders—90 percent of it by BJP leaders—between 2014 and 2018, as compared to the five years before the BJP was in power.⁷

that has inspired the creation of RSS political, social, and educational wings, a family of organizations now referred to collectively as the *sangh parivar* including the BJP, its political wing, the Vishwa Hindu Parishad (VHP), Bajrang Dal, and others. The VHP was formed in 1964 to organize and communicate the RSS message to Hindus living outside India and holds conferences for Hindu religious leaders from all over the country. The Bajrang Dal is the militant youth wing of the VHP. It was formed in 1984 to mobilize youth for the VHP's campaign to build a temple to the Hindu god Ram at the site of the Babri Masjid, a mosque in the city of Ayodhya in Uttar Pradesh. A young women's association, the Durga Vahini, was also founded at this time. Bajrang Dal activists are believed to be involved in many acts of violence carried out by Hindutva organizations. The Jana Sangh Party was formed in 1951, as the political wing of the RSS. It was later replaced by the BJP in 1980. See Human Rights Watch, *We Have to No Orders to Save You: State Participation and Complicity in Communal Violence in Gujarat* (New York: Human Rights Watch, 2002), <https://www.hrw.org/reports/2002/india/>; Human Rights Watch, *Politics By Other Means: Attacks Against Christians in India*, vol. 11, no. 6, September 1999, chapter III, (New York: Human Rights Watch, 1999), http://www.hrw.org/reports/1999/indiachr/christians8-03.htm#P191_32616; Tapio Tamminen, *Hindu Revivalism and the Hindutva Movement* (Temenos 32, 1996); "Widening Horizons: A book on genesis, philosophy, methodology, progress & the thrust of the RSS," *Samvada*, May 25, 2011, <https://samvada.org/2011/news/widening-horizons-a-book-on-genesis-philosophy-methodology-progress-the-thrust-of-the-rss/> (accessed October 18, 2018); N. K. Singh and U. Mahurkar, "Bajrang Dal: Loonies at Large," *India Today*, February 8, 1999, <https://www.indiatoday.in/magazine/cover-story/story/19990208-bajrang-dal-the-rogue-child-of-the-sangh-parivar-780109-1999-02-08> (accessed October 18, 2018).

⁶ "Government's 'pink revolution' destroying cattle, says Narendra Modi," *NDTV*, April 2, 2014, <https://www.youtube.com/watch?v=1ElnjqtBbuc> (accessed August 4, 2018). Prime Minister Narendra Modi has condemned the incidents of mob violence in some speeches and interviews but has largely dismissed contentions of growing insecurities among minorities as politically motivated. "I want to make it clear lynching is a crime, no matter the motive: PM Modi," *Times of India*, August 12, 2018, <https://timesofindia.indiatimes.com/india/i-want-to-make-it-clear-lynching-is-a-crime-no-matter-the-motive-pm-modi/articleshow/65371020.cms> (accessed January 17, 2019); "PM Narendra Modi's Interview To ANI: Full Transcript," *NDTV*, January 2, 2019, <https://www.ndtv.com/india-news/pm-narendra-modi-interview-to-ani-full-transcript-1971143> (accessed January 17, 2019).

⁷ NDTV collected data by scanning 1,300 articles and cross-referencing this information with databases documenting hate-based crimes in India, as well as going through 1,000 social media posts. It chose two time periods for analysis—four years from 2014 until April 2018 of the Modi government, and the five years from 2009 to 2014, under the second Congress-led United Progressive Alliance. It defined hate speech as statements that are clearly communal, casteist, or calls to violence. Some of these instances could invoke action under laws that cover hate speech—laws such as section 295A (outraging religious feeling), section 153 (promoting enmity between groups), or section 505 (making statements conducing to public mischief) of the Indian Penal Code. See Nimisha Jaiswal, Sreenivasan Jain, and Manas Pratap Singh, "Under Modi Government, VIP Hate Speech Skyrockets - By 500%," *NDTV*, April 19, 2018, <https://www.ndtv.com/india-news/under-narendra-modi-government-vip-hate-speech-skyrockets-by-500-1838925> (accessed October 16, 2018).

As of December 2018, at least 44 people had been killed in cow-related violence since May 2015, 36 of them Muslims. According to Indiaspend, a data-based journalism website, there were over 100 incidents of such violence since 2014. Fifty percent of the victims in these incidents were Muslim, 10 percent Dalit, 9 percent Hindu, and 3 percent members of tribal groups.⁸

Laws Banning Cow Slaughter

Since 2014, several BJP-ruled states have expanded their power to restrict cow slaughter through new legal provisions, and have introduced new policies for the welfare of cows. After Gujarat state amended its law in 2017 to permit life imprisonment and increased fines for the slaughter of cow, bulls, or bullocks, the home minister, Pradeepsinh Jadeja, declared: “We have equaled the killing of a cow or cow progeny with the killing of a human being.”⁹

Cow slaughter is banned currently in 23 of India’s 29 states, the National Capital Territory of Delhi, and in 5 of its 6 union territories in India. Punishment varies in terms of prison sentences and fines.¹⁰ In some states, slaughter of not just cows, but bulls as well, and possession of their meat is also banned.¹¹ Some states permit slaughter or consumption of buffaloes.¹²

In May 2017, the BJP government introduced the Prevention of Cruelty to Animals (Regulation of Livestock Market) Rules, effectively banning the sale of cattle for slaughter

⁸ “DOTO database,” *Documentation of the Oppressed*, <http://dotodatabase.com> (last accessed October 19, 2018); “Hate Crime: Cow-related violence in India,” *Factchecker*, <http://lynch.factchecker.in/> (last accessed October 19, 2018).

⁹ “Cow slaughter now punishable with life term in Gujarat, rules notified,” *Times of India*, June 4, 2017, <https://timesofindia.indiatimes.com/city/ahmedabad/cow-slaughter-now-punishable-with-life-term-in-gujarat-rules-notified/articleshow/58980619.cms> (accessed August 5, 2018).

¹⁰ The six states that do not ban slaughter of cows are Kerala, Arunachal Pradesh, Mizoram, Meghalaya, Nagaland, and Tripura. Lakshadweep is the only union territory that does not ban cow slaughter. See Appendix: India National and State Cow Protection Laws.

¹¹ These include the states of Chhattisgarh, Delhi, Haryana, Maharashtra, Punjab, Rajasthan, and Uttar Pradesh.

¹² “The states where cow slaughter is legal in India,” *Indian Express*, October 8, 2015, <https://indianexpress.com/article/explained/explained-no-beef-nation/> (accessed August 5, 2018).

at animal markets.¹³ This led to protests, particularly in Kerala, Tamil Nadu, and West Bengal—non-BJP-ruled states. In August 2017, the Supreme Court suspended the law.¹⁴ In March 2018, the government introduced modified draft rules, Prevention of Cruelty to Animals in Animal Markets Rules, 2018, which now bans the sale of cattle that are young (less than six months old), in advanced pregnancy, infirm, diseased, ill, injured, or fatigued.¹⁵ The rules had not passed at time of writing.

Most state laws on cow protection are modeled after the national law, Prevention of Cruelty to Animals Act, 1960, which empowers police and state agents to enter, stop, and search premises, as well as to seize animals to ensure that they are not being treated with cruelty.¹⁶ Under most of these laws, cow slaughter is a cognizable, non-bailable offense and the burden of proof is often on the accused.¹⁷

Rights groups say laws banning cow slaughter have created openings for Hindu extremist groups who mostly target Muslims and Dalits. A 2017 fact-finding report by People’s Union for Democratic Rights on the impact of the 2015 cow protection law in Haryana noted “there has been an increase in the number of *gau rakshaks* [cow protectors] who act as ‘eyes and ears’ of the administration and also as enforcers of law and dispensers of ‘lynch justice.’”¹⁸

¹³ Prevention of Cruelty to Animals (Regulation of Livestock Market) Rules, Ministry of Environment, Forest and Climate Change, No. 3961 of 2017, <http://www.egazette.nic.in/WriteReadData/2017/176216.pdf> (accessed August 5, 2018).

¹⁴ Samanwaya Rautray, “Supreme Court stays government rule on livestock trade,” *Times of India*, August 12, 2017, <https://economictimes.indiatimes.com/news/politics-and-nation/supreme-court-stays-government-rule-on-livestock-trade/articleshow/60027810.cms> (accessed August 5, 2018).

¹⁵ Prevention of Cruelty to Animals in Animal Markets Rules, , Draft G.S.R.-89 of 2018, <http://envfor.nic.in/sites/default/files/Draft%20Prevention.PDF> (accessed August 5, 2018).

¹⁶ The Prevention of Cruelty to Animals Act, 1960, No. 59 of 1960, s. 32, http://wgbis.ces.iisc.ernet.in/biodiversity/Environ_sys/legis/aniact.htm (accessed October 15, 2018).

¹⁷ See Appendix: India National and State Cow Protection Laws.

¹⁸ “Cow Tale: Haryana’s Gauvansh Sanrakshan and Gausamvardhan Act in Karnal and its Economic and Administrative Fallouts,” *People’s Union for Democratic Rights*, August 2017, http://puhr.org/sites/default/files/pdfs/karnal_english.pdf (accessed October 17, 2018). Legal provisions, such as section 16 of the Haryana Gauvansh Sanrakshan and Gausamvardhan [Cow Protection and Welfare] Act, empowers police and “any person authorized in this behalf by the Government” to enter, stop, search vehicles, and seize animals to ensure that the law is complied with. The Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015, Haryana Act no. 20 of 2015, s. 16, http://pashudhanharyana.gov.in/sites/default/files/documents/The_Haryana_Gauvansh_Sanrakshan_and_gausamvardhan_act_2015_-_Eng.PDF. This has empowered cow protection groups, which often aid the police in these operations, according to activists and media reports. Michael Safi, “On patrol with the Hindu vigilantes who would kill to protect India’s

A 2016 petition filed in the Supreme Court seeking action against cow protection groups committing violence, asked the court to declare section 12 of the Gujarat Animal Prevention Act, 1954, section 13 of the Maharashtra Animal Prevention Act, 1976, and section 15 of the Karnataka Prevention of Cow Slaughter and Cattle Preservation Act, 1964, as unconstitutional. These sections provide protection to government officials and “any person,” acting in “good faith.”¹⁹ The petition stated: “These laws and the protection granted therewith act as a catalyst to violence perpetrated by these vigilante groups.”²⁰ The states argued that the provisions did not protect members of cow protection groups or vigilantes.²¹

cows,” *Guardian*, October 27, 2016, <https://www.theguardian.com/world/2016/oct/27/on-patrol-hindu-vigilantes-smuggling-protect-india-cows-kill> (accessed August 20, 2018). Also see, Ishan Marvel, “In the Name of the Mother,” *Caravan magazine*, September 1, 2016, <http://www.caravanmagazine.in/reportage/in-the-name-of-the-mother> (accessed August 21, 2018); Snigdha Poonam, *Dreamers: How Young Indians are Changing the World*, (India: Penguin Random House, 2018), <https://penguin.co.in/book/non-fiction/dreamers/> (accessed September 5, 2018).

¹⁹ Gujarat Animal Prevention Act, 1954, Bombay Act No. LXXII of 1954, s.12 https://lpd.gujarat.gov.in/assets/downloads/act_31052012_a10.pdf; Maharashtra Animal Prevention Act, 1976, Maharashtra Act No. IX of 1977, s. 13, [http://bwcindia.org/Web/Info&Action/Legislation/MaharashtraAnimalPreservationAct1976\(AmendedMarch2015\).pdf](http://bwcindia.org/Web/Info&Action/Legislation/MaharashtraAnimalPreservationAct1976(AmendedMarch2015).pdf); Karnataka Prevention of Cow Slaughter and Cattle Preservation Act, 1964, Act No. 35 of 1964, S.15, [http://dpal.kar.nic.in/pdf_files/35%20of%201964%20\(E\).pdf](http://dpal.kar.nic.in/pdf_files/35%20of%201964%20(E).pdf). The laws state that “No suit, prosecution or other legal proceedings shall be instituted against the competent authority or any person exercising powers under this Act for anything which is in good faith done or intended to be done under this Act or the rule made thereunder.” While the petitions specified these three state laws, several other state laws banning cow slaughter have similar protections for instance see laws in Delhi, Andhra Pradesh, Assam, Chhattisgarh, Jharkhand, Telangana, Madhya Pradesh, Rajasthan, Tamil Nadu, and West Bengal. See Appendix: India National and State Cow Protection Laws.

²⁰ “SC Notice To Centre, States On PIL Seeking Ban On Cow Vigilante Groups,” *LiveLaw*, April 7, 2017, <https://www.livelaw.in/sc-notice-to-centre-states-on-pil-seeking-ban-on-cow-vigilante-groups/> (accessed November 20, 2018). Also see, Satya Prasoon and Praveen Kashyap, “The Great Evasion,” *Deccan Herald*, September 5, 2018, <https://www.deccanherald.com/opinion/main-article/great-evasion-691305.html> (accessed November 10, 2018).

²¹ For instance, Karnataka state government led by the Congress party said: “If persons, who are members of such societies, associations or institution or vigilante groups, indulge in violence and create disharmony among various communities and castes taking law in their own hands and committing atrocities on innocent people, the protection under Section 15 of the Act is not available for such persons. Therefore, question of declaring the provisions of Section 15 as unconstitutional does not arise.” “Karnataka says its cow protection law doesn’t protect gau rakshaks,” *Indian Express*, May 5, 2017, <https://indianexpress.com/article/india/karnataka-says-its-cow-protection-law-doesnt-protect-gau-rakshaks-4641068/> (accessed November 10, 2018). However, a BJP leader from the state reportedly welcomed the government’s stand to defend section 15 of the law saying, “We think cow protectors must be protected as they are doing a great job, preserving the most valuable animal that has helped sustain the farm sector for ages.” K.M. Rajesh, “Cow law heat on Karnataka,” *Telegraph*, May 5, 2017, <https://www.telegraphindia.com/india/cow-law-heat-on-karnataka/cid/1519963> (accessed November 10, 2018).

Sajjad Hassan, convener of Citizens Against Hate, a collective of groups and individuals documenting hate crimes in India and providing legal aid to victims of such crimes, said the laws have enabled vigilante action:

The police have effectively outsourced the intelligence, identification, and apprehension of the alleged violators of these cow protection laws to *gau rakshak dals*. These cow protection groups, working mostly under the protection of senior political figures, repeatedly claim to be running volunteer networks and check points on main access roads to apprehend “cattle smugglers” in coordination with local police. The laws also provide a cloak of impunity to these Hindu extremist groups targeting minorities.²²

Indian Constitution

Cow slaughter was contentiously debated during the framing of the Indian Constitution in the late 1940s.²³ Some members of the Constituent Assembly wanted a total prohibition on cow slaughter and called for cow protection to be a fundamental right.²⁴ Eventually, there was a compromise to prohibit cow slaughter not by making it an enforceable fundamental right but by including it as a “Directive Principle of State Policy,” meant to guide the national and state governments in policymaking.²⁵ As lawyer Gautam Bhatia wrote, the Constitution “carefully excluded the question of religious sentiments. Nor did it require the

²² Human Rights Watch interview with Sajjad Hassan, New Delhi, September 26, 2018. See also, Citizens Against Hate, “Lynching Without End: Fact finding investigation into religiously-motivated vigilante violence in India,” September 2017, <http://www.misaal.ngo/wp-content/uploads/2017/09/FINAL-report-Lynching-without-End.pdf> (accessed August 1, 2018).

²³ Constituent Assembly Debates, Constituent Assembly of India, Volume VII, November 24, 1948, <https://indiankanoon.org/doc/1945234/> (accessed August 2, 2018).

²⁴ For instance, R.V. Dhulekar, one of the members said: “[O]ur Hindu society, or our Indian society, has included the cow in our fold. It is just like our mother. In fact, it is more than our mother. I can declare from this platform that there are thousands of persons who will not run at a man to kill that man for their mother or wife or children, but they will run at a man if that man does not want to protect the cow or wants to kill her.” See R.V. Dhulekar, member of Constituent Assembly, Constituent Assembly Debates, Constituent Assembly of India, Volume VII, November 24, 1948, <https://indiankanoon.org/doc/1945234/> (accessed August 2, 2018).

²⁵ Constitution of India, 1950, Part IV Directive Principle of State Policy, art. 48, “Organisation of Agriculture and Animal Husbandry,” https://www.india.gov.in/sites/upload_files/npi/files/coi_part_full.pdf (accessed August 2, 2018).

state to ban cow slaughter outright.”²⁶ This has led to continued political and judicial battles on this issue.

Rise in Attacks Against Minorities

The rise in Hindu nationalism in India since 2014, has fostered a climate of hate and discrimination against Muslims, Dalits, and other minority communities, leading to an increase in violent attacks against them in many parts of the country, including in the name of cow protection.²⁷

Hindu nationalist groups portray the majority Hindu population as victims, claiming that minority groups have been unfairly privileged for benefits. They accuse Christian churches of using their social work to convert Hindus. They accuse Muslims, not just of violent attacks, but of kidnapping, raping, or seducing Hindu women as part of a plot to make India into a Muslim-majority country.²⁸ According to the latest data from National Crime Records Bureau, there was a 5.5 percent increase in reporting of crimes against Dalits in 2016 over the previous year.²⁹

Hate Crime Watch, a collaborative database by Factchecker,³⁰ documented 254 reported incidents of religious identity-based crimes between January 2009 and October 2018, in which at least 91 persons were killed and 579 were injured. About 90 percent (229) of

²⁶ Gautam Bhatia, “Cow slaughter and the Constitution,” *The Hindu*, June 1, 2017, <https://www.thehindu.com/opinion/lead/cow-slaughter-and-the-constitution/article18683942.ece> (accessed August 2, 2018).

²⁷ Amnesty International India, “India: Hate crimes against Muslims and rising Islamophobia must be condemned,” June 28, 2017, <https://www.amnesty.org/en/latest/news/2017/06/india-hate-crimes-against-muslims-and-rising-islamophobia-must-be-condemned/> (accessed October 18, 2018).

²⁸ Calling interfaith marriages “love jihad” that should be opposed, moral vigilantes have targeted interfaith couples, in one case in Uttar Pradesh state beating a 65-year-old Muslim man to death. In May 2017 in Uttar Pradesh state, a Hindu mob, allegedly including members of Hindu Yuva Vahini, a militia founded by the state’s chief minister Adityanath, beat to death Ghulam Ahmad because they suspected him of involvement in the elopement of a Muslim man with a Hindu woman. “Bulandshahr: Suspected Hindu Yuva Vahini workers lynch a Muslim man for helping a Hindu girl elope,” *Scroll.in*, May 3, 2017, <https://scroll.in/latest/836431/bulandshahr-suspected-hindu-yuva-vahini-workers-lynch-a-muslim-man-for-helping-a-hindu-girl-elope> (accessed October 13, 2018).

²⁹ “Crime in India: 2016,” National Crime Records Bureau, Ministry of Home Affairs, Government of India, October 2017.

³⁰ Factchecker is an initiative of the Spending & Policy Research Foundation which also runs Indiaspend.org, the data-journalism website which published the database on cow-related violence.

these attacks were reported after May 2014, when the BJP-led government was elected to office at the national level.³¹ These include communal clashes, attacks on interfaith couples, and violence related to cow protection and religious conversions.³²

The Supreme Court, in July 2018, while ruling on the rise in mob attacks, including cow vigilantism, said, “Hate crimes as a product of intolerance, ideological dominance and prejudice ought not to be tolerated; lest it results in a reign of terror. Extra judicial elements and non-State actors cannot be allowed to take the place of law or the law enforcing agency.”³³

Despite the growing climate of intolerance and attacks against minorities, the government still does not collect credible data on hate crimes in line with international human rights standards. Said A.P. Shah, former chief justice of the Delhi High Court, “If we are to see an end to hate crime in our society, one necessary condition is for credible, evidence-based and impartial data about the extent and nature of hate crimes across the country.”³⁴ The 2002 Programme of Action of the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, also urged states to collect, compile, analyze, disseminate, and publish reliable statistical data to help inform policymaking.³⁵

³¹ “Hate Crime Watch”, *Factchecker*, <https://p.factchecker.in/> (accessed November 1, 2018). The database recorded that Muslims, who comprise 14 percent of India’s population, were the victims in 62 percent of cases (158 of 254) and Christians, 2 percent of the population, in 14 percent (35) of cases. Hindus, constituting the majority or 80 percent of the population, were victims in 10 percent (25) of the cases.

³² This data has been disputed by supporters of the BJP government who say that the data is selective and flawed, based on English-language media that itself is biased. Swati Goel Sharma, “Selective Data On Communal Violence In India: IndiaSpend, English Media Have A Lot To Answer For,” *Swarajya*, November 14, 2018, <https://swarajyamag.com/ideas/selective-data-on-communal-violence-in-india-indiaspend-english-media-has-a-lot-to-answer-for> (accessed November 20, 2018).

³³ *Tehseen S. Poonawalla v. Union of India*, Supreme Court of India, Writ Petition (Civil) No. 754 of 2016, July 17, 2018..

³⁴ Alison Saldanha and Karthik Madhavapeddi, “FactChecker Our New Hate-Crime Database: 76% Of Victims Over 10 Years Minorities; 90% Attacks Reported Since 2014,” *Factchecker*, October 30, 2018, <https://factchecker.in/our-new-hate-crime-database-76-of-victims-over-10-years-minorities-90-attacks-reported-since-2014/> (accessed November 10, 2018).

³⁵ United Nations, Report of the World Conference Against Racism, Racial Discrimination, Xenophobia, and Related Intolerance, Programme of Action (WCAR Report), A/CONF.189/12, Durban, August 31 – September 8, 2001, <http://www.un.org/WCAR/durban.pdf> (accessed November 20, 2018).

State Response to Communal Violence

India has a long history of communal violence, including incidents involving mass killings with the complicity of the government. Successive central and state governments have failed to prosecute those most responsible, including public officials accused of complicity or dereliction of duty in high-profile cases such as anti-Sikh violence in 1984 in Delhi,³⁶ and anti-Muslim violence in 1992-93 in Mumbai, 2002 in Gujarat,³⁷ and 2013 in Muzaffarnagar in Uttar Pradesh.³⁸ In addition, there are frequent clashes based on caste. Minority Hindus were targeted by militants in Jammu and Kashmir forcing large-scale displacement since 1990.³⁹

Civil society and rights groups have repeatedly called for the Indian government to enact a law to address communal violence. The Prevention of Communal and Targeted Violence (Access to Justice and Reparations) Bill, 2013, was dropped after BJP and other political groups, then in opposition, obstructed it.⁴⁰

There are provisions in the Indian penal code that can apply to spreading communal hatred.⁴¹ However, as Human Rights Watch has documented, while these laws are

³⁶ “India: No Justice for 1984 Anti-Sikh Bloodshed,” Human Rights Watch news release, October 29, 2014, <https://www.hrw.org/news/2014/10/29/india-no-justice-1984-anti-sikh-bloodshed>.

³⁷ Human Rights Watch, “*We Have to No Orders to Save You: State Participation and Complicity in Communal Violence in Gujarat*,” (New York: Human Rights Watch, 2002), <https://www.hrw.org/report/2002/04/30/we-have-no-orders-save-you/state-participation-and-complicity-communal-violence>

³⁸ “India: Stop Forced Evictions of Riot Victims,” Human Rights Watch news release, January 17, 2014, <https://www.hrw.org/news/2014/01/17/india-stop-forced-evictions-riot-victims>

³⁹ Following the armed secessionist struggle against Indian rule in Jammu and Kashmir in 1989, Hindu Kashmiris, called *pandits*, came under attack. The militant groups, with arms and training from Pakistan, abducted, murdered, and threatened many Hindu residents. Hundreds of thousands of Kashmiri pandits fled the Muslim-majority Kashmir valley, relocating to squalid camps in Jammu and Delhi. Human Rights Watch, “*Everyone Lives in Fear: Patterns of Impunity in Jammu and Kashmir*” (New York: Human Rights Watch, 2006), <https://www.hrw.org/report/2006/09/11/everyone-lives-fear/patterns-impunity-jammu-and-kashmir>.

⁴⁰ The Prevention of Communal and Targeted Violence (Access to Justice and Reparations) Bill, 2011, <http://www.prsindia.org/uploads/media/draft/NAC%20Draft%20Communal%20Violence%20Bill%202011.pdf> (accessed October 20, 2018). Sunil Prabhu, “After fierce debate, anti-communal violence bill is dropped. Here’s why,” *NDTV*, February 5, 2014, <https://www.ndtv.com/cheat-sheet/after-fierce-debate-anti-communal-violence-bill-is-dropped-heres-why-549881> (accessed October 20, 2018).

⁴¹ Indian Penal Code sections 153A dealing with promoting enmity between groups and acts prejudicial to maintenance of harmony; 153B for acts prejudicial to maintenance of national integration; 295A for acts intended to outrage religious

intended to protect minorities and the powerless, in practice they are often used at the behest of powerful individuals or groups, who claim that they have been offended, to silence speech. Government officials too often pursue such complaints, leaving members of minority groups, writers, artists, and scholars facing threats of violence and legal action.⁴²

Supreme Court Directives to Address Mob Violence

In July 2018, a three-judge bench of the Supreme Court passed a series of directives for “preventive, remedial and punitive” measures to address mob violence and killings. The court also recommended the parliament create a separate offense for lynching and provide adequate punishment for the same.⁴³

The court asked all state governments to designate a senior police officer, not below the rank of superintendent of police, as nodal officer in every district to prevent incidents of mob violence and ensure that the police take prompt action against the perpetrators.⁴⁴ The court asked the central and state governments to publicly make statements and disseminate the message that “lynching and mob violence of any kind shall invite serious consequence under the law.” It also set out compensation for victims and ordered their protection.⁴⁵ Finally, the court said action should be taken against any police or government official who fails to comply with these directives.

Several states have designated nodal officers and issued circulars to police officials on addressing mob violence. However, not all states have filed compliance reports, and many

feelings; and 295B for words intended to hurt religious feelings. The Indian Penal Code, No. 45 of 1860, s. 153A, 153B, 295A, and 295B, <http://www.hyderabadpolice.gov.in/acts/Indianpenalcode1860.pdf> (accessed October 17, 2018).

⁴² Human Rights Watch, “*Stifling Dissent: The Criminalization of Peaceful Expression in India*” (New York: Human Rights Watch, 2016), <https://www.hrw.org/report/2016/05/24/stifling-dissent/criminalization-peaceful-expression-india>

⁴³ *Tehseen S. Poonawalla v. Union of India*, Writ Petition (Civil) No. 754 of 2016, Supreme Court of India, July 17, 2018, <https://indiankanoon.org/doc/71965246/> (accessed October 1, 2018).

⁴⁴ The Supreme Court said all cases of mob violence should be tried in fast-track courts and trials should preferably be concluded within six months from the date of taking cognizance, and that this would apply to pending cases too. If applied for, the courts should provide protection for witnesses, including concealing their identities. *Ibid.*

⁴⁵ The victims or their family members should be given timely notice of any court proceedings and be entitled to be heard at the trial in respect of applications such as bail, discharge, release and parole filed by the accused persons. *Ibid.*

that have done so have only provided generic information that offers little insight into compliance with the court's directives.⁴⁶

The Supreme Court ruling addressed the need for the central government to take responsibility for the mob violence occurring across the country, said Indira Jaising, senior advocate in the case: "The center can no longer say that this is a law and order problem and hence it is for the state to deal with it."⁴⁷ Jaising said there should be a new anti-discrimination law that ensures superior responsibility. "It is easy for any government to sacrifice a beat constable who watched while a man was being lynched, but what about the commissioner of police who failed to prevent that from happening under his very nose? Should he not be held equally responsible?"⁴⁸

India's Obligations Under Domestic and International Law

India's national and state governments are obligated under domestic and international law to protect religious and other minority populations and fully and fairly prosecute those responsible for discrimination and violence against them. Constitutional provisions and domestic legislation impose on the Indian government a duty to ensure the basic rights of minority populations, to prosecute those who participate in communal violence, and to punish complicit state officials who, having the power and duty to stop the violence, do not intervene. Articles 14, 15, and 16 of the Indian Constitution guarantee all citizens the right to equal treatment before the law and the right to equal protection of the laws. Article 21 guarantees the right to life.⁴⁹ The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, protects the rights of Dalits and tribal communities and provides for the prosecution of offenses against them, and relief for and rehabilitation of the victims.⁵⁰

⁴⁶ Compliance reports filed in Supreme Court, on file with Human Rights Watch.

⁴⁷ Human Rights Watch email correspondence with Indira Jaising, October 29, 2018.

⁴⁸ Indira Jaising, "Why government should make new law on lynching," *Economic Times*, July 22, 2018, <https://economictimes.indiatimes.com/news/politics-and-nation/why-government-should-make-new-law-on-lynching-soon-before-its-too-late/articleshow/65085294.cms> (accessed October 30, 2018).

⁴⁹ Constitution of India, 1950, arts. 14-16, https://www.india.gov.in/sites/upload_files/npi/files/coi_part_full.pdf (accessed August 2, 2018).

⁵⁰ Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018, No. 27 of 2018, http://socialjustice.nic.in/writereaddata/UploadFile/PoA_Act_2018636706385256863314.pdf (accessed October 25, 2018).

Article 19 of the Constitution guarantees all citizens the right to carry out any legitimate occupation, trade, or business. The Supreme Court has also held that right to life under article 21 of the Constitution includes the right to livelihood.⁵¹

India is party to core international human rights law treaties. The International Covenant on Civil and Political Rights (ICCPR) and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) prohibit discrimination based on race or ethnicity and require governments to provide their residents with equal protection of the law.⁵²

ICERD obligates governments to punish by law all acts of violence motivated by racial, ethnic, or national origin.⁵³ Specifically, ICERD article 4 requires governments to declare “all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin” as offenses punishable by law.⁵⁴

The right to freedom of religion and prohibitions on discrimination on the grounds of religion are further elaborated upon in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.⁵⁵ Although not a treaty, this declaration, proclaimed by the UN General Assembly in 1981, provides authoritative guidelines to UN member states on ways to eliminate religious intolerance and discrimination.

⁵¹ *Olga Tellis v. Bombay Municipal Corporation*, Supreme Court of India, 1986 AIR 180, 1985.

⁵² International Covenant on Civil and Political Rights (ICCPR), G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, art. 18; International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 660 U.N.T.S. 195, entered into force January 4, 1969, art. 5.

⁵³ ICERD, article 2(1).

⁵⁴ The Committee on the Elimination of Racial Discrimination, a treaty monitoring committee created pursuant to the ICERD, similarly calls on governments to penalize “acts of violence against any race or group of persons of another colour or ethnic origin.” Committee on the Elimination of Racial Discrimination, General Recommendation XV, paras. 3 and 4.

⁵⁵ Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, U.N.G.A. Res. 36/55, November 25, 1981. Article 4 of the declaration proclaims that, “All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life,” and that “[a]ll States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter.”

Article 6 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) recognizes the right to work, “which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts,” and that governments are obligated to take steps to safeguard this right.⁵⁶ The UN Committee on Economic, Social and Cultural Rights, in its General Comment No. 18 on the Right to Work, states that a “core obligation” of governments are to ensure non-discrimination and equal protection of employment. Because discrimination in employment can have a considerable impact on the work situation of individuals and groups, governments should “avoid any measure that results in discrimination and unequal treatment in the private and public sectors of disadvantaged and marginalized individuals and groups or in weakening mechanisms for the protection of such individuals and groups.”⁵⁷

⁵⁶ International Covenant on Economic, Social and Cultural Rights, adopted December 16, 1966, G.A. Res. 2200A (XXI), entered into force January 3, 1976, art. 6.

⁵⁷ UN Committee on Economic, Social and Cultural Rights, General Comment No. 18: The Right to Work, E/C.12/GC/18, February 6, 2006, para. 31.

II. Police Bias in Responding to Cow-Related Violence

In most of the cases of cow-related violence investigated by Human Rights Watch, the police delayed filing First Information Reports (FIRs)—the first step to initiating an investigation—or failed to follow other procedures.

In almost a third of the cow-related vigilante killings since 2015, police filed cases against victims or witnesses.⁵⁸ In some cases, witnesses turned hostile because of threats from the police or from the accused and their supporters. At times the police were complicit in the death of the victim and tried to cover up the crime.

Meeran Borwankar, former police commissioner of Pune in Maharashtra state, said the unprofessional conduct of the police in such cases may come from their personal beliefs and bias, as well as what they perceive to be the message from the political leadership:

The general atmosphere in the country is that it is our holy duty to save the cow. And some police officers, with their hidden bias, understand the feelings of these vigilantes and may find ways out for them not to be convicted in the courts. We are only hearing cases of murders. But there may be rampant extortion, bullying, and corruption in the name of the cow by both police and vigilantes.⁵⁹

Delays in Filing First Information Reports, Cases Against Victims

In four cases that Human Rights Watch documented, police either delayed filing the FIR, or added relevant charges and arrested the accused only after public protests.

⁵⁸ Human Rights Watch analysis based on hate crime databases, Doto and Indiaspend databases (<http://dotodatabase.com/>, <https://lynch.factchecker.in/>), media reports, interviews with victims' families, and documents related to the cases.

⁵⁹ Human Rights Watch interview with Meeran Borwankar, New Delhi, October 4, 2018.



Irshad Khan holds a picture of his father, Pehlu Khan. Irshad, his brother, his father, and two others were attacked by members of a cow protection group while transporting cattle from Rajasthan to Haryana in 2017. Pehlu Khan was killed in the attack. © 2017 Cathal McNaughton/Reuters

Pehlu Khan, Rajasthan

On April 1, 2017, a mob in Alwar district in Rajasthan state accused Pehlu Khan, 55, a dairy farmer, of smuggling cows and severely beat him. He was returning to his village in Nuh district in Haryana state from a cattle fair in Rajasthan with his sons, Irshad and Arif, where they had purchased cows and calves. Their fellow villagers, Azmat and Rafiq, were also beaten up. Pehlu Khan died two days later in a private hospital where he was brought by the police. He named six men as his attackers in his “dying declaration.”⁶⁰

⁶⁰ Pehlu Khan told the police when he and his two sons were on their way to their village in Nuh district, after they crossed Behror in Rajasthan, they were attacked by a mob of about 200 people. He said: “They started abusing and beating us up. The assailants called each other by their names—Om Yadav, Hukumchand Yadav, Naveen Sharma, Sudhir Yadav, Rahul Saini, and Jagmal—and said they were members of Vishwa Hindu Parishad and Bajrang Dal. They said they beat up anyone who crosses that area with cows and used sticks, fists, and kicks to beat us up. They tore our clothes, took the money from our pockets. When we lay injured on the road, they destroyed our pick-up truck too. At that time, Rafiq and Azmat arrived in another vehicle with three cows and the mob beat them up too. I had serious injuries on my head and face and then the police arrived and took us to the hospital in an ambulance.” Charge-sheet filed by police in July 2017. Copy on file with Human Rights Watch.

Instead of filing a case against the attackers, police first filed FIRs against all five victims including Khan and his sons under the Rajasthan Bovine Animal (Prohibition of Slaughter and Regulation of Temporary Migration or Export) Act, 1995 for allegedly smuggling cows.⁶¹ The police alleged that Khan and his associates did not have documents permitting them to transport the animals across state lines.⁶² The police investigation disregarded that a mob had torn up the purchase receipts issued by Jaipur's municipal corporation. Even though the police admitted Khan to a hospital by 7:40 p.m., they did not file a FIR into the incident until more than eight hours later, at 3:54 a.m. on April 2.⁶³

In September, the Crime Investigation Department of the Rajasthan police filed an investigation report discarding Khan's dying declaration and exonerating all six accused—three of whom were allegedly linked with Hindu militant organizations—saying there was no evidence they were present at the time of the attack. The report recommended removing their names from the case based on mobile phone records as well as statements of the staff of a cow shelter. The shelter, however, was reportedly patronized by one of the accused.⁶⁴ The investigation named nine other accused—two of them under age 18.

The investigation also attempted to undermine the post-mortem report, conducted by three government doctors, which concluded the cause of death was “shock brought as a result of antemortem thoraco-abdominal injuries”—injuries to the chest and abdomen.⁶⁵ Instead, the police recorded the testimonies of doctors from the private hospital where Khan was taken by the police, saying he died of a heart attack, and not his injuries.⁶⁶ The

⁶¹ Copies of First Information Reports on file with Human Rights Watch.

⁶² Deep Mukherjee, “Pehlu Khan lynching case: Alwar police charge all victims with cow smuggling,” *Indian Express*, February 1, 2018, <https://indianexpress.com/article/india/pehlu-khans-lynching-case-alwar-police-charge-all-victims-with-cow-smuggling-5046962/> (accessed August 15, 2018).

⁶³ Copy of First Information report on file with Human Rights Watch.

⁶⁴ Deep Mukherjee, “Alwar lynching: Rajasthan police close probe against 6 Hindu right-wing men named by Pehlu Khan,” *Hindustan Times*, September 14, 2017, <https://www.hindustantimes.com/india-news/no-one-killed-pehlu-khan-probe-against-hindu-right-wing-men-named-by-dying-cattle-farmer-closed/story-SDghUwo8QQJRAArn2Gy2rK.html> (accessed August 15, 2018).

⁶⁵ Post-mortem report, Community Health Centre, Behror, Alwar district, Medical and Health Department, Rajasthan, April 4, 2017. Copy on file with Human Rights Watch.

⁶⁶ Testimonies of doctors from Kailash Hospital on file with Human Rights Watch.

private hospital where Khan and his sons and associates were admitted was founded by Mahesh Sharma, BJP minister of state for culture in the national cabinet.⁶⁷

An independent fact-finding report endorsed by several rights groups concluded, “The records establish that the police and the prosecution have, through acts of commission and omission, worked from the day of the attack to diminish the enormity of the crime, weakening the case against the accused.”⁶⁸ Khan’s son, Irshad, has since sought a Supreme Court-monitored investigation into the incident.⁶⁹

In January 2018, the police filed charges against villagers Azmat and Rafiq for allegedly smuggling cows. They also filed charges against the driver of one of the vehicles attacked, and against the driver’s father in whose name the truck was registered.⁷⁰

Anas, Arif, and Nazim, Uttar Pradesh

Anas Qureshi, 17, Arif Qureshi, 26, and Nazim, 15, were beaten to death in Kaimrala village of Dadri town on August 2, 2015. The attackers also set their truck on fire after they found two buffaloes in it. Earlier that day, Arif, a cattle trader, went with his cousin Anas to buy buffaloes in Kaimrala village. He had asked Nazim to drive a truck to the seller’s house to help them transport the buffaloes.

Instead of filing a case of murder against the attackers, the police instead filed a case of trespass, theft, and attempted murder against unknown persons in an apparent effort to

⁶⁷ “Police Diluted Charges Against Accused in Pehlu Khan’s Murder Case: Fact-Finding Report,” *The Wire*, October 26, 2017, <https://thewire.in/politics/police-diluted-charges-accused-pehlu-khans-murder-case-fact-finding-report> (accessed August 15, 2018). Also see the official biography of Mahesh Sharma, BJP minister of state for culture in the national cabinet, “Biography”, Ministry of Environment, Forest and Climate Change, http://www.moef.gov.in/sites/default/files/Biography_MoS.pdf (last accessed December 12, 2018).

⁶⁸ “Police Diluted Charges Against Accused in Pehlu Khan’s Murder Case: Fact-Finding Report,” *The Wire*, October 26, 2017, <https://thewire.in/politics/police-diluted-charges-accused-pehlu-khans-murder-case-fact-finding-report> (accessed August 15, 2018).

⁶⁹ Press Trust of India, “Pehlu Khan’s son demands Supreme Court-monitored probe in lynching case,” *The New Indian Express*, October 26, 2017, <http://www.newindianexpress.com/nation/2017/oct/26/pehlu-khans-son-demands-supreme-court-monitored-probe-in-lynching-case-1684033.html> (last accessed December 11, 2018).

⁷⁰ Deep Mukherjee, “Pehlu Khan lynching case: Alwar police charge all victims with cow smuggling,” *Indian Express*, February 1, 2018, <https://indianexpress.com/article/india/pehlu-khans-lynching-case-alwar-police-charge-all-victims-with-cow-smuggling-5046962/> (accessed August 15, 2018).

blame the victims.⁷¹ It was only six days later, after allegedly taking a bribe, that the police filed an FIR against the attackers, naming three men for rioting, unlawful assembly, and culpable homicide not amounting to murder.⁷² The police did not add murder to the charges or explain the reason for the delay in filing the FIR.⁷³ Family members have written several letters to senior police and government officials in Uttar Pradesh and Delhi requesting a proper investigation into the case, and for protection to the families of the victims.⁷⁴ When we spoke to them, they had received no response and told us they had no idea regarding the status of the investigation.⁷⁵

Umar Khan, Rajasthan

Cow protectors allegedly shot Umar Khan, 35, a farmer, in Alwar district on November 10, 2017. While his body was not found until a day later on a railway track, his family alleged the body was put there to destroy evidence and to suggest he died in an accident.⁷⁶

According to the FIR filed by his uncle, at the time of his death Umar Khan was transporting cattle to his home in Bharatpur district with fellow villagers Tahir and Javed. They were attacked by some men who claimed to be associated with cow protection groups. Tahir was also shot and was admitted to a hospital, while Javed managed to flee.⁷⁷

Rather than immediately pursue the perpetrators, police alleged that the three were “cow smugglers” and filed a case against them under the Rajasthan Bovine Animal (Prohibition

⁷¹ Copy of FIR on file with Human Rights Watch.

⁷² Human Rights Watch interview, details withheld, Ghaziabad district, Uttar Pradesh, July 9, 2018.

⁷³ Copy of FIR on file with Human Rights Watch.

⁷⁴ Letters from Sajid, brother of Arif Qureshi, to director general of police, inspector general of police, superintendent of police, union home minister, and chief minister of Uttar Pradesh, dated August 4, 2015. Copies on file with Human Rights Watch.

⁷⁵ Human Rights Watch interview with Anas’s mother and Arif’s brother, Ghaziabad, Uttar Pradesh, July 9, 2018.

⁷⁶ Copy of FIR, dated November 12, 2017, on file with Human Rights Watch.

⁷⁷ Ibid.

of Slaughter and Regulation of Temporary Migration or Export) Act, 1995. A week after the case was filed, the police arrested Tahir and Javed.⁷⁸

Rights groups widely condemned their arrests. Kavita Srivastava of the People's Union for Civil Liberties said, "The Alwar police should have arrested the killers. They want to build pressure on these two to bargain a deal, frighten them, and dilute the case. This shows that the state government has given absolute impunity to the killers."⁷⁹

After protests, by January 2018, the police had arrested eight people for Umar Khan's murder. A senior police official said the accused were "common people, villagers, anti-social elements" who robbed Umar Khan and his associates, killed Khan, and threw his body on the railway track.⁸⁰

Noman, Himachal Pradesh

Noman, 20, a resident of Uttar Pradesh, was beaten to death at Sarahan in Himachal Pradesh on October 14, 2015, over suspicions that he was smuggling cows. The autopsy found over 40 injuries and concluded that Noman died of gross injuries leading to "shock and pulmonary and brain oedema"—brain swelling caused by excess fluid.⁸¹

The attackers also beat up four other occupants of the truck they were using to ferry cattle. Police later arrested all four, booking them under laws banning cow slaughter and preventing cruelty to animals.

After protests, the police in December 2015, two months after the incident, registered a case of murder and filed the charge-sheet. Twelve people were arrested, and all released

⁷⁸ Mohammed Iqbal, "Dairy farmer Umar Khan's companions arrested," *The Hindu*, November 20, 2017, <https://www.thehindu.com/news/dairy-farmer-umar-khans-companions-arrested/article20601039.ece> (accessed August 17, 2018).

⁷⁹ Mohammed Iqbal, "Dairy farmer Umar Khan's companions arrested," *The Hindu*, November 20, 2017, <https://www.thehindu.com/news/dairy-farmer-umar-khans-companions-arrested/article20601039.ece> (accessed August 17, 2018).

⁸⁰ Dev Ankur Wadhawan, "Alwar Police arrests four more people in Umar Khan murder case," *India Today*, January 7, 2018, <https://www.indiatoday.in/india/story/alwar-police-umar-khan-murder-case-alwar-superintendent-of-police-rahul-prakash-cow-vigilantes-1124530-2018-01-07> (accessed August 17, 2018).

⁸¹ Post-mortem report dated October 15, 2015. Copy on file with Human Rights Watch.

on bail, raising safety concerns for Noman’s associates. The counter-case for cow smuggling against them reportedly has frightened them and they are unwilling to testify against their attackers.⁸²

Police Fail to Follow Procedures, Shield Perpetrators

Even in cases where the police filed cases, they sometimes tried to shield the accused from prosecution.

Mazlum Ansari and Mohammed Imteyaz Khan, Jharkhand

Muslim cattle trader, Mohammed Mazlum Ansari, 35, and 12-year-old Mohammed Imteyaz Khan were killed while on their way to sell cattle at an animal fair. They were found hanging from a tree in Latehar district in Jharkhand on March 18, 2016, their hands tied behind their backs, their eyes covered by cloth, and their bodies bearing multiple bruises.⁸³ According to the post-mortem reports, bruises were caused by “long hard blunt rod-like” objects.⁸⁴

In December 2018, a court in Jharkhand convicted eight men for the killings and sentenced them to life in prison and fined them each 25,000 rupees (\$ 350).⁸⁵ However, family members, residents of the district, and lawyers with knowledge of the case say that the police initially mishandled the investigation.

Ansari had been threatened previously by members of the local cow protection group, including the accused, according to his family. His wife, Saira Bibi, told the court in March 2017, that 45 days before her husband’s murder, the accused had warned him against

⁸² Bhumi Adhikar Andolan, “‘Divide and Rule in the Name of Cow,’ Report of Fact finding team on lynchings in Haryana and Rajasthan,” March 2018, <https://cjp.org.in/wp-content/uploads/2018/03/AIKS-Divide-and-Rule-PDF.pdf> (accessed August 19, 2018).

⁸³ Jayshree Bajoria, “India’s Cow Protection Groups Raise Tensions,” commentary, Human Rights Watch dispatch, March 21, 2016, <https://www.hrw.org/news/2016/03/21/dispatches-indias-cow-protection-groups-raise-tensions>.

⁸⁴ Post mortem reports of Mazlum Ansari and Mohammed Imteyaz Khan, Latehar, Jharkhand, March 18, 2016. Copies on file with Human Rights Watch.

⁸⁵ Press Trust of India, “Latehar lynching case: Eight get life term for double murder in Jharkhand,” *The Hindu*, December 21, 2018, <https://www.thehindu.com/news/national/other-states/latehar-lynching-case-eight-get-life-term-for-double-murder-in-jharkhand/article25799853.ece> (accessed January 12, 2019).

working in the cattle trade. Ansari had filed a complaint regarding the incident in Balumath police station, she said, but the police did not act.⁸⁶

On the day of the killing, Imteyaz Khan's father, Azad Khan, had been following his son on his motorbike. "I hid in the bushes when I saw them beating up Imteyaz and Mazlum," he said. "If I stepped out, they would have killed me too. My son was screaming for help, but I was so scared that I hid."⁸⁷

The police eventually arrested eight men for the killings. The accused said they were members of a local cow protection group, and that they had previously stalked Muslims, stolen their cattle, and sold some of the livestock while releasing others in the forest. Four of the accused recounted how they beat up Ansari and Khan, then strangled and hanged them.⁸⁸ In May 2016, the police filed charges of murder and causing disappearance of evidence.⁸⁹ However, the police did not file charges against Vinod Prajapati, leader of a local cow protection group whom witnesses had identified as among the perpetrators.⁹⁰ Nor did they press charges of criminal conspiracy.⁹¹

⁸⁶ Saira Bibi's statement in sessions court, Case no. 97 of 2016, March 24, 2017. Copy on file with Human Rights Watch.

⁸⁷ Human Rights Watch interview with Azad Khan, Ranchi, Jharkhand, June 12, 2018.

⁸⁸ Confessions of all accused as part of charge-sheet filed May 2016, on file with Human Rights Watch. Also see text of confessions in "Hanged by Gau Rakshaks, Denied Justice by the State," an independent investigation report by 11 human rights groups; Alliance for Justice and Accountability et al., "Hanged by Gau Rakshaks, Denied Justice by the State," April 2, 2018, <https://cjp.org.in/wp-content/uploads/2018/04/Latehar-Report-Proofing-Draft.pdf> (accessed July 13, 2018).

⁸⁹ Copy of charge-sheet number 65/16, dated May 31, 2016, on file with Human Rights Watch.

⁹⁰ The charge-sheet said, "as yet, the investigation has not found evidence of primary accused Vinod Prajapati's involvement in the crime" and therefore "investigation (in his possible role) was still continuing." Ibid.

⁹¹ Citizens Against Hate, "Lynching Without End: Fact finding investigation into religiously-motivated vigilante violence in India," September 2017, <http://www.misaal.ngo/wp-content/uploads/2017/09/FINAL-report-Lynching-without-End.pdf> (accessed August 1, 2018).

The police also failed to get the confessions recorded before a magistrate under section 164 of the Code of Criminal Procedure, making them inadmissible as evidence.⁹² A week after the police filed charges, on June 9, 2016, all eight accused were released on bail.⁹³

Muslim residents believe the police never really intended to act as required. Earlier, they informed the National Commission of Minorities, which went on a fact-finding visit in May 2016, that the authorities had failed to act on repeated complaints of threats, harassment, and physical attacks against cattle traders by cow protection groups in recent years.⁹⁴

The commission was investigating both the killings and a police crackdown on protesters who were demanding prompt police action. The police had beaten protesters with sticks, fired in the air, and filed a case of violence against 110 Muslim youth.⁹⁵ While the police said they resorted to the use of force only after the protesters started pelting stones and the situation got out of hand, villagers said that the police sub-inspector at the station physically attacked several of the protesters and used “provocative, abusive, and communally charged language against Muslims.” They alleged that his bias against Muslims was well known and his actions only aggravated the situation.⁹⁶

The commission recommended an investigation into allegations against the police sub-inspector, asked the authorities to investigate what happened at the protests, and drop any charges against innocent people.⁹⁷

⁹² Under Indian law, a confession made to a police officer is not admissible as evidence. Indian Evidence Act, 1872, s. 25, 26, <http://www.advocatekhoj.com/library/bareacts/indianevidence/index.php?Title=Indian%20Evidence%20Act,%201872> (accessed July 13, 2018).

⁹³ Disappointed by the shortcomings in prosecuting the perpetrators, both victim families refused to take the 100,000 rupees (\$ 1,450) in compensation offered by the state.

⁹⁴ “Local Jharkand Police Used Communal Slogans: NCM on Latehar Hangings,” *SabrangIndia*, May 25, 2016, <https://sabrangindia.in/article/local-jharkand-police-used-communal-slogans-ncm-latehar-hangings> (accessed July 13, 2018).

⁹⁵ Human Rights Watch interview with Manuwar Ansari, Ranchi, June 12, 2018.

⁹⁶ “Local Jharkand Police Used Communal Slogans: NCM on Latehar Hangings,” *SabrangIndia*, May 25, 2016, <https://sabrangindia.in/article/local-jharkand-police-used-communal-slogans-ncm-latehar-hangings> (accessed July 13, 2018).

⁹⁷ *Ibid.*

Mohammed Qasim, Uttar Pradesh

Mohammad Qasim, 45, was beaten to death on June 18, 2018, by a mob that accused him of attempting cow slaughter near Pilkhuwa village in Hapur district. Qasim traded cattle, mostly bulls and goats. When Samaydeen, 64, who was sitting with his friend in a field nearby tried to intervene, he was brutally beaten, too.

Samaydeen and Qasim's families allege that despite two videos showing they were attacked over suspicions that they slaughtered cows, the police initially twisted the facts in the FIR and warned them against protesting.⁹⁸ According to the FIR filed by police, they brought the men to the hospital after a motorbike accident and beatings by a mob, and that Qasim died from his injuries.

Samaydeen, in a letter to the inspector general of police in the region, said a mob of about 25 men accused him and Qasim of slaughtering a cow and then beat them.⁹⁹ Samaydeen complained that nearly a month after the incident, the police had yet to record his statement even though he had witnessed and could identify several perpetrators.¹⁰⁰ He also wrote the police took his thumb impression on several documents while he was not fully conscious.¹⁰¹

⁹⁸ Two videos allegedly of the incident were also shared on news media. In one, Qasim is pleading for some water while a group of men stand in the background. One voice can be heard saying that cows were tied in the fields for slaughtering. Another asks people to calm down, saying they had already beaten Qasim, and they might get into trouble if his condition gets worse. "Hapur lynching: Video shows mob forcing man to confess he wanted to slaughter cows," *Scroll*, June 24, 2018, <https://scroll.in/latest/883863/hapur-lynching-video-shows-mob-forcing-man-to-confess-he-wanted-to-slaughter-cows> (accessed August 13, 2018). However, no one gave Qasim any water. "They did not give him water because he was a Muslim," said Mohammad Salim, Qasim's younger brother. Aditi Vatsa, "UP: Hapur lynching linked to cows, claim victim's kin; police deny, say road rage," *Indian Express*, June 20, 2018, <https://indianexpress.com/article/india/uttar-pradesh-hapur-lynching-linked-to-cows-claim-victims-kin-police-deny-say-road-rage-5224925/> (accessed August 13, 2018). A second video shows Samaydeen being questioned and abused by some people who accuse him of trying to slaughter cows. When he denies it, voices can be heard threatening him of dire consequences. "Hapur lynching: Video shows mob forcing man to confess he wanted to slaughter cows," *Scroll*, June 24, 2018, <https://scroll.in/latest/883863/hapur-lynching-video-shows-mob-forcing-man-to-confess-he-wanted-to-slaughter-cows> (accessed August 13, 2018).

⁹⁹ Samaydeen's letter to the Inspector General of Police, Meerut, Uttar Pradesh, July 14, 2018. Copy on file with Human Rights Watch. His statement was recorded before the chief judicial magistrate in Hapur over two months after the incident, on August 21, 2018.

¹⁰⁰ *Ibid.*

¹⁰¹ *Ibid.*

Samaydeen's brother, Yaseen, told Human Rights Watch he put his signature on the FIR despite the false details of a motorbike accident because the police threatened him:

The police would not tell us which hospital they had taken Qasim and Samaydeen to. Five hours they kept giving us the run around. We had been to two different hospitals already. Then the police threatened us: "Unless you sign this FIR we will not tell you where Samaydeen is." They also threatened us with arrest under cattle protection laws, saying they would put our whole family in jail. The police said, "Don't you know whose government it is? What can happen? It's better for you all to say nothing."¹⁰²

Yaseen said the family was able to tell the truth about the FIR only after they traveled to Delhi. The state police were also widely criticized after a photo was shared on social media showing some villagers dragging an injured Qasim in the presence of three policemen. While Hapur's superintendent of police denied this allegation, the Uttar Pradesh police apologized for the incident on its official Twitter account, saying the men had been transferred and an inquiry ordered into the incident and that the "policemen should have been more sensitive in their conduct."¹⁰³

Qasim's brother, Mohammad Salim, also told Human Rights Watch the police threatened him into giving a false statement as to the cause of the incident. "The mob killed him in the name of cow," he said. "Now the police are lying to protect the perpetrators."¹⁰⁴

After protests, police eventually arrested nine men on charges of murder, attempted murder, and rioting. Four were granted bail.

In August, Samaydeen filed a petition in Supreme Court to move the trial out of Uttar Pradesh state for fear of intimidation and asked that the investigation be conducted by a

¹⁰² Human Rights Watch interview with Yaseen, Hapur district, Uttar Pradesh, July 19, 2018.

¹⁰³ S Raju, "Hapur lynching: UP Police apologise after viral picture shows victim being 'dragged' in cops' presence," *Hindustan Times*, June 22, 2018, <https://www.hindustantimes.com/india-news/hapur-lynching-up-police-apologise-after-viral-picture-shows-victim-being-dragged-in-cops-presence/story-vOzuCxb2qN2esq7NOL5wJL.html> (accessed August 13, 2018).

¹⁰⁴ Human Rights Watch interview with Salim, Hapur district, Uttar Pradesh, July 19, 2018.

special investigation team set up by the court comprising officers from outside the state. However, the court directed the investigation to be conducted under the direct supervision of the inspector general of police in Meerut division.¹⁰⁵

Meanwhile, an investigation by news channel NDTV showed one of the accused men talking on camera about the assault. He said, after being released on bail, that he was welcomed as a hero by the people of his village and that he was not afraid because he had police support. “People were shouting slogans in my name,” he said. “People welcomed me with open arms. My army is ready. If anyone slaughters a cow, we will kill them and go to jail a thousand times...The police are on our side because of the government.”¹⁰⁶

Police Complicity and Attempts to Cover Up

In some cases, police negligence or complicity contributed to the deaths of the victims and the police then tried to cover up the crimes to protect the perpetrators.

A police investigation into the death of a Muslim cattle trader, 62-year-old Husainabba in Karnataka’s Udipi district, found that three police officers colluded with Bajrang Dal activists to cover up a deadly mob assault and reported that the victim died from a heart attack.¹⁰⁷ On May 30, 2018, police officials stood by at the scene while seven Bajrang Dal activists assaulted Husainabba on suspicions that he was illegally transporting cattle, damaged his vehicle, and then handed him over to the police. All three police officials were suspended and arrested in June.¹⁰⁸

An investigation by a news website claims the police allegedly have killed 16 people on suspicion of smuggling cows in Mewat region between 2013 and 2018, 13 of them since

¹⁰⁵ “Probe Hapur lynching: Supreme Court,” *The Hindu*, August 13, 2018, <https://www.thehindu.com/news/national/probe-hapur-lynching-supreme-court/article24682309.ece> (accessed August 24, 2018).

¹⁰⁶ A Vaidyanathan, “Supreme Court To Take Up Hapur Lynching On Petition Over NDTV Expose,” *NDTV*, August 7, 2018, <https://www.ndtv.com/india-news/supreme-court-to-take-up-hapur-lynching-on-petition-over-ndtv-expose-in-which-accused-boast-on-camer-1896418> (accessed August 24, 2018).

¹⁰⁷ K.M. Rakesh, “Cow trader lynched, cops held,” *Telegraph*, June 6, 2018, <https://www.telegraphindia.com/india/cow-trader-lynched-cops-held/cid/1347336> (accessed January 12, 2019).

¹⁰⁸ Harsha Raj Gatty, “Udipi cattle trader’s death: 3 cops, 8 Bajrang Dal activists arrested,” *Newsminute*, June 6, 2018, <https://www.thenewsminute.com/article/udupi-cattle-trader-s-death-3-cops-8-bajrang-dal-activists-arrested-82574> (accessed October 28, 2018).

2014.¹⁰⁹ Most victims were young Muslim men from lower socio-economic castes such as Qureshis and Meos, working as truck drivers, and dependent on farming, animal husbandry, and dairy and meat supply for their livelihoods. In these cases, police claimed when they tried to intercept a vehicle carrying cattle, the suspected cow smugglers tried to escape and shot at them. Police, in self-defense, fired back, killing the suspects. The police then register cases against the victims or “unknown persons.”¹¹⁰

Akbar Khan, Rajasthan

Akbar Khan, 28, was killed by a mob in Alwar district on July 21, 2018. The discrepancies between police records and witness accounts indicate that the police lied in the FIR and may have been complicit in his death. At the same time, Akbar Khan’s family and rights groups allege that political leaders and Hindu nationalist groups in the region are trying to shift the blame for the death entirely to the police even though the evidence shows that cow protectors beat him.¹¹¹

Akbar Khan and his colleague Aslam Khan, residents of Nuh district in Haryana, were returning from bordering Rajasthan after buying two cows when they were attacked. Aslam managed to flee but witnessed the men brutally beating Akbar Khan. According to the FIR filed by the police, Vishwa Hindu Parishad (VHP) leader Nawal Kishore Sharma called the police, accompanied them to the spot where they found Akbar Khan, and later went with them to the hospital. The FIR says Akbar Khan was declared dead on arrival at the hospital.¹¹²

However, it later emerged that the police took three hours to take Akbar Khan, who had been seriously injured but was still alive, to the hospital, which was only 20 minutes

¹⁰⁹ Mewat is a historical region with no exact boundaries. It includes parts of Nuh, Gurgaon, Palwal, and Faridabad districts of Haryana, Alwar and Bharatpur districts of Rajasthan and some parts of Uttar Pradesh’s Mathura district.

¹¹⁰ Neha Dixit, “For Haryana Police, the Holy Cow Is an Excuse for Extra-Judicial Killings,” *The Wire*, May 10, 2018, <https://thewire.in/communalism/for-haryana-police-the-holy-cow-is-an-excuse-for-extra-judicial-killings> (October 25, 2018).

¹¹¹ Shruti Jain, “Ground Report: ‘VHP Men the Main Culprits in Alwar Lynching, Police Role Secondary,’” *The Wire*, July 24, 2018, <https://thewire.in/communalism/ground-report-vhp-men-the-main-culprits-in-alwar-lynching-police-role-secondary> (accessed August 19, 2018).

¹¹² First Information Report, dated July 21, 2018. Copy on file with Human Rights Watch.

away.¹¹³ Sharma, who accompanied the police, shared photos on social media and said the police stopped to drink tea before taking Akbar Khan to the hospital. Sharma also alleged the police first took the victim to the police station and beat him up in Sharma's presence.¹¹⁴

Following widespread condemnation of police behavior, a senior police official said, "There was an error in judgement in the case."¹¹⁵ He admitted a preliminary investigation confirmed delay by police in taking Khan to the hospital, and said one police official had been suspended and four others were transferred.¹¹⁶ The police have formed a committee to investigate the delay and have said they will submit a report to the government.

The post-mortem report showed over a dozen injuries caused by a "blunt weapon or object," and the medical board concluded that cause of death was "shock as a result of antemortem injuries sustained over body."¹¹⁷ Akbar Khan's elder brother, Mohammad Akbar, told Human Rights Watch, "When I saw my brother's dead body, I can't tell you how terrible it was. His neck, thighs, hands were broken. I want the perpetrators to get the strictest punishment."¹¹⁸

The police arrested three people for the murder, but local BJP lawmaker Gyan Dev Ahuja demanded their release, saying the victim died due to police negligence. Instead, he asked the police to arrest Aslam, Akbar Khan's associate who managed to flee the mob. "Akbar and Aslam were smuggling cows. Aslam, too, should be arrested now for smuggling

¹¹³ Harsha Kumari Singh and Neeta Sharma, "'Punish Me': Rajasthan Cop Admits Delay In Taking Mob Victim To Hospital," *NDTV*, July 23, 2018, <https://www.ndtv.com/india-news/alwar-mob-lynching-punish-me-rajasthan-cop-admits-delay-in-taking-mob-victim-to-hospital-1888311> (accessed August 20, 2018).

¹¹⁴ Dev Ankur Wadhawan, "Rakbar Khan's death remains shrouded in mystery," *India Today*, July 25, 2018, <https://www.indiatoday.in/india/story/rakbar-khan-s-death-remains-shrouded-in-mystery-1295293-2018-07-25> (accessed August 19, 2018).

¹¹⁵ *Ibid.*

¹¹⁶ Harsha Kumari Singh, "'Error Of Judgement,' Say Police, Under Fire Over Alwar Mob Victim Death," *NDTV.com*, July 24, 2018, <https://www.ndtv.com/india-news/alwar-mob-killing-rajasthan-officer-suspended-constables-shifted-after-mob-victims-death-1888383> (accessed August 19, 2018).

¹¹⁷ Post-mortem report, Medical and health department of Rajasthan, Alwar, July 21, 2018. Copy on file with Human Rights Watch.

¹¹⁸ Human Rights Watch interview with Mohammed Akbar, New Delhi, August 13, 2018.

the cow,” Ahuja said.¹¹⁹ The police said they are also investigating if the cows that Khan and Aslam were transporting were legally purchased.¹²⁰

Aslam told Human Rights Watch he could hear Akbar Khan’s screams as he fled when the mob attacked them: “I was even terrified to breathe.” In a written police complaint, Aslam said he had heard the assailants saying they enjoyed the support of Ahuja. Ahuja, however, denied the charge, saying the police were trying to frame him under false charges.¹²¹

Minhaj Ansari, Jharkhand

Minhaj Ansari, 22, was arrested by the police in Narayanpur in Jamtara district on October 3, 2016, on allegations of uploading an “obscene” photo of beef to a WhatsApp group and hurting the religious sentiments of several Hindus on the group. Six days later, Ansari was dead, allegedly from torture in police custody.

On October 4, the day following the arrest, the Narayanpur police station filed a case against Ansari under the Indian Penal Code for causing disharmony, for “deliberate and malicious” speech intended to outrage religious feelings, and for publishing or transmitting obscene material in electronic form under section 67 of the Information Technology Act.¹²²

On October 6, Ansari’s mother, Ajhola Bibi, filed a complaint against the police for attempted murder and other offenses.¹²³ She said sub-inspector Harish Pathak came to

¹¹⁹ Press Trust of India, “Meo community demands arrest of Rajasthan MLA in Rakbar Khan lynching case,” *Hindustan Times*, July 29, 2018, <https://www.hindustantimes.com/india-news/meo-community-demands-arrest-of-rajasthan-mla-in-rakbar-khan-lynching-case/story-RPOp5aUKZm2mlluOFtWH2J.html> (accessed August 20, 2018).

¹²⁰ Press Trust of India, “Rakbar Khan case appears to be custodial death, judicial probe will be held: Rajasthan Home minister,” *India Times*, July 24, 2018, <https://economictimes.indiatimes.com/news/politics-and-nation/rakbar-khan-case-appears-to-be-custodial-death-judicial-probe-will-be-held-rajasthan-home-minister/articleshow/65121250.cms> (accessed August 20, 2018).

¹²¹ “Alwar lynching: Autopsy says Rakbar Khan died of ‘shock’, mystery deepens over victim’s photo inside cop van. Top 10 developments,” *Financial Express*, July 24, 2018, <https://www.financialexpress.com/india-news/alwar-lynching-autopsy-says-rakbar-khan-died-of-shock-mystery-deepens-over-victims-photo-inside-cop-van-top-10-developments/1256278/> (accessed August 20, 2018).

¹²² First Information Report No. 153/16, dated October 4, 2016. Copy on file with Human Rights Watch.

¹²³ First Information Report No. 154/16, dated October 6, 2016. Copy on file with Human Rights Watch.

their house on October 3, and took her son to the police station. She followed them to the station and saw Pathak and a man from Pabya village beat her son, kicking him, and using fists and a stick. When she asked them to stop, she said they attacked her instead. Standing outside, she said, she witnessed her son being beaten until he fell unconscious. Police took him to a hospital, and he died six days later, on October 9.¹²⁴

The post-mortem report noted he had several external injuries caused by a hard and blunt object. It said the cause of death was hemorrhage and shock.¹²⁵ This also countered the police account that Ansari died from encephalitis. The police also filed a case against Ansari's relatives and several others after Pathak said they attacked him in the hospital where Ansari was admitted.¹²⁶

The unknown man who allegedly beat Ansari and was the informant to the police in the case was later identified by the media as a member of the VHP.¹²⁷

The investigation was handed over to the state police's Criminal Investigation Department (CID). Pathak has been suspended and the family received compensation of 200,000 rupees (\$2,900). In December 2018, the High Court of Jharkhand denied anticipatory bail to Pathak, saying Ansari's death was a "case of violence in police custody."¹²⁸

Mustain Abbas, Haryana

In the case of Mustain Abbas, 27, a resident of Saharanpur district in Uttar Pradesh, who was killed in Kurukshetra district in Haryana in March 2016, the High Court of Punjab and Haryana concluded Haryana police had allowed cow vigilante groups to operate in the

¹²⁴ First Information Report No. 154/16, dated October 6, 2016. Copy on file with Human Rights Watch. According to Ajhola bibi, police took her son to a nearby government hospital when he did not gain consciousness even after they threw water on him. But due to his severe injuries he was shifted to Dhanbad Medical College and Hospital. On October 7, the doctors there referred him to Rajinder Institute of Medical Sciences, Ranchi, for better treatment. At the second hospital, Ajhola bibi said, the doctor told her Ansari's condition was critical and he that had slipped into a coma.

¹²⁵ Post-mortem report, dated October 9, 2016. Copy on file with Human Rights Watch.

¹²⁶ First Information Report, October 6, 2016. Copy on file with Human Rights Watch.

¹²⁷ Anumeha Yadav, "WhatsApp beef arrest: Family of Muslim man who died in police custody demands justice," *Scroll*, October 24, 2016, <https://scroll.in/article/819729/whatsapp-calf-photo-arrest-family-of-muslim-man-who-died-in-police-custody-demand-justice> (accessed July 16, 2018).

¹²⁸ *Harish Kumar Pathak v. State of Jharkhand*, High Court of Jharkhand, A.B.A. No. 4304 of 2018, December 18, 2018, <https://indiankanoon.org/doc/24495465/> (accessed January 12, 2019).

state and “unleash terror” with impunity. The police conduct in the case also showed their failure to follow laws and instead attempt to cover-up Abbas’s murder.

On March 5, 2016, Abbas went to Haryana with five other men from his village to buy a buffalo. On their way back, they were chased by cow protectors and Kurukshetra district police. After Abbas’s associates, who managed to flee, reached home without him, his father, Tahir Hasan, filed a police complaint on March 9. He then received information from one of his son’s associates that three members of the cow protection committee took Abbas into their custody and then handed him over to the police in Shahbad in Kurukshetra district.

When Hasan went to the Shahbad police station on March 12 seeking his son’s release, Haryana police allegedly abused and threatened him. Hasan complained to the superintendent of police the same day but to no avail. Finally, he filed a habeas corpus petition in the High Court of Punjab and Haryana on March 16.¹²⁹ The police told the court police and members of the local cow protection committee had been fired at by unknown persons inside a vehicle carrying cattle, and when chased, they managed to abandon the vehicle and escape. The police said one of the persons who escaped may have been Abbas. Police filed a case of cow smuggling and under the Arms Act against unknown persons on March 6.

On March 18, in an interim order, the high court observed that the police and the district administration did not appear to be doing their duty and that police assumption of animal cruelty against those who may be simply transporting animals violated the constitutional right to pursue a legitimate occupation. The order stated:

[S]o called vigilante group so constituted with the backing of political bosses and senior functionaries governing the State including police under the name and style of Gau Raksha Dal has sought to take law in its own hands. The local administration, be it the police or otherwise, by their muteness and connivance are allowing unleashing terror upon the persons carrying on such a trade in animals.¹³⁰

¹²⁹ *Tahir Hasan v. State of Haryana & Ors.*, CRWP No. 382 of 2016, High Court of Punjab and Haryana, March 18, 2016.

¹³⁰ *Ibid.*

Following the court ruling, on April 2, the police asked the family to identify Abbas’s body and finally filed a case of murder against four people.

On May 9, the High Court of Punjab and Haryana determined the police took steps to inform the family of the death and register a case of murder only after the intervention of the court. The High Court, in its final order, said the local administration appeared to be backing the vigilante groups and that “there is every likelihood that local police to save its officers and on account of political overtones is not likely to investigate this ugly incident in its entirety.” It, therefore, ordered the case be investigated by the Central Bureau of Investigation and that authorities immediately transfer the Kurukshetra district superintendent of police, the district magistrate, the deputy superintendent of police, and the station house officer of the Shahbad police station where the case was registered, to ensure they did not intimidate the witnesses or wield influence on the trial.¹³¹

On July 26, Aslam, one of Abbas’s associates who witnessed the incident, gave a written statement saying the members of the cow protection committee fired at them in the presence of police officials and, although he managed to escape the attackers, he saw Abbas “being mercilessly beaten” by them in front of the policemen.¹³²

The government of Haryana filed a special leave petition in the Supreme Court on May 13, saying the High Court’s directions were “unfortunate, uncalled for, and unnecessary” and that it cast serious aspersions on the entire district administration of Kurukshetra, and should be set aside.¹³³ But that was dismissed and the CBI filed a fresh FIR on May 23, 2016. However, over two and a half years later, the investigation is still pending, and charges have not been filed.

Political Patronage Fostering Violence and Impunity

In most cases of violent attacks over cows documented by Human Rights Watch, the alleged assailants were members of local cattle protection committees affiliated with Hindu extremist groups, often with links to the ruling party. BJP leaders have largely failed

¹³¹ *Tahir Hasan v. State of Haryana & Ors.*, CRWP No. 382 of 2016, High Court of Punjab and Haryana, May 9, 2016.

¹³² Statement of Aslam, July 26, 2016.

¹³³ *State of Haryana v. Tahir Hasan*, Supreme Court of India, Special Leave Petition (Crl). No. 4123 of 2016.

to condemn attacks on Muslims and other minorities, and instead made strong statements about the need to protect cows. Their policies and statements appear to have encouraged abuses by cow protection groups, who believe they are politically protected from being held accountable.

In 2016, the Haryana state government said it would officially permit cow protection groups to help the police curb alleged cattle smuggling. While the process has been delayed,¹³⁴ so-called cow protectors often patrol the streets, especially highways, at night, stopping vehicles, checking them for cattle, intimidating drivers, and reacting with violence if they find cows.¹³⁵ These vigilantes have also physically assaulted legitimate cattle transporters. The Haryana government has also set up a 24-hour helpline for citizens to report cow slaughter and smuggling and appointed police task forces to respond to the complaints.¹³⁶

One of the biggest cow protection militias in Haryana, run by Yogendra Arya, has nearly 5,000 young men. The group has its own anthem, constitution, and logo of a gilded torso of a cow flanked by a pair of swords and a pair of assault rifles.¹³⁷ “When we travel at night, we keep weapons,” Arya said. “We also shoot and have killed some smugglers and the smugglers also fire at us.”¹³⁸

¹³⁴ Ashok Kumar, “Haryana govt yet to issue identity cards to ‘genuine’ gau rakshaks,” *The Hindu*, July 27, 2018, <https://www.thehindu.com/news/cities/Delhi/haryana-govt-yet-to-issue-identity-cards-to-genuine-gau-rakshaks/article24524887.ece> (accessed September 5, 2018).

¹³⁵ Michael Safi, “On patrol with the Hindu vigilantes who would kill to protect India's cows,” *The Guardian*, October 27, 2016, <https://www.theguardian.com/world/2016/oct/27/on-patrol-hindu-vigilantes-smuggling-protect-india-cows-kill> (accessed August 20, 2018). Also see, Ishan Marvel, “In the Name of the Mother,” *Caravan magazine*, September 1, 2016, <http://www.caravanmagazine.in/reportage/in-the-name-of-the-mother> (accessed August 21, 2018). Snigdha Poonam, *Dreamers: How Young Indians are Changing the World*, (India: Penguin Random House, 2018), <https://penguin.co.in/book/non-fiction/dreamers/> (accessed September 5, 2018).

¹³⁶ “After strict law, Haryana gives cows 24-hour helpline,” *Indian Express*, July 4, 2016, <https://indianexpress.com/article/india/india-news-india/after-strict-law-haryana-gives-cows-24-hour-helpline-beef-ban-slaughtering-transport-2892352/> (accessed August 28, 2018).

¹³⁷ Snigdha Poonam, *Dreamers: How Young Indians are Changing the World*, (India: Penguin Random House, 2018), <https://penguin.co.in/book/non-fiction/dreamers/> (accessed September 5, 2018).

¹³⁸ Michael Safi, “On patrol with the Hindu vigilantes who would kill to protect India's cows,” *The Guardian*, October 27, 2016, <https://www.theguardian.com/world/2016/oct/27/on-patrol-hindu-vigilantes-smuggling-protect-india-cows-kill> (accessed August 20, 2018). Also see, Ishan Marvel, “In the Name of the Mother,” *Caravan magazine*, September 1, 2016, <http://www.caravanmagazine.in/reportage/in-the-name-of-the-mother> (accessed August 21, 2018).

In March 2017, soon after the BJP appointed Adityanath, a Hindu cleric, as chief minister of India's largest state of Uttar Pradesh, he cracked down on slaughterhouses and meat shops, mostly run by Muslims. He claimed he was shutting down illegal establishments, but the businesses said they were forced to close without notice or due process.¹³⁹ Cow protectors and members of an extremist Hindu group, Hindu Yuva Vahini, founded by Adityanath in 2002, have aided the police in some of these operations.¹⁴⁰ The group used violence, threats, and intimidation to shut down meat businesses, according to news reports.¹⁴¹ For cattle transporters, traveling on the highways of Uttar Pradesh has become a frightening and costly business, at risk of attacks by these vigilantes, allegedly aided by police who also extort money from the transporters.¹⁴²

¹³⁹ Shoaib Daniyal, "BJP is taking revenge on Muslims': UP's crackdown has left the meat industry panicked and scared," *Scroll*, March 26, 2017, <https://scroll.in/article/832802/bjp-is-taking-revenge-on-muslims-ups-crackdown-has-left-the-meat-industry-panicked-and-scared> (accessed August 18, 2018).

¹⁴⁰ "Inside Yogi's Hindu Yuva Vahini," *Rediff*, April 18, 2017, <http://www.rediff.com/news/report/pix-inside-yogis-hindu-yuva-vahini/20170418.htm> (accessed October 15, 2018). Several members of the group, including Adityanath, face criminal charges for inciting violence, attempted murder, rioting, carrying deadly weapons, and promoting enmity between two religious groups. Soon after Adityanath become chief minister, his government refused to allow him to be prosecuted for allegedly inciting communal violence. His government also dropped a criminal case against him and some other BJP leaders for violating prohibitory orders, and passed a law that withdrew more than 20,000 cases involving politicians for holding demonstrations in violations of prohibitory orders, saying the cases were politically motivated. These cases included protests that allegedly led to communal violence. Manish Sahu, "Yogi govt issues order to scrap case against Yogi Adityanath," *Indian Express*, December 27, 2017, <https://indianexpress.com/article/india/yogi-adityanath-government-issues-order-to-scrap-case-against-yogi-5000402/> (accessed August 18, 2018); Rohan Venkataramakrishnan, "How does Adityanath withdrawing criminal case against himself not count as 'jungle raj'?", *Scroll*, December 27, 2017, <https://scroll.in/article/862892/how-does-adityanath-withdrawing-criminal-case-against-himself-not-count-as-jungle-raj> (accessed August 20, 2018); Press Trust of India, "Not All Cases Against Politicians Will Be Withdrawn, Says Uttar Pradesh Law Minister," *NDTV*, January 25, 2018, <https://www.ndtv.com/india-news/not-all-cases-against-politicians-will-be-withdrawn-says-uttar-pradesh-law-minister-1804707> (accessed October 15, 2018). The government also moved to withdraw 131 cases related to the 2013 communal violence between Hindus and Muslims in Muzaffarnagar and surrounding districts that resulted in more than 60 deaths and displaced thousands of people, largely Muslims. The cases included charges of murder and kidnapping. Namita Bajpai, "Yogi Adityanath government to withdraw 131 cases linked to Muzaffarnagar riots," *New Indian Express*, March 22, 2018, <http://www.newindianexpress.com/nation/2018/mar/22/yogi-adityanath-government-to-withdraw-131-cases-linked-to-muzaffarnagar-riots-1791015.html> (accessed October 16, 2018).

¹⁴¹ The state's deputy chief minister and BJP state party president however said that members of Adityanath's organization were acting as responsible citizens and rejected allegations that they were acting "as a parallel administration." "Yogi Adityanath government completes 30 days: How foreign media reported the month," *Reuters*, April 19, 2017, <http://indiatoday.intoday.in/story/yogi-adityanath-government-one-month-in-power-bjp-pm-modi-gorakhpur/1/932456.html> (accessed August 19, 2018).

¹⁴² Annie Gowen, "Cows are sacred to India's Hindu majority. For Muslims who trade cattle, that means growing trouble," *Washington Post*, July 16, 2018, https://www.washingtonpost.com/world/asia_pacific/cows-are-sacred-to-indias-hindu-majority-for-muslims-who-trade-cattle-that-means-growing-trouble/2018/07/15/9e4d7a50-591a-11e8-9889-07bcc1327f4b_story.html (accessed August 29, 2018).



A cow protection police check post in Alwar district, Rajasthan. The state government opened six such posts in Alwar, on the border with Haryana, to stop cattle smuggling.

© 2018 Jayshree Bajoria/Human Rights Watch

In Rajasthan, the state government opened six cow protection police posts in Alwar district on the border with Haryana to stop cattle smuggling. Cow protection groups often occupy these posts alongside the police. A head constable, in charge of one such police check post on a highway in Alwar, told Human Rights Watch they faced “a lot of pressure from *gau rakshaks* to ensure we don’t let any cow smuggler pass. Sometimes, it’s days before we go home.”¹⁴³ Each of these check posts has six police constables, and residents allege these have become extortion points, where transporters are forced to pay bribes.¹⁴⁴

Those involved in attacks on alleged cow smugglers often boast that they, not only have political protection, but enjoy public support. Some of them have expressed a desire to contest seats in local or national elections. One of the men accused in the attack on Mohammad Akhlaq, discussed below, has backing from a Hindu nationalist political party,

¹⁴³ Human Rights Watch interview with head constable at a gau raksha chowki, Alwar district, Rajasthan, July 22, 2018.

¹⁴⁴ Dishank Purohit, “‘Gau Raksha chowkis’ are extortion points in Alwar,” *Times of India*, December 10, 2017, <https://timesofindia.indiatimes.com/city/jaipur/gau-raksha-chowkis-are-extortion-points-in-alwar/articleshow/62003594.cms> (accessed August 20, 2018).

Uttar Pradesh Navnirman Sena.¹⁴⁵ The same group also invited Shambhu Lal Regar, on trial for killing a Muslim, to be its candidate.¹⁴⁶ Regar hacked to death a Muslim migrant worker in Rajasthan's Rajsamand district in December 2017, uploading a phone video recording of his crime, with a rant against "love jihad"¹⁴⁷ So-called love jihad, according to Hindu groups, is a conspiracy among Muslim men to marry Hindu women and convert them to Islam. Despite the evidence and a subsequent video shot from inside the prison where Regar said he did not regret the crime, he received support from some extremist Hindu groups who organized protests on his behalf.¹⁴⁸

While those involved in violent attacks often imply they enjoy political patronage, in two cases investigated by Human Rights Watch, detailed below, the assailants had the open backing of elected lawmakers who offered legal assistance.¹⁴⁹

In other cases, police have compromised on performing their duty because of political pressure. Said Richhpal Singh, a former additional superintendent of police in Rajasthan:

Police face political pressure to sympathize with cow protectors and do a weak investigation and let them go free. This is happening wherever BJP government is in power. These vigilantes get political shelter and help.

¹⁴⁵ Betwa Sharma, "Three Years After Dadri, The Man Accused Of Lynching Mohammad Akhlaq Is Free And Running For Lok Sabha," *Huffington Post India Edition*, September 26, 2018, https://www.huffingtonpost.in/2018/09/26/three-years-on-accused-in-mohammad-akhlaqs-lynching-is-free-and-ready-to-fight-the-lok-sabha-election_a_23542377/ (accessed October 25, 2018).

¹⁴⁶ "Rajasthan man accused of murdering Muslim on camera set to contest Lok Sabha election," *Hindustan Times*, September 19, 2018, <https://www.hindustantimes.com/india-news/rajasthan-man-accused-of-murdering-muslim-on-camera-set-to-contest-lok-sabha-election/story-dendb2a8ZZrB48QF6k1yM.html> (accessed October 25, 2018).

¹⁴⁷ Harsha Kumari Singh, "Chilling Murder In Rajasthan On Video. Man Hacks Labourer, Burns Him," *NDTV*, December 7, 2017, <https://www.ndtv.com/india-news/chilling-murder-in-rajasthans-rajsamand-on-video-man-hacks-labourer-burns-him-1784669> (accessed October 30, 2018).

¹⁴⁸ Pathikrit Sanyal, "Ask who allowed Shambhu Regar - in Rajasthan jail for burning man alive - to make hate video against Muslims," *Dailyo*, February 20, 2018, <https://www.dailyo.in/variety/shambhu-lal-regar-rajsamand-murder-love-jihad-afrazul-khan-propaganda-video-hindutva-communal-polarisation/story/1/22446.html>; "In Support Of Shambu Lal Regar, Hindu Groups Unfurl Saffron Flag On Udaipur Court Premises, Attack Police," *Outlook*, December 15, 2017, <https://www.outlookindia.com/website/story/hindu-groups-attack-police-unfurl-saffron-flag-on-udaipur-court-premises-in-suppl/305606>; Deep Mukherjee, "Rajasthan hacking: WhatsApp group with BJP MP, MLA as members hail killer," *Indian Express*, December 10, 2017, <https://indianexpress.com/article/india/rajasthan-hacking-whatsapp-group-with-bjp-mp-mla-as-members-hail-killer-4975919/> (accessed October 28, 2018).

¹⁴⁹ See cases of Alimuddin Ansari from Jharkhand and Akbar Khan from Rajasthan.

Right now, the message is “You are protected. You can do this with impunity.” Earlier, they were scared of taking law in their hands because they were scared of being arrested and prosecuted. But now, they know police won’t take strict action against them. These groups have nothing to do with cow protection or social welfare. This is mere extortion. Police is involved in extortion too. Even legitimate transporters are stopped, and they try to extort money.¹⁵⁰

Alimuddin Ansari, Jharkhand

On June 29, 2017, a mob attacked Alimuddin Ansari, and set fire to his car in Ramgarh town, about 16 kilometers from his village Manua in Jharkhand state. The assailants suspected that the 45-year-old Muslim had beef in his car. Police arrived but Ansari died on his way to the hospital in the police van. Photos and videos of the attack were captured on phones and widely shared, leading to arrests.

On March 21, 2018, a fast-track court in Ramgarh district convicted and sentenced the 11 suspects to life in prison. A twelfth accused was less than 18 years old and his case is still pending before the Juvenile Justice Board. Among those convicted was a local BJP leader.¹⁵¹ Others were members of a local cow protection group and Bajrang Dal, a militant youth wing ideologically affiliated to BJP.¹⁵² The court said the “state has completely failed to perform its constitutional as well as statutory obligations.”¹⁵³

After appealing their conviction, 10 of the defendants were released on bail in July 2018.¹⁵⁴ Eight traveled to the home of BJP minister Jayant Sinha, who welcomed and garlanded them. Sinha told the media the men came to meet him because he had “legally assisted

¹⁵⁰ Human Rights Watch interview with Richhpal Singh, Jaipur, Rajasthan, July 25, 2018.

¹⁵¹ Jayshree Bajoria, “Holding Killers to Account for Hate Crimes in India,” commentary, Human Rights Watch dispatch, March 21, 2018, <https://www.hrw.org/news/2018/03/21/holding-killers-account-hate-crimes-india>.

¹⁵² For more on Bajrang Dal and the RSS, see Section I. The Politics of Cow Protection in India.

¹⁵³ *State through Mariyam Khatoon v. Deepak Mishra & Ors.*, Sessions Trial Case no. 120/2017, Addl. Sessions Judge II- cum-Fast Track Court, Ramgarh, Judgment, March 16, 2018.

¹⁵⁴ “Ramgarh lynching case: Jharkhand High Court grants bail to tenth accused,” *Scroll*, July 10, 2018, <https://scroll.in/latest/886038/ramgarh-lynching-case-jharkhand-high-court-grants-bail-to-tenth-accused> (accessed July 12, 2018).

them, and they were very relieved that they would get a fresh trial.”¹⁵⁵ Sinha was criticized by opposition leaders, rights activists, and commentators who saw this as a sign of how the ruling party supported and enabled such violence.¹⁵⁶ Sinha later said he regretted garlanding them, that he did not condone violence, and was only honoring due process.¹⁵⁷

The attack on Ansari received widespread attention, partly because it occurred on the same day Prime Minister Narendra Modi first broke his silence on mob violence by cow protection groups.¹⁵⁸ “There was enormous amount of pressure on the administration to act since Modi ji had made a statement condemning this kind of violence on the same day,” public prosecutor Sushil Kumar Shukla said. “The government was scared of the ignominy.”¹⁵⁹

Ansari’s case illustrates that when police are able and willing to carry out investigations without political interference, justice for communal violence is possible.¹⁶⁰ Ansari’s family and lawyer said the police carried out a fair and timely investigation. “Police and authorities really supported us,” Mariam Khatun, Ansari’s wife said.¹⁶¹ The government also paid compensation and promised his son a job.¹⁶²

¹⁵⁵ “Jayant Sinha Legally Assisted ‘Innocent’ Lynching Convicts, But Regrets Garlanding Them,” *The Wire*, July 23, 2018, <https://thewire.in/rights/jayant-sinha-ramgarh-lynching-convicts> (accessed September 1, 2018).

¹⁵⁶ “Union minister Jayant Sinha garlands 8 lynching convicts, faces opposition flak,” *Times of India*, July 8, 2018, <https://timesofindia.indiatimes.com/india/union-minister-jayant-sinha-garlands-8-lynching-convicts-faces-opposition-flak/articleshow/64901863.cms> (accessed October 25, 2018).

¹⁵⁷ Prashant Jha, “It’s a matter of justice, not lynching: Jayant Sinha,” *Hindustan Times*, July 23, 2018, <https://www.hindustantimes.com/india-news/regret-garlanding-ramgarh-lynching-convicts-jayant-sinha/story-YadtspAUurWZ8vRLaCcwI.html> (accessed October 26, 2018).

¹⁵⁸ “Modi Breaks Silence: ‘Killing People in the Name of Protecting Cows Not Acceptable,’” *The Wire*, June 29, 2017, <https://thewire.in/communalism/modi-breaks-silence-on-lynchings-says-killing-in-the-name-ofcows-not-acceptable> (accessed July 12, 2018).

¹⁵⁹ Sanya Dhingra, “How India managed to punish cow vigilantes for the first time in a beef-lynching case,” *The Print*, March 23, 2018, <https://theprint.in/governance/india-punish-cow-vigilantes-beef-lynching-case/44047/> (accessed July 12, 2018).

¹⁶⁰ Sanya Dhingra, “How India managed to punish cow vigilantes for the first time in a beef-lynching case,” *The Print*, March 23, 2018, <https://theprint.in/governance/india-punish-cow-vigilantes-beef-lynching-case/44047/> (accessed July 12, 2018).

¹⁶¹ Human Rights Watch interview with Mariam Khatun, Ranchi, Jharkhand, June 7, 2018.

¹⁶² *Ibid.*

However, developments during and after the trial illustrate some of the continuing challenges such cases present, even when there is political will to prosecute. On October 12, 2017, the wife of a key witness died in an alleged accident right next to the Ramgarh court.¹⁶³ There were concerns about the circumstances around the accident. Two other witnesses faced threats and pressure from the accused and needed police escort when they went to the court to testify. Ansari's family also said the atmosphere in the court was often tense. "Every time there was a hearing, dozens of Bajrang Dal members would show up in court and it was intimidating," Khatun said.¹⁶⁴

Mohammad Akhlaq, Uttar Pradesh

On September 28, 2015, a mob in Bishara village in Dadri town killed Mohammad Akhlaq, 50, beating him with bricks, kicking, and stabbing him, and critically injured his 22-year-old son, Danish. The attack came after an announcement at a nearby Hindu temple that Akhlaq had slaughtered a calf. After the murder, the police seized meat from Akhlaq's home and sent it for a forensic exam to determine whether it was beef.

The Uttar Pradesh government, then led by the opposition Samajwadi party, announced compensation of 1 million rupees (US\$15,500) to Akhlaq's family, and the chief minister ordered district officials and police to provide full protection to his family.

Relatives of a local BJP leader were implicated in the attack on Akhlaq and Danish. Others defended the attackers. A senior BJP leader and minister in the central government called Akhlaq's killing an "accident."¹⁶⁵ Another BJP legislator from the state, Sangeet Som, already facing charges for allegedly inciting communal riots, visited Dadri following

¹⁶³ Sagar, "In Another Blow To The Ramgarh Lynching Case, Wife Of Main Witness Dies Near Court; Deposition Stalled," *Caravan magazine*, October 13, 2017, <http://www.caravanmagazine.in/vantage/ramgarh-lynching-case-wife-main-witness-dies-near-court-deposition-stalled> (accessed July 12, 2018).

¹⁶⁴ Human Rights Watch interview with Mariam Khatun, Ranchi, Jharkhand, June 7, 2018. After the guilty verdict, local BJP leader and former legislator Shankar Chowdhury organized a rally in Ramgarh with BJP workers and supporters, shaved his head in protest, and called for a new investigation. NK Agarwal, "Outfits host flag rally to press for CBI probe into Ramgarh lynching case," *Times of India*, April 11, 2018, <https://timesofindia.indiatimes.com/city/ranchi/outfits-host-flag-rally-to-press-for-cbi-probe-into-ramgarh-lynching-case/articleshow/63703199.cms> (accessed July 12, 2018).

¹⁶⁵ Indrani basu, "Six Outrageous Things BJP Leaders Have Said About Dadri Murder Over Beef," *Huffington Post India Edition*, October 1, 2015, https://www.huffingtonpost.in/2015/10/01/bjp-leaders-dadri-murder_n_8225574.html (accessed August 15, 2018).

Akhlaq's killing to show solidarity with the accused, one of whom is the son of a local BJP leader. In Haryana, the neighboring state, the chief minister from BJP, called Akhlaq's killing a "simple misunderstanding."¹⁶⁶ Hindu villagers protested the arrests by damaging vehicles, including a police van, and setting a motorcycle on fire.¹⁶⁷

In December 2015, police filed a charge-sheet against 18 accused, including three under the age of 18.¹⁶⁸ In October 2016, after one of the accused, Ravi Sisodia, 22, died in judicial custody due to "multi-organ failure of kidney and lungs," the villagers refused to cremate him, demanding compensation and arrest of Akhlaq's brother for alleged cow slaughter.¹⁶⁹ The villagers draped his body in an Indian flag, projecting him as a martyr.¹⁷⁰

In July 2017, based on a complaint by Bishara residents, the Surajpur court directed the police to file a case of cow slaughter against the deceased Akhlaq, his wife, his son Danish, his daughter, his mother, and his brother. A month later, the Allahabad High Court

¹⁶⁶ Varinder Bhatia and Nirupama Subramanian, "Muslims can live in this country, but will have to give up eating beef, says Haryana CM Manohar Lal Khattar," *Indian Express*, October 16, 2015, <https://indianexpress.com/article/india/india-news-india/muslims-can-live-in-this-country-but-they-will-have-to-give-up-eating-beef-says-haryana-cm-manohar-lal-khattar/> (accessed August 16, 2018).

¹⁶⁷ Rohini Mohan, "A Template for Hate," *Harper's magazine*, September 2018, <https://harpers.org/archive/2018/09/india-bharatiya-janata-party-intolerance-bjp-muslim-hindu/> (accessed August 15, 2018).

¹⁶⁸ Tanima Biswas, "Dadri Lynching Charge-sheet Names 15 People Including Minor, 'Beef' Not Mentioned," *NDTV*, December 24, 2015, <https://www.ndtv.com/india-news/dadri-lynching-case-15-people-including-a-minor-named-in-chargesheet-1258286> (accessed August 16, 2018).

¹⁶⁹ There are contradictory reports on whether the meat recovered from the house was, in fact, beef. In May 2016, a report by the University of Veterinary Science and Animal Husbandry in Mathura in Uttar Pradesh said the meat collected in Akhlaq's case was "of a cow or its progeny." This contradicted a preliminary report by the Uttar Pradesh Veterinary Department that said the meat was mutton of "goat progeny." However, news reports found that the meat tested by the lab in Mathura did not come from Akhlaq's house, but from near his house in the village. "It's beef, says report, but sample not from Akhlaq house," *Times of India*, June 1, 2016, <https://timesofindia.indiatimes.com/city/noida/Its-beef-says-report-but-sample-not-from-Akhlaq-house/articleshow/52530167.cms> (accessed August 16, 2018). Despite this, the new lab report sparked demands by BJP supporters to register a case of cow slaughter against Akhlaq and his family members, while others and some BJP leaders also demanded withdrawal of compensation paid to his family. When Chief Minister Akhilesh Yadav from Samajwadi Party questioned the authenticity of the new report, he was criticized by BJP leaders, including current BJP chief minister Adityanath. ANI, "Dadri lynching: BJP demands withdrawal of compensation paid to Akhlaq's family," *Indian Express*, June 2, 2016, <https://indianexpress.com/article/india/india-news-india/bjp-demands-withdrawal-of-compensation-paid-to-akhlaqs-family-2830114/> (accessed August 16, 2018).

¹⁷⁰ Aditi Vatsa, "Dadri accused's body cremated after family, govt strike a deal," *Indian Express*, October 8, 2016, <https://indianexpress.com/article/india/india-news-india/dadri-akhlaq-killing-accused-body-cremated-after-family-government-strike-a-deal-3071382/> (accessed August 16, 2018).

granted a stay on their arrest until the investigation into the case was concluded.¹⁷¹ The investigation is still pending over a year later.

The Akhlaq murder case is being heard by a fast-track court. However, as of November 2018, the trial had not started.¹⁷² Meanwhile, all the accused were granted bail.

¹⁷¹ Mohammad Ali, "Allahabad HC stays arrest of Akhlaque's family in cow slaughter case," *The Hindu*, August 26, 2016, <https://www.thehindu.com/news/national/other-states/Allahabad-HC-stays-arrest-of-Akhlaques-family-in-cow-slaughter-case/article14591382.ece> (accessed August 17, 2018).

¹⁷² Aman Sharma, "After 43 court hearings, Akhlaq's family banks on Supreme Court order for justice," *Economic Times*, August 23, 2018, <https://economictimes.indiatimes.com/news/politics-and-nation/after-43-court-hearings-akhlaqs-family-banks-on-supreme-court-order-for-justice/articleshow/65509607.cms> (accessed August 29, 2018).

III. Failure to Protect Witnesses

India does not have a national witness and victim protection law. In criminal cases, especially when the perpetrators are powerful or have powerful connections, witnesses and families are vulnerable to threats from the accused as well as the police.

In Jharkhand, slain Mazlum Ansari's brother, Manuwar, a witness to the murder, told Human Rights Watch he was now fearful for his own life, particularly after the accused were released on bail:

I am really scared that they might kill me too. The police are on their side. I told the court, and also gave an application to the police, asking for protection to go to court. But so far, nothing has happened. When we go to court, it's the same route close to their village. There are only about five Muslim homes in our village, but about 100 Hindu homes. Sometimes, when the accused come to the village, I feel very scared.¹⁷³

Azad Khan, whose 12-year-old son Imteyaz was killed with Ansari in Latehar, also told Human Rights Watch he was scared for his and his family's safety. "We have asked for police protection to go to court but have not heard back."¹⁷⁴

After Mohammad Akhlaq's murder in Dadri, Uttar Pradesh, his family was forced to relocate to Delhi because of concerns for their safety. In May 2018, his brother, Jaan Mohammad, who still lives in Dadri and is accused of cow slaughter in a counter case filed by village residents, said two of the accused visited his house to pressure him to settle.

¹⁷³ Human Rights Watch interview with Manuwar Ansari, Ranchi, June 12, 2018.

¹⁷⁴ Human Rights Watch interview with Azad Khan, Ranchi, June 12, 2018.

“They asked me to withdraw the case filed against them. In exchange, they said they will withdraw the case filed against us for cow slaughter. I did not accept the offer, as we have not committed any crime,” Mohammad said.¹⁷⁵

In case of Qasim’s murder in Hapur, witness Samaydeen filed a petition in the Supreme Court to move the trial out of Uttar Pradesh state. Samaydeen, his family, and Qasim’s families say they fear for their lives because they believe the police are biased in favor of the perpetrators.¹⁷⁶

Maqsood, 18, who is now the sole earner for his mother and seven siblings after his father, Umar Khan, was killed in Alwar in Rajasthan, says the family was under pressure to agree to a settlement. “Now all the villagers are quite scared when it comes to buying cows,” he said.¹⁷⁷

¹⁷⁵ Shafaque Alam, “Akhlaq’s brother gets offer to settle case,” *Times of India*, May 24, 2018, <https://timesofindia.indiatimes.com/city/noida/akhlaqs-brother-gets-offer-to-settle-case/articleshow/64295877.cms> (accessed August 16, 2018).

¹⁷⁶ “Hapur lynching case: SC asks police to submit report, provide protection to witnesses,” *Times of India*, August 13, 2018, <https://timesofindia.indiatimes.com/india/hapur-lynching-case-sc-asks-police-to-submit-report-provide-protection-to-witnesses/articleshow/65384259.cms> (accessed August 24, 2018).

¹⁷⁷ Human Rights Watch interview with Maqsood Khan, Jaipur, Rajasthan, July 24, 2018.

IV. Impact on Agriculture, Trade, and Livelihoods

The cow protection movement is hurting farmers and herders, and impacting their right to a livelihood. M.L. Parihar, a Rajasthan-based author and expert on animal husbandry, said the country's economy has been harmed by this movement: "Hindutva leaders who are promoting this obsession with cows don't realize how much loss they are causing to their own Hindu community, and damage they are causing to their country."¹⁷⁸

Nearly 55 percent of India's population is engaged in agriculture and associated activities, contributing 17 percent of the country's Gross Value Added.¹⁷⁹ Farmers often supplement their incomes and food requirements by maintaining and trading livestock and selling dairy products. India has about 190 million cattle and 108 million buffaloes.¹⁸⁰ India is also the largest milk producer in the world.¹⁸¹

However, with increasing mechanization of agriculture the demand for draught cattle such as bulls and oxen has declined, and male calves are often sold. Farmers also sell unproductive and aged cattle. Writer Harish Damodaran said that for the farmer, it is costly to feed unproductive animals, noting that in the past "[t]he 'Hindu' farmer never had any issue with the 'Muslim' butcher."¹⁸²

Tougher laws on cow slaughter, transportation of cattle, and mob attacks by cow protection groups have disrupted not just the cattle trade and the rural agricultural economy, but also leather and meat export industries linked to farming and dairy sectors. It has also adversely impacted transporters. "The transport of cows has become very

¹⁷⁸ Human Rights Watch interview with M.L.Parihar, Jaipur, Rajasthan, July 24, 2018.

¹⁷⁹ Department of Agriculture, Cooperation and Farmers Welfare, Ministry of Agriculture & Farmers Welfare, Government of India, "Annual report 2017-18," <http://agricoop.gov.in/sites/default/files/Krishi%20AR%202017-18-1%20of%20web.pdf> (accessed August 6, 2018).

¹⁸⁰ Department of Animal Husbandry, Dairying and Fisheries, Ministry of Agriculture & Farmers Welfare, Government of India, "Annual report 2017-18," http://dahd.nic.in/sites/default/files/annual_report_17-18.pdf (accessed August 6, 2018).

¹⁸¹ Ibid.

¹⁸² Harish Damodaran, "In thrall to the holy cow," *Indian Express*, April 6, 2018, <https://indianexpress.com/article/opinion/columns/slaughter-of-cows-cattle-rearing-hindu-muslim-white-revolution-5125397/> (accessed August 10, 2018).

difficult, because it was mostly Muslims who were involved in that work,” said Harishwar Dayal, an economist and social science researcher in Jharkhand.¹⁸³

Shahabudeen, who owns a transport company in Alwar district in Rajasthan, described the impact on his business when, after the killing of Pehlu Khan, the police filed FIRs against the driver and owner of the vehicles Khan was using for his cattle. This, despite the fact that Khan had receipts for the cattle he had purchased, Shahabudeen said, making it clear that it was no longer safe to transport cattle:

Most of my drivers are Muslim, they can't go on the road at all anymore if there is a cow in the vehicle. And not just cow, even buffalo. It's too huge a risk. These cow protection groups damage the vehicles, set them on fire, beat, or even kill drivers. No driver wants to do this work anymore.¹⁸⁴

Impact on Communities

Dalits and Muslims are disproportionately affected by the attacks in the name of cow protection. While slaughterhouses and meat shops are mostly run by Muslims, Dalits traditionally dispose of cattle carcasses and skin them for commercial purposes such as leather and leather goods. However, disruption of the rural economy has affected all communities whether Hindu, Muslim, Dalit, tribal, or nomadic. “It's not just about Muslims,” said P. Sainath, an author, journalist, and expert on India's agricultural economy, pointing out that Hindus, even those considered of higher caste, have been affected.¹⁸⁵ For instance, he said that many that own cattle cannot sell them because cattle prices are low or because they are attacked by mobs. So, they watch their cattle die or abandon them. And it is not just farmers and herders, but also traders and others associated with cattle. Said Sainath, “At the cattle markets, the middlemen are often from other castes. Many are also engaged in making handicrafts associated with cattle or leather such as bells, shoes, trinkets and they are all devastated.”¹⁸⁶

¹⁸³ Human Rights Watch interview with Harishwar Dayal, Ranchi, Jharkhand, June 13, 2018.

¹⁸⁴ Human Rights Watch interview with Shahabudeen, Alwar district, Rajasthan, July 22, 2018.

¹⁸⁵ Human Rights Watch interview with P. Sainath, New Delhi, August 22, 2018.

¹⁸⁶ Ibid.

Farmers, including Hindus, earlier sold their unproductive cattle but now they are forced to care for them even when they cannot afford to feed them. Most farmers simply abandon them, which has caused yet another problem for farmers with stray cattle destroying their crops. Parihar said:

Even Hindu farmers never opposed slaughter because they knew that if the animals stayed in the village, they would damage the crops. It was part of the economy. He may have emotional attachment to the animal, but he still sold it knowing it was going for slaughter, because the farmer knew that he couldn't afford to feed it and keep it anymore.¹⁸⁷

For nomadic herders, these attacks have brought their livelihood to the brink of collapse.¹⁸⁸ In April 2017, in the Jammu region of Jammu and Kashmir state, a mob brutally attacked five members of a Muslim nomad cattle-herding family, including a 9-year-old girl, on suspicion that they were taking their cows for slaughter.¹⁸⁹

There have been several attacks on the Banjara nomadic community in Rajasthan.¹⁹⁰ Banjara community leaders say they face increased attacks even when trading cattle in government-run markets “with cow vigilante groups repeatedly harassing, assaulting, and extorting money from them.”¹⁹¹

¹⁸⁷ Human Rights Watch interview with M.L.Parihar, Jaipur, Rajasthan, July 24, 2018.

¹⁸⁸ Javaid Rahi, “Why the attack on Kashmir's pastoralists is a big concern,” *DownToEarth*, April 27, 2017, <https://www.downtoearth.org.in/blog/agriculture/threatening-a-centuries-old-tradition-57703> (accessed October 8, 2018).

¹⁸⁹ “Chilling video seems to show how Jammu cow vigilantes brutally attacked a family of nomadic herders,” *Scroll*, April 23, 2017, <https://scroll.in/article/835441/video-purporting-to-show-cow-vigilantes-attacking-nomadic-herders-in-jammu-emerges> (accessed August 10, 2018).

¹⁹⁰ Mohammed Iqbal, “2 hurt as cow vigilantes strike in Rajasthan,” *The Hindu*, October 6, 2016, <https://www.thehindu.com/news/national/other-states/2-hurt-as-cow-vigilantes-strike-in-Rajasthan/article15470833.ece> (accessed August 10, 2018).

¹⁹¹ Paras Banjara, Nikhil Dey and Cheryl D'souza, “Tired of Persecution By ‘Gau Rakshaks,’ Rajasthan's Banjaras Are Raising Their Voice,” *The Wire*, October 24, 2016, <https://thewire.in/rights/gau-raksha-banjara> (accessed August 10, 2018).

The violence appears to have contributed to a significant decrease in the number of animals traded at government-organized cattle fairs.¹⁹² The Rajasthan state government organizes 10 cattle fairs annually. In 2010-11, over 56,000 cows and bulls came to these fairs and more than 31,000 of them were sold. In 2016-17, their numbers dropped to less than 11,000, with less than 3,000 of them sold.¹⁹³

Azad Khan, father of the 12-year old boy who was killed and hanged in Jharkhand on his way to a cattle market, said he gave up cattle trade after his son was killed. “I am too scared to do that work now,” he said. “I now work in other people’s fields.”¹⁹⁴

¹⁹² Human Rights Watch interview with Rajesh Verma, a senior veterinary officer at the Rajasthan government’s Department of Animal husbandry, Jaipur, Rajasthan, July 24, 2018.

¹⁹³ Data from the Department of Animal Husbandry, Government of Rajasthan.

¹⁹⁴ Human Rights Watch interview with Azad Khan, Ranchi, Jharkhand, June 12, 2018.

Illegal Cattle Trade

Cow protectors often point to the illegal cattle trade and flourishing cattle-rustling on the India-Bangladesh border to justify their actions.¹⁹⁵ In 2014, India’s Home Minister Rajnath Singh told the Indian Border Security Force (BSF) at the Bangladesh border to “stop the smuggling of cows at any cost.”¹⁹⁶ In 2016, he claimed that cow smuggling at the border had declined by over 80 percent, and called for continued vigilance.¹⁹⁷

Uncertainty in Meat Industry

India is the largest beef exporter in the world, exporting buffalo meat worth US\$4 billion a year. However, after the BJP government came to power in 2014, exports have mostly declined, and actions by the BJP-led government in Uttar Pradesh state, the top meat-producing state in the country, have led to further uncertainties over the future of the trade.

¹⁹⁵ Human Rights Watch documented that Indian border guards committed numerous abuses including extrajudicial killings, torture, and ill-treatment of both Indian and Bangladeshi border residents to target alleged smugglers, including cattle rustlers. See *“Trigger Happy:” Excessive Use of Force by Indian Troops at the Bangladesh Border* (New York: Human Rights Watch, 2010), <https://www.hrw.org/report/2010/12/09/trigger-happy/excessive-use-force-indian-troops-bangladesh-border>

¹⁹⁶ Press Trust of India, “Stop cow smuggling along Indo-Bangla border: Rajnath to BSF,” *The Hindu*, December 1, 2014, <https://www.thehindu.com/news/national/cow-smuggling-along-indiabangladesh-border/article6651881.ece> (accessed August 5, 2018).

¹⁹⁷ Press Trust of India, “Cow smuggling has to stop; BSF needs to be more alert: Rajnath Singh,” *Hindustan Times*, May 20, 2016, <https://www.hindustantimes.com/india/cow-smuggling-has-to-stop-bsf-needs-to-be-more-alert-rajnath-singh/story-Dw4bvrRuvKCttoznai183N.html> (accessed August 5, 2018). Kiren Rijiju, Minister of State, Ministry of Home Affairs, Government of India presented this data in the parliament in response to a question. Unstarred question 2465, Rajya Sabha, August 8, 2018. <https://mha.gov.in/MHA1/Par2017/pdfs/par2018-pdfs/rs-o8082018-English/2465.pdf>

Year	No. of cattle smuggling cases	No. of cattle seized by Border Security Force (BSF)	No. of persons arrested	No. of First Information Reports (FIRs) registered by BSF for cattle smuggling	No. of charge-sheets filed	No. of cases finalized/convicted
2015	17,537	153,602	605	705	429	60
2016	20,903	168,801	670	652	327	48
2017	17,919	119,299	514	437	0	0
2018 (Jan – June)	4,938	21,617	99	84	0	0

Year	Export of Buffalo Beef (in US \$billion)	Percentage growth (%)
2010-11	1.88	--
2011-12	2.86	52.12
2012-13	3.20	11.88
2013-14	4.35	35.93
2014-15	4.78	9.88
2015-16	4.07	-0.01
2016-17	3.91	-3.93
2017-18	4.03	3.06

Source: Agricultural and Processed Food Products Export Development Authority, Ministry of Commerce and Industry, Government of India

Soon after the BJP appointed Adityanath as chief minister of Uttar Pradesh in March 2017, he cracked down on slaughterhouses and meat shops, mostly run by Muslims. He contended that he was shutting down illegal establishments, but the businesses said they were forced to close without notice or due process.¹⁹⁸

Decline in Leather Exports

India produces nearly 13 percent of the world’s leather and the leather industry is a major foreign exchange earner. It has an annual revenue of over US\$12 billion (exports are \$5.7 billion and the domestic market is \$6.3 billion) and provides employment to about three million people, 30 percent of whom are women.¹⁹⁹ In 2017, the government identified the leather industry as key to generating jobs and for growth.²⁰⁰ At the same time, the government survey admitted that “despite having a large cattle population, India’s share

¹⁹⁸ Shoaib Daniyal, “‘BJP is taking revenge on Muslims’: UP’s crackdown has left the meat industry panicked and scared,” *Scroll*, March 26, 2017, <https://scroll.in/article/832802/bjp-is-taking-revenge-on-muslims-ups-crackdown-has-left-the-meat-industry-panicked-and-scared> (accessed August 7, 2018).

¹⁹⁹ Department of Commerce, Ministry of Commerce and Industry, Government of India, “Annual Report 2017-18,” http://commerce.gov.in/writereaddata/uploadedfile/MOC_636626711232248483_Annual%20Report%20%202017-18%20English.pdf

²⁰⁰ Press Information Bureau, Ministry of Finance, Government of India, “Apparel and Leather industry key to generation of formal and productive jobs: Economic Survey 2016-17,” January 31, 2017, <http://pib.nic.in/newsite/PrintRelease.aspx?relid=157800> (accessed August 7, 2018).

of cattle leather exports is low and declining due to limited availability of cattle for slaughter in India.”²⁰¹

Fear of cow vigilantes and shutdown of hundreds of slaughter houses has led to disruption in availability of cattle hides, say leather manufacturers and exporters.²⁰² While export of leather and leather products grew by over 18 percent in 2013-14 and 9 percent in 2014-15, they declined by nearly 10 percent in 2015-16. They picked up only slightly in 2017-18, by 1.4 percent.

Year	Export of Leather and Leather Products (in US\$ billion)	Percentage growth (%)
2011-12	4.87	--
2012-13	5.01	2.87
2013-14	5.93	18.36
2014-15	6.49	9.44
2015-16	5.85	-9.86
2016-17	5.66	-3.25
2017-18	5.74	1.41

Source: Annual Report 2017-18, Department of Commerce, Ministry of Commerce and Industry, Government of India

http://commerce.gov.in/writereaddata/uploadedfile/MOC_636626711232248483_Annual%20Report%20%202017-18%20English.pdf; “Growth of Leather Industry,” Press Information Bureau, Ministry of Commerce and Industry, Government of India, December 27, 2018, <http://pib.nic.in/newsite/PrintRelease.aspx?relid=186811>

²⁰¹ Ibid.

²⁰² Amy Kazmin, “Modi’s India: the high cost of protecting holy cows,” *Financial Times*, November 22, 2017, <https://www.ft.com/content/63522f50-caf3-11e7-ab18-7a9fb7d6163e>; Tommy Wilkes and Mayank Bhardwaj, “Cattle slaughter crackdown ripples through India’s leather industry,” *Reuters*, June 14, 2017, <https://in.reuters.com/article/uk-india-politics-religion-insight/cattle-slaughter-crackdown-ripples-through-indias-leather-industry-idINKBN1951QQ> (accessed August 11, 2018).



A calf at a cow shelter in Mumbai, March 2015. © 2015 Dhiraj Singh/Bloomberg via Getty Images

Rising Costs of Protecting Cows

As more and more farmers are forced to abandon their cattle, there has been a significant rise in numbers of stray cattle, resulting in anger among farmers whose crops are at risk.²⁰³ The BJP governments in several states have increased funding for *gaushalas* or cow shelters, even adding new taxes, or compromising health of prisoners by setting up shelters in prisons.²⁰⁴

In Uttar Pradesh state, angry villagers started locking up stray cattle in government schools and offices in December 2018, prompting the chief minister to set a one-week deadline for

²⁰³ Sourav Roy Barman, "Uttar Pradesh's animal farm: Anger is growing, solutions dwindling," *Indian Express*, January 6, 2019, <https://indianexpress.com/article/india/up-farmers-stray-cattle-rabi-crops-yogi-adityanath-govt-gaurakshaks-beef-ban-slaughterhouse-ban-5524943/> (accessed January 15, 2019).

²⁰⁴ Amy Kazmin, "Modi's India: the high cost of protecting holy cows," *Financial Times*, November 22, 2017, <https://www.ft.com/content/63522f50-caf3-11e7-ab18-7a9fb7d6163e> (accessed August 11, 2018).

district authorities to move all stray cows and bulls to shelters.²⁰⁵ But most existing cow shelters, even temporary ones are already overflowing.²⁰⁶ Earlier, the government allotted 20 million rupees (\$290,000) to set up cow shelters in 12 prisons, and 816 million rupees (\$11.7 million) to open cow shelters.²⁰⁷

In 2016, the Haryana state government allotted 200 million rupees (\$2.8 million) to the Gau Seva Aayog for the protection and welfare of cows. In 2018, the budget rose to 300 million rupees (\$4.1 million).²⁰⁸ There are 513 *gaushalas* housing 380,000 cows, bulls, and bullocks, most of them unproductive, but there are still about 150,000 stray cattle in the state and the numbers may continue to rise.²⁰⁹ The government has since decided to set up *gaushalas* in prisons, a move that has been criticized by commentators who emphasize that overcrowding and lack of proper sanitation are already causing health concerns among prisoners, a situation that could be made worse by introduction of *gaushalas*.²¹⁰

Rajasthan has a separate cow ministry. In 2016, there were 550,000 cows and bulls in government-funded *gaushalas*. By 2018, this number had grown to 900,000. The government budget for this dedicated ministry has grown exponentially—from 130 million

²⁰⁵ Press Trust of India, “Uttar Pradesh officials miss Jan 10 deadline to relocate stray cattle,” *Times of India*, January 13, 2019, <https://timesofindia.indiatimes.com/india/uttar-pradesh-officials-miss-jan-10-deadline-to-relocate-stray-cattle/articleshow/67512964.cms> (accessed January 15, 2019).

²⁰⁶ The state government allotted 600 million rupees (\$ 8.4 million) in 2017-18 and 950 million rupees (\$13.3 million) in 2018-19 for cow welfare, and has decided to levy a 0.5 percent tax on eight public sector departments to generate funds to set up and maintain temporary cow shelters. See “UP Cabinet gives nod to impose cow welfare cess on eight public sector depts,” *Indian Express*, January 2, 2019, <https://indianexpress.com/article/india/uttar-pradesh-cabinet-gives-nod-to-impose-cow-welfare-cess-on-eight-public-sector-depts-5519206/> (January 16, 2019).

²⁰⁷ Nelanshu Shukla, “Uttar Pradesh government to build gaushalas in prisons,” *India Today*, July 5, 2018, <https://www.indiatoday.in/india/story/uttar-pradesh-government-to-build-gaushalas-in-prisons-1278659-2018-07-05> (accessed August 11, 2018).

²⁰⁸ Neeraj Mohan and Hardik Anand, “Problem of plenty in Haryana gaushalas,” *Hindustan Times*, July 19, 2017, <https://www.hindustantimes.com/india-news/ht-spotlight-problem-of-plenty-in-haryana-gaushalas/story-y6Q1ulkPcOhj7kHjqMFedJ.html> (accessed August 11, 2018).

²⁰⁹ Human Rights Watch telephone interview with an official, Department of Animal Husbandry and Dairying, Government of Haryana, September 18, 2018.

²¹⁰ Press Trust of India, “Haryana Government To Set Up ‘Gaushala’ In All Jails: Manohar Lal Khattar,” *NDTV*, May 3, 2018, <https://www.ndtv.com/india-news/haryana-government-to-set-up-gaushalas-in-all-jails-haryana-chief-minister-manohar-lal-khattar-1846802> (accessed August 11, 2018). “Setting up gaushalas on surplus jail land will not help prisoners,” *Hindustan Times*, June 19, 2017, <https://www.hindustantimes.com/editorials/setting-up-gaushalas-on-surplus-jail-land-will-not-help-prisoners/story-96iPmmuKgG7Ke51s4LYoiP.html> (last accessed December 12, 2018).

rupees (\$1.9 million) in 2015-16 to 2.56 billion rupees (\$36 million) in 2017-18.²¹¹ To generate funds to care for unproductive cows and bulls, the government levied a 10 percent surcharge on stamp duties for property transactions and a 20 percent surcharge on liquor sales.²¹²

Madhya Pradesh opened its first cow sanctuary in September 2017, costing 320 million rupees (\$6.2 million). However, on opening day, it was overwhelmed by farmers from nearby villages who showed up with 2,000 cows.²¹³ Five months later, the sanctuary had to stop admitting any more cows due to lack of manpower and funds.²¹⁴

Jharkhand doubled its monetary support to *gaushalas* to 100 million rupees (\$1.4 million) in 2016.²¹⁵ In 2017, the Maharashtra government said it would spend 340 million rupees (\$6.7 million) to set up cow shelters.²¹⁶ In Punjab, when the state power company stopped free electricity supply to cow shelters in May 2017, it angered BJP leaders and prompted questions from the head of the state's Gau Sewa Commission.²¹⁷

²¹¹ Human Rights Watch interview with a senior official at the Directorate Gopalan, Government of Rajasthan, July 24, 2018.

²¹² Ibid.

²¹³ Rahul Noronha, "Till the cows come home: Can gaushalas solve farmers' woes?," *India Today magazine*, March 22, 2018, <https://www.indiatoday.in/magazine/the-big-story/story/20180402-uttar-pradesh-yogi-adityanath-cow-shelter-budget-gaushalas-1196432-2018-03-22> (accessed August 11, 2018).

²¹⁴ Milind Ghatwai, "No funds or manpower: First cow sanctuary says can't take in more," *Indian Express*, July 30, 2018, <https://indianexpress.com/article/india/no-funds-or-manpower-first-cow-sanctuary-says-cant-take-in-more-5282277/> (accessed August 11, 2018).

²¹⁵ B Vijay Murty, "Jharkhand to double monetary support to gaushalas," *Hindustan Times*, June 7, 2016, <https://www.hindustantimes.com/ranchi/jharkhand-to-double-monetary-support-to-gaushalas/story-zrGu3loWOjuXjhPOhCxVzl.html> (accessed August 11, 2018).

²¹⁶ Zeeshan Shaikh, "Maharashtra government to spend Rs 34 crore for cow shelters," *Indian Express*, April 29, 2017, <https://indianexpress.com/article/india/maharashtra-government-to-spend-rs-34-crore-for-cow-shelters-4632658/> (accessed August 11, 2018).

²¹⁷ Press Trust of India, "Union min accuses Punjab govt of discontinuing free electricity for gaushalas," *India Times*, June 24, 2018, <https://energy.economictimes.indiatimes.com/news/power/union-min-accuses-punjab-govt-of-discontinuing-free-electricity-for-gaushalas/64717616> (accessed August 11, 2018). Divya Goyal, "No free power to gaushalas in Punjab: Gau Sewa chief questions cow cess collection, writes to power utility," *Indian Express*, August 15, 2017, <https://indianexpress.com/article/cities/no-free-power-to-gaushalas-in-state-gau-sewa-chief-questions-cow-cess-collection-writes-to-power-utility-4797133/> (accessed August 11, 2018).

V. Recommendations

To the Indian Parliament

- Enact legislation to prevent discrimination or violence based on religion or ethnic identity, as recommended by the Supreme Court with clear guidelines on proper enforcement.
- Enact the pending law against communal violence, ensuring it is compliant with international human rights standards, that would make state officials liable for failure to act to prevent and stop communal violence, including as a matter of superior responsibility.
- Enact a witness protection law to address intimidation, threats, and harassment of victims and witnesses. The law should direct the central and state governments to adequately fund witness protection programs.
- Ensure that any existing or new laws or policies restricting the cattle trade are consistent with the right to a livelihood.
- Form an expert committee, including agriculturists, civil society groups, and farmers, to review and propose recommendations on existing laws and policies on cattle trade and cattle protection.
- Enact safeguards against the involvement of private parties and non-state actors in law enforcement responsibilities, including law enforcement activities ostensibly carried out by cow protection groups.

To the Union Home Ministry, Union Territory Police, State Home Ministries, and State Police

Ensure Prompt, Fair Investigation and Prosecution in Cases of Mob Violence

- Implement the Supreme Court directives in its July 2018 *Tehseen S. Poonawalla & Ors. v. Union of India & Ors.* ruling on preventing and ensuring accountability in all cases of mob violence.
 - Ensure prompt and impartial investigation and prosecution of the perpetrators and instigators of vigilante violence and killings. Investigate alleged police inaction in responding to vigilante violence.

- Clearly and unequivocally signal, through public statements and measures by senior state and high-ranking police officials, that perpetrators in mob violence cases, even those politically connected, will be fully prosecuted.
- Adopt a compensation, relief, and rehabilitation scheme for victims and their families in line with their injuries, therapeutic needs, legal needs, and loss of employment. Ensure interim relief within 30 days of the incident.
- Promptly undertake long-proposed police reforms to ensure police act in accordance with human rights standards and without political interference. These should include trainings on community relations, acting without bias, and de-escalation of violence techniques.
- Police should strengthen ties with affected communities and victim support groups. Establish working groups of community leaders and national and local law enforcement officials to coordinate efforts to address bias-motivated violence. Improve outreach to affected communities on the outcome of investigations and prosecutions.
- Ensure that police officers, regardless of rank, implicated in criminal offenses are disciplined or prosecuted as appropriate.
- Ensure victims or their families have access to adequate and competent legal aid.
- Provide healthcare assistance for physical and mental harm incurred by victims and their families.
- Expunge criminal records of false cases filed against victims and their family members.
- Collect systematic data on communal crimes in line with international standards, including on victims, perpetrators, types of crime, and prosecution rates.

Ensure Accountability for Police Misconduct

- Ensure that Police Complaints Authorities (PCAs) are set up in line with Supreme Court directives and are functional at both state and district levels. PCAs should include civil society representatives and should have the necessary capacity to effectively manage their caseloads. If a PCA sustains a complaint against an officer and the officer is not internally disciplined, police should publicly provide a detailed justification. All complaints taken up by the PCA should automatically be forwarded to a local prosecutor for review.

- Provide complainants with clear instructions, simple forms, and a telephone contact to check on the status of investigations. Consider creating an anonymous complaints line for victims and witnesses, including police whistleblowers, to report police misconduct.

Bolster External Accountability Mechanisms

- Ensure that investigations ordered by external agencies, such as state human rights commissions, are never referred to police from the same police station implicated in the complaint.
- End the practice of transferring police alleged to have committed abuses, which endangers other residents. Establish that when police officers are identified in a First Information Report for criminal offenses, they are suspended until the incident is investigated and resolved.

Establish Responsibility of Supervising Police

- Issue directives to police superintendents advising they are responsible for identifying, preventing, and ensuring accountability for abuses committed by officers under their supervision.
- Discipline, or prosecute as appropriate, superior officers who knew or should have known of unlawful acts, including killings, and failed to take adequate steps to prevent or prosecute them.

Protect Families of Victims of Violence

- The government should make arrangements to protect the families of victims and witnesses against any kind of intimidation, coercion, inducement, threats, or violence.
- The investigating officer and the officer-in-charge of each police station should ensure they record all complaints by victims or their families and witnesses on any kind of alleged intimidation, coercion, inducement, threats, or violence, whether given orally or in writing. The complainant should be immediately given a photocopy of the First Information Report free of cost.

To Foreign Governments and Donors

- Urge the Indian government to protect religious and other minorities and ensure prompt investigation and prosecution in all cases of communal violence.
- Urge the Indian government to make strong public statements denouncing all communal violence and send a message to Hindu extremist groups that they will be prosecuted and held accountable for any crimes.
- Support government and civil society initiatives to collect systematic data on communal crimes in line with international human rights standards.
- Support specialized police training in human rights, alongside existing programs for counterterrorism training and assistance.
- Provide increased support for Indian civil society organizations engaged in effective human rights monitoring and delivery of direct assistance to victims of communal violence.

Acknowledgments

This report was researched and written by Jayshree Bajoria, a senior research consultant in the Asia Division at Human Rights Watch. It was edited by Meenakshi Ganguly, South Asia director. James Ross, legal and policy director, and Joseph Saunders, deputy program director, provided legal and programmatic review. Production assistance was provided by Racqueal Legerwood, associate in the Asia Division; Olivia Hunter, digital officer; and Fitzroy Hepkins, administrative manager.

Tejaswita Kharel and Varsha Sharma, students from National Law University, Delhi, helped to compile the appendix on cow protection laws.

Human Rights Watch acknowledges the valuable assistance of several Indian rights activists and organizations, including Sajjad Hassan, Khatija Khader, Salim Ansari, Nasir Ali, and the team at Citizens Against Hate; Advocate Shadab Ansari of the Human Rights Law Network in Ranchi; Faraz Akhtar and team of DOTO database; and Paker Farooq and Muzammil Islam Rizvi of the Association for Protection of Civil Rights in Jaipur.

We are particularly indebted to external reviewers Sajjad Hassan, convener of Citizens Against Hate, and Mohsin Alam Bhat, executive director at Centre for Public Interest Law, Jindal Global Law School in Delhi, for providing valuable input and feedback on the report.

Above all, we thank the families and friends of all the victims who shared their stories with us.

Appendix: India National and State Cow Protection Laws

(as of December 2018)

Notes:

Tables are updated as of December 2018. Bailable offenses are those offenses for which the accused can claim bail as a matter of right. For non-bailable offenses, bail can be granted by an authority with discretion and the accused cannot claim it as a matter of right.

In cognizable offenses, police officers are empowered to arrest the accused without warrant and such offenses are usually more serious in nature than non-cognizable offenses. In non-cognizable offenses, a police officer requires a warrant to arrest an accused.

India (National Laws)				
Law on Protection of Cows and Cow Progeny	Substantive Legal Provisions	Legal Provisions Regulating Transportation	Nature of Offense	Punishment
Constitution of India, 1950 ²¹⁸	- Article 48: Directive Principle provides the government should take steps for the prohibition of slaughter of cows, calves, other milk producing and draught cattle	N/A	N/A	N/A
Prevention of Cruelty to Animals Act, 1960 (59 of 1960) ²¹⁹	- Cannot kill any animal in a cruel manner - Duty of persons in charge of animals to take reasonable measures to ensure safety of animals	- Precautions must be taken before exporting animals for any purpose and license for different	- Cognizable - Burden of proof on accused if found with skin of cow, goat or its progeny	- For the first offense: Fine not less than 10 rupees (US\$0.10) but up to 50 rupees (\$0.70)

²¹⁸ Constitution of India, 1950, art. 48, https://www.india.gov.in/sites/upload_files/npi/files/coi_part_full.pdf (accessed September 23, 2018).

²¹⁹ Prevention of Cruelty to Animals Act, No. 59 of 1960, <http://www.envfor.nic.in/legis/awbi/awbio1.pdf> (accessed October 1, 2018).

	<ul style="list-style-type: none"> - Empowers police officer not below the rank of sub-inspector or any person authorized by the state government to enter and search places, as well as seize animals to ensure they are not being treated with cruelty - Protects public servants who have acted in good faith or intended to act in good faith - Can only kill suffering animals in a humane manner or as per the prescribed method required by any religion or community - Provides for an Animal Welfare Board 	<p>appliances to be used for that purpose is to be issued</p>		<ul style="list-style-type: none"> - For second or subsequent offense within three years of previous offense: Fine not less than 25 rupees (\$0.30) but up to 100 rupees (\$1.40), imprisonment up to three months or both.
--	---	---	--	--

Andaman & Nicobar Islands				
Law on Protection of Cows and Cow Progeny	Substantive Legal Provisions	Legal Provisions Regulating Transportation	Nature of Offense	Punishment
Andaman and Nicobar Islands Prohibition of Cow Slaughter Rules 1967 ²²⁰	<ul style="list-style-type: none"> - Cannot slaughter or cause to slaughter cow, bull or bullock without certificate from Veterinary Officer of the competent authority - Empowers competent authority or person authorized by competent authority as to enter and inspect premises where there are reasons to believe that an offense has been committed or is likely to be committed. 	N/A	N/A	- For slaughter: Fine up to 250 rupees (\$3)

²²⁰ Andaman and Nicobar Islands Prohibition of Cow Slaughter Rules 1967, <http://extwprlegs1.fao.org/docs/pdf/ind132149.pdf> (accessed November 2, 2018).

Chandigarh				
Law on Protection of Cows and Cow Progeny	Substantive Legal Provisions	Legal Provisions Regulating Transportation	Nature of Offense	Punishment
Punjab Prohibition of Cow Slaughter Act, 1955 ²²¹	<ul style="list-style-type: none"> - Cannot slaughter, cause to be slaughtered, offer to slaughter, offer to cause to be slaughtered a cow Exception: Self-defense, Certificate permitting slaughter, infection of animal with contagious disease, experimentation upon animal in interest of medical or public health - Cannot sell, cause to be sold, offer to sell beef or beef products unless for prescribed medicinal purposes - Act empowers authorized persons (police officer not below the rank of head constable or any person authorized by the government) to enter, stop and search vehicles as well as seize animals to ensure that provisions of the act are being complied with - The act protects government officers acting in good faith or intending to act in good faith - Must lodge information with veterinary officer prior to slaughter of cow with reasons <p>Animals include: Cows, Bulls, Bullocks, Heifers, Oxen, Calves</p>	<ul style="list-style-type: none"> - Cannot export or cause to export cow for slaughter directly or indirectly or with knowledge that it is likely to be slaughtered - Can export with permit for other reasons 	<ul style="list-style-type: none"> - Cognizable - Non-bailable - Burden of proof on accused 	N/A

²²¹ Punjab Prohibition of Cow Slaughter Act, 1955, <http://www.lawsfindia.org/pdf/haryana/1956/1956HR15.pdf> (accessed November 2, 2018).

Dadra and Nagar Haveli				
Law on Protection of Cows and Cow Progeny	Substantive Legal Provisions	Legal Provisions Regulating Transportation	Nature of Offense	Punishment
Goa, Daman & Diu Prevention of Cow Slaughter Act, 1978 ²²²	<ul style="list-style-type: none"> - Cannot slaughter, offer to slaughter, cause to slaughter or cause to offer to slaughter cows (including heifers and calves) without prior permission from competent authority Exceptions: animal infected with contagious disease, experimentation upon animal in interest of medical or public health - Cannot sell beef - Animals include: Cows, Heifers, Calves 	N/A	<ul style="list-style-type: none"> - Cognizable - Non-bailable - Burden of proof on accused 	<ul style="list-style-type: none"> - For slaughter and sale: Imprisonment up to two years, fine up to 1,000 rupees (\$13) or both - For slaughtering of animals falling under the exception without permission: Imprisonment up to one year, fine up to 200 rupees (\$2) or both

²²² Goa, Daman & Diu Prevention of Cow Slaughter Act, 1978, <http://www.lawsfindia.org/pdf/goa/1978/1978GOA13.pdf> (accessed November 2, 2018).

Daman and Diu				
Law on Protection of Cows and Cow Progeny	Substantive Legal Provisions	Legal Provisions Regulating Transportation	Nature of Offense	Punishment
Goa, Daman & Diu Prevention of Cow Slaughter Act, 1978 ²²³	<ul style="list-style-type: none"> - Cannot slaughter, offer to slaughter, cause to slaughter or cause to offer to slaughter cows (including heifers and calves) without prior permission from competent authority Exceptions: animal infected with contagious disease, experimentation upon animal in interest of medical or public health - Cannot sell beef - Animals include: Cows, Heifers, Calves 	N/A	<ul style="list-style-type: none"> - Cognizable - Non-bailable - Burden of proof on accused 	<ul style="list-style-type: none"> - For slaughter and sale: Imprisonment up to two years, fine up to 1,000 rupees (\$13) or both - For slaughtering of animals falling under the exception without permission: Imprisonment up to one year, fine up to 200 rupees (\$2) or both

²²³ Goa, Daman & Diu Prevention of Cow Slaughter Act, 1978, <http://www.lawsfindia.org/pdf/goa/1978/1978GOA13.pdf> (accessed November 2, 2018).

Delhi				
Law on Protection of Cows and Cow Progeny	Substantive Legal Provisions	Legal Provisions Regulating Transportation	Nature of Offense	Punishment
Delhi Agricultural Cattle Preservation Act, 1994 ²²⁴	<ul style="list-style-type: none"> - Cannot slaughter, cause to slaughter or offer to slaughter agricultural cattle - Cannot sell, purchase, dispose of any agricultural cattle or offer to do the same for slaughter or with knowledge that it will or may be slaughtered - Cannot possess the flesh of any slaughtered agricultural cattle - Act empowers competent authority or veterinary officer or police officer not below the rank of sub-inspector or any other person authorized on behalf of government of Delhi to enter, stop, search vehicles and seize animals to ensure that the provisions of the act are complied with - Act protects persons acting in good faith or intending to act in good faith - Provides for a Board to check proper implementation - Animals include: Cows of all ages, Calves of cows of all ages, Bulls and bullocks 	<ul style="list-style-type: none"> - Cannot transport, offer to transport, cause to be transported any agricultural cattle for the purpose of slaughter - Cannot directly or indirectly export or cause to be exported any agricultural cattle for the purpose of slaughter or with knowledge that it will or may be slaughtered - Cannot export agricultural cattle without permission from authority 	<ul style="list-style-type: none"> - Cognizable - Non-bailable - Burden of proof on accused 	<ul style="list-style-type: none"> - For slaughter, transportation, export, sale, purchase, disposal of agricultural cattle: Imprisonment not less than six months but up to five years and fine not less than 1,000 rupees (\$13) but up to 10,000 rupees (\$137). - For possession of flesh: Imprisonment for up to one year and fine up to 2,000 rupees (\$27).

²²⁴ The Delhi Agricultural Cattle Preservation Act, 1994, <http://www.lawsfindia.org/pdf/delhi/1994/1994Delhi7.pdf> (accessed November 2, 2018).

Lakshadweep				
Law on Protection of Cows and Cow Progeny	Substantive Legal Provisions	Legal Provisions Regulating Transportation	Nature of Offense	Punishment
N/A	N/A	N/A	N/A	N/A

Puducherry				
Law on Protection of Cows and Cow Progeny	Substantive Legal Provisions	Legal Provisions Regulating Transportation	Nature of Offense	Punishment
Pondicherry Prevention of Cow Slaughter Act, 1968 ²²⁵	<ul style="list-style-type: none"> - Cannot slaughter any animal without certificate permitting the same Exceptions: the animal is diseased or is under experimentation - Prohibition on sale of beef - Failure to inform reasons for slaughter is punishable - Animals include: Cows, Bulls, Bullocks, Heifers, Calves 	<ul style="list-style-type: none"> - Cannot sell or transport, offer to sell or transport, cause to sell or transport beef or beef products unless it is for medicinal purposes 	<ul style="list-style-type: none"> - Cognizable - Non-bailable - Burden of proof on accused 	<ul style="list-style-type: none"> - For slaughter, sale or transportation: Imprisonment up to two years with fine up to 1,000 rupees (\$13) or both - For failure to inform reason for slaughter: Imprisonment up to one year with fine up to 200 rupees (\$2) or both

²²⁵ Pondicherry Prevention of Cow Slaughter Act, 1968, <http://www.lawsofindia.org/pdf/puducherry/1968/1968Pondicherry6.pdf> (accessed November 2, 2018).

Andhra Pradesh				
Law on Protection of Cows and Cow Progeny	Substantive Legal Provisions	Legal Provisions Regulating Transportation	Nature of Offense	Punishment
Andhra Pradesh Prohibition of Cow Slaughter and Animal Preservation Act, 1977 ²²⁶	<ul style="list-style-type: none"> - Cannot slaughter any animal (except calf of a she-buffalo) without certificate from competent authority permitting the same - Empowers authorized persons and public servants to enter, stop and search vehicles to ensure that the provisions of the act are complied with - Protects competent authority acting in good faith or intending to act in good faith - Animals include: Bulls, Bullocks, Buffaloes (both male and female), Calves (both male and female) of She-buffaloes, Cows (heifers, calves of cows) 	N/A	<ul style="list-style-type: none"> - Cognizable - Bailable 	<ul style="list-style-type: none"> - For slaughter: Imprisonment up to six months, fine up to 1,000 rupees (\$13) or both
Andhra Pradesh Animals and Birds Sacrifices Prohibition Act XXXII OF 1950 (as amended up to December, 1970) ²²⁷	<ul style="list-style-type: none"> - Cannot sacrifice any animal or birds for the purpose of religious worship or adoration 	N/A	<ul style="list-style-type: none"> - Cognizable 	<ul style="list-style-type: none"> - For sacrifice: Imprisonment for up to three months and fine up to 300 rupees (\$4) or both

²²⁶ Andhra Pradesh Prohibition of Cow Slaughter and Animal Preservation Act, 1977, <http://www.lawyerservices.in/ANDHRA-PRADESH-PROHIBITION-OF-COW-SLAUGHTER-AND-ANIMAL-PRESERVATION-ACT-1977> (accessed November 2, 2018).

²²⁷ Andhra Pradesh Animals and Birds Sacrifices Prohibition Act XXXII OF 1950 (as amended up to December, 1970), <http://tgahd.nic.in/awelfare/4.Animal%20Welfare%20Acts.pdf> (accessed November 2, 2018).

Arunachal Pradesh				
Law on Protection of Cows and Cow Progeny	Substantive Legal Provisions	Legal Provisions Regulating Transportation	Nature of Offense	Punishment
N/A	N/A	N/A	N/A	N/A

Assam				
Law on Protection of Cows and Cow Progeny	Substantive Legal Provisions	Legal Provisions Regulating Transportation	Nature of Offense	Punishment
Assam Cattle Preservation Act, 1951 (as amended by Assam Cattle Preservation Amendment Act, 1962) ²²⁸	<ul style="list-style-type: none"> - Cannot slaughter any animal without certificate from competent authority permitting the same - Empowers Certifying officer, veterinary officer or any person authorized by the veterinary officer to enter and inspect any premise ensure that the provisions of the act are complied with - Protects persons acting with good faith or intending to act with good faith - Animals include: Bulls, Bullocks, Cows, Calves, Male and female buffaloes, Buffalo calves 	N/A	<ul style="list-style-type: none"> - Cognizable - Bailable 	<ul style="list-style-type: none"> - For slaughter: Imprisonment up to six months, fine up to 1,000 rupees (\$13) or both

²²⁸ Assam Cattle Preservation Act, 1951,

https://legislative.assam.gov.in/sites/default/files/swf_utility_folder/departments/legislative_medhassu_in_oid_3/menu/document/The%20Assam%20Cattle%20Preservation%20Act%2C%201951_o.pdf (accessed November 2, 2018).

Bihar				
Law on Protection of Cows and Cow Progeny	Substantive Legal Provisions	Legal Provisions Regulating Transportation	Nature of Offense	Punishment
Bihar Preservation and Improvement of Animals Act, 1955 ²²⁹	<ul style="list-style-type: none"> - Cannot slaughter, offer to slaughter, cause to slaughter or cause to be offer to slaughter any animal without the prescription by authorities - Obligates officer to report any offense under this Act - Empowers veterinary officer or, any officer or person authorized by the veterinary officer to enter, and inspect any premise or vehicle to ensure that the provisions of the act are complied with - Protects Government servants under the State acting with good faith or intending to act with good faith - Animals include: Cows, Calves, Bulls, Bullocks, She-buffaloes 	<ul style="list-style-type: none"> - Cannot export cows, she-buffaloes, calves, heifers, buffalo calves, buffalo heifers, buffalo, bulls and bullocks from state of Bihar 	<ul style="list-style-type: none"> - Cognizable - Bailable 	<ul style="list-style-type: none"> - For slaughter and export: Imprisonment up to six months, fine up to 1,000 (\$13) rupees or both

²²⁹ Bihar Preservation and Improvement of Animals Act, 1955, <http://ahd.bih.nic.in/Acts/AR-01-04-06-2008.pdf> (accessed November 2, 2018).

Chhattisgarh				
Law on Protection of Cows and Cow Progeny	Substantive Legal Provisions	Legal Provisions Regulating Transportation	Nature of Offense	Punishment
Chhattisgarh Agricultural Cattle Preservation Act, 2004 (as amended in 2011) ²³⁰	<ul style="list-style-type: none"> - Cannot slaughter, offer to slaughter, cause to slaughter or cause to be offer to slaughter any agricultural cattle - Cannot possess beef - Empowers competent authority or veterinary officer to enter and inspect premises and vehicles to ensure that the provisions of the act are complied with - Protects persons acting with good faith or intending to act with good faith - Animals include: Cows of all ages, Calves of cows and she-buffaloes, Bulls, Bullocks, Male and female buffaloes 	<ul style="list-style-type: none"> - Cannot sell, transport, offer to transport, cause to be transported any agricultural cattle for the purpose of slaughter or with knowledge that it will or may be slaughtered 	<ul style="list-style-type: none"> - Cognizable - Non-bailable - Burden of proof on accused 	<ul style="list-style-type: none"> - For slaughter, transport, sale and possession: Imprisonment up to seven years, fine up to 50,000 rupees (\$685) or both

²³⁰ Chhattisgarh Agricultural Cattle Preservation Act, 2004, <https://cjp.org.in/wp-content/uploads/2017/12/CHHATTISGARH-AGRICULTURAL-CATTLE-PRESERVATION-ACT-2004.pdf>; Chhattisgarh Agricultural Cattle Preservation (Amendment) Act, 2011, <https://cjp.org.in/wp-content/uploads/2017/12/CHHATTISGARH-AGRICULTURAL-CATTLE-PRESERVATION-AMENDMENT-ACT-2011.pdf> (accessed November 3, 2018).

Goa				
Law on Protection of Cows and Cow Progeny	Substantive Legal Provisions	Legal Provisions Regulating Transportation	Nature of Offense	Punishment
Goa, Daman & Diu Prevention of Cow Slaughter Act, 1978 ²³¹	<ul style="list-style-type: none"> - Cannot slaughter any animal without prior permission from competent authority Exceptions: animal infected with contagious disease, experimentation upon animal in interest of medical or public health - Cannot sell beef - Animals include: Cows, Heifers, Calves 	N/A	<ul style="list-style-type: none"> - Cognizable - Non-bailable - Burden of proof on accused 	<ul style="list-style-type: none"> - For slaughter and sale: Imprisonment up to two years, fine up to 1,000 rupees (\$13) or both - For slaughtering of animals falling under the exception without permission: Imprisonment up to one year, fine up to 200 rupees (\$2) or both
Goa Animal Preservation Act, 1995 (Amended twice through the Goa Animal Preservation (Amendment) Act, 2003 and the Goa Animal	<ul style="list-style-type: none"> - Cannot slaughter any animal without certificate from competent authority - Cannot sell imported beef unless registered - Empowers competent authority or any person authorized by the competent authority to enter and inspect 	N/A	<ul style="list-style-type: none"> - Cognizable 	<ul style="list-style-type: none"> - For slaughter: Imprisonment up to three years

²³¹ Goa, Daman & Diu Prevention of Cow Slaughter Act, 1978, <http://www.lawsfindia.org/pdf/goa/1978/1978GOA13.pdf> (accessed November 3, 2018).

Preservation (Amendment) Act, 2010) ²³²	<p>premises by removing obstacle if necessary if they believe that any offense is being, has been or will be committed</p> <ul style="list-style-type: none"> - Protects government servants under the state acting with good faith or intending to act with good faith - Animals (bovine) include: Bulls, Bullocks, Male calves, Male and female buffaloes, Castrated buffaloes, Buffalo calves 			
Goa Animal Preservation Rules, 1998 ²³³ (as per section 16(1) of Goa Animal Preservation Act, 1995)	N/A	- Cannot sell beef imported from neighboring states without certificate	N/A	N/A

²³² Goa Animal Preservation Act, 1995, <http://www.lawsofindia.org/pdf/goa/1996/1996GOA7.pdf> (accessed November 3, 2018).

²³³ Goa Animal Preservation Rules, 1998, <http://www.ahvs.goa.gov.in/image/rule98/rule98.pdf> (accessed November 3, 2018).

Gujarat				
Law on Protection of Cows and Cow Progeny	Substantive Legal Provisions	Legal Provisions Regulating Transportation	Nature of Offense	Punishment
Gujarat Animal Preservation Act, 1954 ²³⁴ (Amended twice through Gujarat Animal Preservation (Amendment) Act, 2011 ²³⁵ and Gujarat Animal Preservation (Amendment) Act, 2017 ²³⁶)	<ul style="list-style-type: none"> - Cannot slaughter any animal without certificate from competent authority - Cannot sell directly or indirectly, keep, store, transport, offer beef or beef products in any form - Act empowers competent authority or any other person authorized by the competent authority to enter and inspect premises if they believe that any offense is being, has been or will be committed - Act protects persons acting with good faith or intending to act with good faith - Animals (bovine) include: Bulls, Bullocks, Cows, Calves, Male and female buffaloes, Buffalo calves 	<ul style="list-style-type: none"> - Cannot transport any bovine animal for the purpose of slaughter within the state - Transportation of cow progeny is only permissible from 7 a.m. to 5 p.m. 	<ul style="list-style-type: none"> - Cognizable - Non-bailable 	<ul style="list-style-type: none"> - For slaughter: Imprisonment up to seven years extending up to life, fine between 100,000 rupees (\$1370) and 500,000 rupees (\$6860) - For possession of beef: Imprisonment not less than seven years but up to 10 years, fine between 100,000 rupees (\$1370) and 500,000 rupees (\$6860) - For illegal transportation: Imprisonment up to seven years, fine between 100,000 rupees (\$1370) and 500,000 rupees (\$6860)

²³⁴ Gujarat Animal Preservation Act, 1954, <https://cjp.org.in/wp-content/uploads/2017/12/GUJARAT-ANIMAL-PRESERVATION-ACT-1954.pdf> (accessed November 3, 2018).

²³⁵ Gujarat Animal Preservation (Amendment) Act, 2011, <https://cjp.org.in/wp-content/uploads/2017/12/GUJARAT-ANIMAL-PRESERVATION-AMENDMENT-ACT-2011.pdf> accessed November 3, 2018).

²³⁶ Gujarat Animal Preservation (Amendment) Act, 2017, <http://deshgujarat.com/2017/04/13/gujarat-animal-preservation-amendment-bill-2017-gets-governors-consent-becomes-act/> accessed November 3, 2018).

Haryana				
Law on Protection of Cows and Cow Progeny	Substantive Legal Provisions	Legal Provisions Regulating Transportation	Nature of Offense	Punishment
Haryana Gauvansh Sanrakshan And Gausamvardhan Act, 2015 ²³⁷	<ul style="list-style-type: none"> - Cannot slaughter, offer to slaughter, cause to slaughter or cause to be offer to slaughter any animal without certificate from competent authority Exception: Self-defense, Certificate permitting slaughter, infection of animal with contagious disease, experimentation upon animal in interest of medical or public health - Cannot sell directly or indirectly, keep, store, transport, offer beef or beef products in any form - Act empowers police officer not below the rank of sub-inspector to enter, stop, search vehicles and seize animals to ensure that the provisions of the act is complied with - Act protects government servants acting with good faith or intending to act with good faith - Animals (cows) included: Bulls, Bullocks, Oxen, Heifers, 	<ul style="list-style-type: none"> - Cannot directly or indirectly export or cause to export any animal for slaughter or with the knowledge that it may be slaughtered - Cannot transport cows without prior permission from an officer appointed by the State 	<ul style="list-style-type: none"> - Cognizable - Non-bailable - Burden of proof on accused 	<ul style="list-style-type: none"> - For slaughter: Imprisonment not less than three years but up to ten years, fine between 30,000 rupees (\$410) and 100,000 rupees (\$1370); one year additional imprisonment in lieu of default of fine - For export of cows for slaughter: Imprisonment not less than three years but up to seven years, fine between 30,000 rupees (\$410) and 70,000 rupees (\$960); one year additional imprisonment in lieu of default of fine - For possession, sale, offer, transport of beef: Imprisonment not less than three years up to five years, fine between 30,000 rupees (\$410) and 50,000 rupees (\$685); one year

²³⁷ Haryana Gauvansh Sanrakshan And Gausamvardhan Act, 2015, http://pashudhanharyana.gov.in/sites/default/files/documents/The_Haryana_Gauvansh_Sanrakshan_and_gausamvardhan_act_2015_-_Eng.PDF (accessed November 3, 2018).

	or calves, Disabled, diseased or barren cows			additional imprisonment in lieu of default of fine
--	--	--	--	--

Himachal Pradesh				
Law on Protection of Cows and Cow Progeny	Substantive Legal Provisions	Legal Provisions Regulating Transportation	Nature of Offense	Punishment
Himachal Pradesh Prohibition of Cow Slaughter Act, 1979 ²³⁸ (Amended once through Himachal Pradesh Prohibition of Cow Slaughter (Amendment) Act, 2010)	<ul style="list-style-type: none"> - Cannot slaughter, offer to slaughter, cause to slaughter or cause to be offer to slaughter any cow Exception: Certificate permitting slaughter, infection of animal with contagious disease, experimentation upon animal in interest of medical or public health - Cannot sell beef or beef products except for authorized medicinal purposes - Animals (cows) include: Bulls, Bullocks, Oxen, Heifers, or calves 	N/A	<ul style="list-style-type: none"> -Cognizable - Non-bailable - Burden of proof on accused 	<ul style="list-style-type: none"> - For slaughter and possession: Imprisonment up to five years, fine up to 5,000 rupees (\$68) or both - For failure to lodge information: Imprisonment up to one year, fine up to 200 rupees (\$2) or both

²³⁸ Himachal Pradesh Prohibition of Cow Slaughter Act, 1979, <https://www.latestlaws.com/wp-content/uploads/2015/08/Himachal-Pradesh-Prohibition-of-Cow-Slaughter-Act-1979.pdf> (accessed November 3, 2018).

Jammu & Kashmir				
Law on Protection of Cows and Cow Progeny	Substantive Legal Provisions	Legal Provisions Regulating Transportation	Nature of Offense	Punishment
Ranbir Penal Code, 1989 ²³⁹	<ul style="list-style-type: none"> - Cannot slaughter bovines - Cannot slaughter He-buffalo or She-buffalo - Cannot possess beef - Animals include: Oxen, Bulls, Cows, Calves, He-buffaloes, She-buffaloes 	NA	<ul style="list-style-type: none"> - Cognizable - Non-bailable 	<ul style="list-style-type: none"> - For slaughter of bovines: Imprisonment up to 10 years and fine - For slaughter of he-buffalo or she-buffalo: Fine up to five times the price of animal killed. - For possession of beef: Imprisonment up to one year and fine up to 500 rupees (\$6)

²³⁹ Ranbir Penal Code, 1989, <https://www.latestlaws.com/bare-acts/state-acts-rules/jammu-kashmir-state-laws/jammu-kashmir-state-ranbir-penal-code-1989/> (accessed November 3, 2018).

Jharkhand				
Law on Protection of Cows and Cow Progeny	Substantive Legal Provisions	Legal Provisions Regulating Transportation	Nature of Offense	Punishment
Jharkhand Bovine Animal Prohibition of Slaughter Act, 2005 ²⁴⁰	<ul style="list-style-type: none"> - Cannot slaughter any bovine animal without special order for medicinal or research purpose - Cannot sell, purchase or dispose of bovine animals for slaughter or with knowledge that it may be slaughtered - Cannot possess or sell flesh of bovine animals slaughtered in contravention to the Act - Cannot cause grievous injuries to bovine animals - Empowers competent authority or veterinary officer or any person authorized by the competent authority or the veterinary officer, policer officer not below the rank of sub-inspector or any person authorized by the state government to enter and inspect premises if they believe that any offense is being, has been or will be committed and allows police or authorized persons to enter, stop and search vehicles as well as seize bovine animals to ensure compliance of sections of the act - Protects persons acting with good faith or intending to act with good faith - Animals (bovine) include: Cows, Calves, Heifers, Bulls, Bullocks 	<ul style="list-style-type: none"> - Cannot transport or offer to transport of any bovine animal for the purpose of slaughter or with the knowledge about likelihood of slaughter - Cannot export or cause to export of any bovine animal directly or indirectly for the purpose of slaughter or with the knowledge about likelihood of slaughter - Permits are to be taken prior to transport of bovine animals (special permits when in public interest and transit permits when transported to one state from another via Jharkhand 	<ul style="list-style-type: none"> - Cognizable - Non-bailable - Burden of proof on accused 	<ul style="list-style-type: none"> - For slaughter, possession, sale, purchase: Imprisonment not less than one year but up to ten years, fine up to 10,000 rupees (\$137) - For export: Imprisonment up to three years, fine up to 5,000 rupees (\$68) - For grievous hurt: Imprisonment up to one year to three years, fine up to 3,000 rupees (\$41)

²⁴⁰ Jharkhand Bovine Animal Prohibition of Slaughter Act, 2005, <http://www.jharkhand.gov.in/documents/10179/53668/Pashu%20Hatya%20Pratishedh%20Adhinyam%202005> (accessed November 3, 2018).

Karnataka				
Law on Protection of Cows and Cow Progeny	Substantive Legal Provisions	Legal Provisions Regulating Transportation	Nature of Offense	Punishment
Karnataka Prevention of Cow Slaughter and Cattle Preservation Act, 1964 ²⁴¹	<ul style="list-style-type: none"> - Cannot slaughter cow - Cannot slaughter of any other animal without certificate from competent authority - Cannot sell, purchase or dispose of cow or calf of a she-buffalo for slaughter - Act empowers competent authority to enter and inspect premises if they believe that any offense is being, has been or will be committed - Act protects persons acting with good faith or intending to act with good faith - Animals include: Cows, Calves of cows (male or female), Bulls, Bullocks, Buffaloes - male or female, Calves of she-buffalo (male or female) 	<ul style="list-style-type: none"> - Cannot transport or offer to transport animal or cow from within the state to outside the state for the purpose of slaughter or with the knowledge that it may be slaughtered 	<ul style="list-style-type: none"> - Cognizable 	<ul style="list-style-type: none"> - For all crimes: Imprisonment up to six months, fine up to 1,000 rupees (\$13) or both

Kerala				
Law on Protection of Cows and Cow Progeny	Substantive Legal Provisions	Legal Provisions Regulating Transportation	Nature of Offense	Punishment
N/A	N/A	N/A	N/A	N/A

²⁴¹ Karnataka Prevention of Cow Slaughter and Cattle Preservation Act, 1964, [http://dpal.kar.nic.in/pdf_files/35%20of%201964%20\(E\).pdf](http://dpal.kar.nic.in/pdf_files/35%20of%201964%20(E).pdf) (accessed November 3, 2018).

Madhya Pradesh				
Law on Protection of Cows and Cow Progeny	Substantive Legal Provisions	Legal Provisions Regulating Transportation	Nature of Offense	Punishment
Madhya Pradesh Govansh Vadh Pratishedh Adhinyam, 2004 ²⁴² (Amended through Madhya Pradesh Gouvansh Pratishedh Adhinyam, 2010 ²⁴³)	<ul style="list-style-type: none"> - Cannot slaughter or offer to slaughter cow progeny - Cannot possess beef - Act empowers competent authority or veterinary officer or any person authorized by the competent authority or the veterinary officer to enter and inspect premises and vehicles within local jurisdiction if they believe that any offense is being, has been or will be committed - Act protects persons acting with good faith or intending to act with good faith - Animals (cow progeny) include: Cows, Bulls, Bullocks, Calves of cows 	<ul style="list-style-type: none"> - Cannot transport or offer to transport of cow progeny directly or indirectly through agent for the purpose of slaughter or with the knowledge that it may be slaughtered 	<ul style="list-style-type: none"> - Cognizable - Non-bailable - Burden of proof on accused 	<ul style="list-style-type: none"> - For slaughter, possession, transportation: Imprisonment up to seven years, minimum fine 5,000 rupees (\$68)

²⁴² Madhya Pradesh Govansh Vadh Pratishedh Adhinyam, 2004, <http://www.bareactslive.com/MP/MP283.HTM> (accessed November 3, 2018).

²⁴³ Madhya Pradesh Gouvansh Pratishedh Adhinyam, 2010, <https://www.thehindu.com/news/national/other-states/Madhya-Pradesh-cow-slaughter-ban-Act-gets-Presidential-nod/article13372084.ece> (accessed November 3, 2018).

Maharashtra				
Law on Protection of Cows and Cow Progeny	Substantive Legal Provisions	Legal Provisions Regulating Transportation	Nature of Offense	Punishment
Maharashtra Animal Preservation Act, 1976 ²⁴⁴ (Amended in 1995)	<ul style="list-style-type: none"> - Cannot slaughter, cause to slaughter or offer to slaughter any bovine animal without certificate - Cannot purchase, sell, dispose of or offer to purchase cow, bull or bullock for slaughter or with knowledge that it will be or may be slaughtered - Cannot possess the flesh of any cow, bull or bullock. - Act empowers competent authority or veterinary officer or any person authorized by the competent authority or the veterinary officer, police officer not below the rank of sub-inspector or any person authorized by the state government to enter and inspect premises if they believe that any offense is being, has been or will be committed and allows police or authorized persons to enter, stop and search vehicles as well as seize bovine animals to ensure compliance of sections of the Act - Act protects persons acting with good faith or intending to act with good faith - Abetment and attempt to slaughter is punishable - Animals included: Cows, Female buffaloes, Buffalo calves, Bulls, Bullocks 	<ul style="list-style-type: none"> - Cannot transport, offer to transport or cause to transport cow, bull or bullock to any place outside the State for slaughter or with knowledge that it will be slaughtered - Cannot export or cause to export cow, bull or bullock outside the State of Maharashtra for slaughter or with knowledge that it may be slaughtered 	<ul style="list-style-type: none"> - Cognizable - Non-bailable - Burden of proof on accused 	<ul style="list-style-type: none"> - For slaughter or attempt to slaughter, transportation, export of the animal: Imprisonment not less six months but up to five years, fine between 1,000 rupees (\$13) and 10,000 rupees (\$137) or both - For possession of beef or beef products: Imprisonment up to a year or fine up to 2,000 rupees (\$27)

²⁴⁴ Maharashtra Animal Preservation Act, 1976 (as modified up to March 4, 2015)

[http://bwcindia.org/Web/Info&Action/Legislation/MaharashtraAnimalPreservationAct1976\(AmendedMarch2015\).pdf](http://bwcindia.org/Web/Info&Action/Legislation/MaharashtraAnimalPreservationAct1976(AmendedMarch2015).pdf) (last accessed November 25, 2018).

Manipur				
Law on Protection of Cows and Cow Progeny	Substantive Legal Provisions	Legal Provisions Regulating Transportation	Nature of Offense	Punishment
Proclamation under Darbar Resolution 1939 ²⁴⁵	- Proclamation saying "if anyone is seen killing a cow in the State he should be prosecuted"	N/A	N/A	N/A

Meghalaya				
Law on Protection of Cows and Cow Progeny	Substantive Legal Provisions	Legal Provisions Regulating Transportation	Nature of Offense	Punishment
N/A	N/A	N/A	N/A	N/A

Mizoram				
Law on Protection of Cows and Cow Progeny	Substantive Legal Provisions	Legal Provisions Regulating Transportation	Nature of Offense	Punishment
N/A	N/A	N/A	N/A	N/A

²⁴⁵ Proclamation under Darbar Resolution 1939, <https://scroll.in/latest/834598/over-99-indias-population-lives-in-areas-governed-by-cow-protection-laws-indiaspend-study> (accessed November 3, 2018).

Nagaland				
Law on Protection of Cows and Cow Progeny	Substantive Legal Provisions	Legal Provisions Regulating Transportation	Nature of Offense	Punishment
N/A	N/A	N/A	N/A	N/A

Odisha				
Law on Protection of Cows and Cow Progeny	Substantive Legal Provisions	Legal Provisions Regulating Transportation	Nature of Offense	Punishment
Orissa Prevention of Cow Slaughter Act, 1960 ²⁴⁶	<ul style="list-style-type: none"> - Cannot slaughter, cause to be slaughtered, offer to slaughter, offer to cause to be slaughtered a cow at any place within the State Exception: certificate permitting slaughter is present, the animal is infected with any contagious disease or is being experimented upon in interest of medical or public health - Must inform about slaughter within 24 hours when performed due to disease or experimentation as per the exception - Animals include: Cow, Calf, Heifer, Bull, Bullock 	N/A	<ul style="list-style-type: none"> - Cognizable - Bailable 	<ul style="list-style-type: none"> - For slaughter: Imprisonment up to two years, fine of 1,000 rupees (\$13) or both - For failure to lodge information: Imprisonment up to one year, fine up to 200 rupees (\$2) or both

²⁴⁶ Orissa Prevention of Cow Slaughter Act, 1960, http://www.fardodisha.gov.in/sites/default/files/pdfs/CowSluaghterAct_o.pdf (accessed November 3, 2018).

Punjab				
Law on Protection of Cows and Cow Progeny	Substantive Legal Provisions	Legal Provisions Regulating Transportation	Nature of Offense	Punishment
Punjab Prohibition of Cow Slaughter Act, 1955 ²⁴⁷	<ul style="list-style-type: none"> - Cannot slaughter, cause to be slaughtered, offer to slaughter, offer to cause to be slaughtered a cow Exception: Self-defense, Certificate permitting slaughter, infection of animal with contagious disease, experimentation upon animal in interest of medical or public health - Cannot sell, cause to be sold, offer to sell beef or beef products unless for prescribed medicinal purposes - Empowers police officer not below the rank of head constable or any person authorized by Government to enter, stop and search vehicles as well as seize animals to ensure that provisions of the act re being complied with - Protects persons acting in good faith or intending to act in good faith - Must lodge information with veterinary officer prior to slaughter of cow with reasons <p>Animals include: Cows, Bulls, Bullocks, Heifers, Oxen, Calves</p>	<ul style="list-style-type: none"> - Cannot export or cause to export cow for slaughter directly or indirectly or with knowledge that it is likely to be slaughtered - Can export with permit for other reasons 	<ul style="list-style-type: none"> - Cognizable - Non-bailable - Burden of proof on accused 	<ul style="list-style-type: none"> - For slaughter, sale of beef, export: Imprisonment for up to five years and fine up to 5,000 rupees (\$68) - For failure to lodge information: Imprisonment up to one year, fine up to 200 rupees (\$2) or both

²⁴⁷ Punjab Prohibition of Cow Slaughter Act, 1955, <http://www.lawsfindia.org/pdf/haryana/1956/1956HR15.pdf> (accessed November 3, 2018).

Rajasthan (Note: Has a Directorate of Gopalan ²⁴⁸)				
Law on Protection of Cows and Cow Progeny	Substantive Legal Provisions	Legal Provisions Regulating Transportation	Nature of Offense	Punishment
Rajasthan Bovine Animal (Prohibition of Slaughter and Regulation of Temporary Migration or Export) Act, 1995 ²⁴⁹	<ul style="list-style-type: none"> - Cannot slaughter, cause to be slaughtered, offer to slaughter, offer to cause to be slaughtered a bovine animal - Possession and sale of beef or beef products is prohibited - Cannot cause bodily pain, disease or infirmity to bovine animals - Cannot intentionally injure bovine animals - Empowers competent authority or any person authorized by the competent authority to enter and inspect premises as well as seize bovine animals if they believe that any offense is being, has been or will be committed - Protects people acting in good faith or intending to act in good faith - Animals include: Cows, Bulls, Bullocks, Heifers, Calves 	<ul style="list-style-type: none"> - Cannot possess, sell, transport or cause to possess, sell, transport beef or beef products. - Cannot directly or indirectly export or cause to export bovine animals for slaughter or with knowledge that it will or might be slaughtered - Transporter would be charged as an abettor 	<ul style="list-style-type: none"> - Cognizable - Non-bailable - Burden of proof on accused 	<ul style="list-style-type: none"> - For slaughter, transportation, export of the animal: Imprisonment not less than one year but up to 10 years and fine of 10,000 rupees (\$137) - For possession, sale, transport of beef and beef products: Imprisonment not less than six months but up to five years and fine up to 5,000 rupees (\$68) - For causing hurt: Imprisonment up to three years and fine up to 3,000 rupees (\$41) - For intentionally injuring bovine animals: Imprisonment not less than one year but up to seven years and

²⁴⁸Directorate of Gopalan, Government of Rajasthan, <http://www.gopalan.rajasthan.gov.in/index.htm> (accessed November 3, 2018).

²⁴⁹ Rajasthan Bovine Animal (Prohibition of Slaughter and Regulation of Temporary Migration or Export) Act, 1995, <http://www.bareactslive.com/RAJ/RJ053.HTM> (accessed November 3, 2018).

				fine up to Rs. 7,000 (\$96)
Rajasthan Animals and Birds Sacrifice (Prohibition) Act, 1975 ²⁵⁰	<ul style="list-style-type: none"> - Cannot sacrifice any animal or bird within temple premises - Cannot perform, officiate, serve, assist or participate in the sacrifice of any animal or bird within temple premises - Cannot use temple premise to sacrifice animal 	N/A	N/A	<ul style="list-style-type: none"> - For sacrifice in temple premises: Imprisonment up to six months, fine up to 500 rupees (\$6) or both - For performance, officiation, assistance and participation: Imprisonment up to three months, fine up to 300 rupees (\$4) or both

Sikkim				
Law on Protection of Cows and Cow Progeny	Substantive Legal Provisions	Legal Provisions Regulating Transportation	Nature of Offense	Punishment
Sikkim Prevention of Cow Slaughter Bill, 2017 ²⁵¹	N/A	N/A	N/A	For slaughter, imprisonment of no less than two years, up to five years, along with a minimum fine of 10,000 rupees (\$137) - For repeat offense, imprisonment for at least five years, up to seven years, along with a fine of 10,000 rupees (\$137)

²⁵⁰ Rajasthan Animals and Birds Sacrifice (Prohibition) Act, 1975, http://animalhusbandry.rajasthan.gov.in/ActRules/AHD_Bird_Sacr_Proh_Ac_1975.pdf (accessed November 3, 2018).

²⁵¹ Apoorva Mandhani, "Sikkim State Assembly Passes Bill Prohibiting Cow Slaughter," *Livewlaw*, August 30, 2017, <https://www.livewlaw.in/sikkim-state-assembly-passes-bill-prohibiting-cow-slaughter/> (accessed October 30, 2018).

Tamil Nadu				
Law on Protection of Cows and Cow Progeny	Substantive Legal Provisions	Legal Provisions Regulating Transportation	Nature of Offense	Punishment
Tamil Nadu Animal Preservation Act, 1958 ²⁵²	<ul style="list-style-type: none"> - Cannot slaughter or cause the slaughter of any animal unless certificate permitting slaughter by competent authority - Cannot poison, maim or render useless any animal to make it fit for slaughter - Empowers competent authority or any person authorized by the government competent authority to enter and inspect premises if they believe that any offense is being, has been or will be committed - Protects persons acting in good faith or intending to act in good faith - Abetment and attempt are punishable - Animals include: Bulls, Bullocks, Cows, He-buffaloes, She-buffaloes, Buffalo calves 	N/A	N/A	<ul style="list-style-type: none"> - For slaughter, abetment and attempt to slaughter: Imprisonment up to six months, fine up to 1,000 rupees or both - For making animal fit for slaughter: Imprisonment up to three years, fine up to 1,000 rupees (\$13) or both

²⁵² Tamil Nadu Animal Preservation Act, 1958, http://www.lawsfindia.org/pdf/tamil_nadu/1958/1958TN10.pdf (accessed November 3, 2018).

Telangana				
Law on Protection of Cows and Cow Progeny	Substantive Legal Provisions	Legal Provisions Regulating Transportation	Nature of Offense	Punishment
Andhra Pradesh Prohibition of Cow Slaughter and Animal Preservation Act, 1977 ²⁵³	<ul style="list-style-type: none"> - Cannot slaughter any animal except calf of a she-buffalo without certificate from competent authority of that area that the animal is fit for slaughter - Empowers Inspector appointed by the Local Government to enter, stop and search vehicles to ensure that the provisions of the act are complied with - Protects persons acting in good faith or intending to act in good faith - Animals include: Bulls, Bullocks, Buffaloes (male and female), Calves (male and female) of she-buffaloes, Cows (heifers, calves of cows) 	N/A	<ul style="list-style-type: none"> -Cognizable - Bailable 	- For slaughter: Imprisonment up to six months, fine up to 1,000 rupees (\$13) or both

Tripura				
Law on Protection of Cows and Cow Progeny	Substantive Legal Provisions	Legal Provisions Regulating Transportation	Nature of Offense	Punishment
N/A	N/A	N/A	N/A	N/A

²⁵³ Andhra Pradesh Prohibition of Cow Slaughter and Animal Preservation Act, 1977, <http://tgahd.nic.in/awelfare/4.Animal%20Welfare%20Acts.pdf> (accessed November 3, 2018).

Uttarakhand				
Law on Protection of Cows and Cow Progeny	Substantive Legal Provisions	Legal Provisions Regulating Transportation	Nature of Offense	Punishment
Uttarakhand Protection of Cow Progeny Act, 2007 (Amended in 2015) ²⁵⁴	<ul style="list-style-type: none"> - Cannot slaughter, cause to be slaughtered, offer to slaughter a cow or cow progeny Exception: certificate permitting slaughter of bull or bullock is present and if the cow/bull/bullock if infected with contagious disease or is incurable and is suffering from intolerable pain. - Cannot possess, cause to possess, sell, transport, cause to sale or transport beef and beef products. - Cannot leave cow progeny vagrant or cow wandering after milching - Compulsory registration of cow progeny in urban areas - Animals include: Cows, Bulls, Bullocks, Heifers, Calves 	<ul style="list-style-type: none"> - Cannot transport or offer to transport any cow progeny from within the state to outside the state without a permit - Cannot transport, sell or offer to transport or sell beef and beef products 	<ul style="list-style-type: none"> - Cognizable - Non-bailable 	<ul style="list-style-type: none"> - For slaughter: Imprisonment not less than three years but up to 10 years and fine between 5,000 rupees (\$68) and 10,000 rupees (\$137) - For possession sale and transport of beef and beef products: Imprisonment not less than three years but up to 10 years and fine between 5,000 rupees (\$68) and 10,000 rupees (\$137) - For transportation of animal: Imprisonment up to three years, fine up to 2,000 rupees (\$27) per cow and up to 2,500 (\$34) rupees for cow progeny - For free wandering of cows: Imprisonment not less than one week up to one month and fine up to 1,000 rupees (\$13) - For not registering cow progeny: Imprisonment for not less than one week up to one month fine up to 1,000 rupees (\$13)

²⁵⁴ Uttarakhand Protection of Cow Progeny Act, 2007 (amended in 2015), <http://www.lawsofindia.org/pdf/uttarakhand/2007/2007UK6.pdf> (accessed November 3, 2018).

Uttar Pradesh				
Law on Protection of Cows and Cow Progeny	Substantive Legal Provisions	Legal Provisions Regulating Transportation	Nature of Offense	Punishment
Uttar Pradesh Prevention of Cow Slaughter Act, 1955 ²⁵⁵ (Amended in 1979 and subsequently in 2002)	<ul style="list-style-type: none"> - Cannot slaughter, cause to be slaughtered, offer to slaughter a cow, bull, or bullock - Cannot sell, transport, cause to be sold or transported, offer to sell or transport beef or beef products unless for prescribed medicinal purposes. - Animals include: Cows, Calves, Heifers, Bulls, Bullocks 	<ul style="list-style-type: none"> - Cannot transport or cause to be transported a cow, bull or bullock to any place outside the territory of the state without permit 	<ul style="list-style-type: none"> - Cognizable - Non-bailable - Burden of proof on accused 	<ul style="list-style-type: none"> - For slaughter: Imprisonment up to seven years, fine up to 10,000 rupees (\$137) or both

²⁵⁵ Uttar Pradesh Prevention of Cow Slaughter Act, 1955, <http://www.bareactslive.com/ALL/up536.htm>; Uttar Pradesh Prevention of Cow Slaughter (Amendment) Act, 2002, http://www.lawsfindia.org/pdf/uttar_pradesh/2002/2002UP14.pdf (accessed November 3, 2018).

West Bengal				
Law on Protection of Cows and Cow Progeny	Substantive Legal Provisions	Legal Provisions Regulating Transportation	Nature of Offense	Punishment
West Bengal Animal Slaughter Control Act, 1950 ²⁵⁶ (Amended in 1979)	<ul style="list-style-type: none"> - Cannot slaughter any animal unless approved of by competent authority - Empowers President of a Municipality or Panchayat Samiti or Veterinary Surgeon or any person authorized by the Veterinary Surgeon to enter and inspect premises within local jurisdiction if they believe that any offense is being, has been or will be committed - Protects people acting in good faith or intending to act in good faith - Abetment and attempt are punishable - Animals include: Bulls, Bullocks, Cows, Calves, Male and Female Buffaloes, Buffalo Calves, Castrated Buffaloes 	N/A	<ul style="list-style-type: none"> - Cognizable - Bailable 	<ul style="list-style-type: none"> - For slaughter: Imprisonment up to six months, fine up to 1,000 rupees (\$13) or both

²⁵⁶ West Bengal Animal Slaughter Control Act, 1950, <http://wbard.gov.in/files/PDF/WB%20Animal%20Slaughter%20Control%20Act%201950.pdf> (accessed November 3, 2018).



Leading members of India's ruling Bharatiya Janata Party (BJP) have increasingly used communal rhetoric to spur a violent vigilante campaign against beef consumption and those linked to the cow trade. Many Hindus consider cows to be sacred. So-called cow protection groups, many claiming to be affiliated to militant Hindu groups with BJP ties, have sprung up across the country. They have led attacks that have killed at least 44 people across 12 Indian states since mid-2015. Their victims are largely Muslim or from Dalit (formerly known as "untouchables") and Adivasi (indigenous) communities.

Violent Cow Protection in India details 11 cases in which 14 people were killed and the government response. In almost all the cases, the police initially stalled investigations, ignored procedures, or were even complicit in the killings and cover-up of crimes. Instead of promptly investigating and arresting suspects, the police filed complaints against victims, their families, and witnesses under laws that ban cow slaughter. In several cases, political leaders of Hindu nationalist groups, including elected BJP officials, defended the assaults.

In July 2018, India's Supreme Court condemned these "horrendous acts of mobocracy" and issued a series of directives for "preventive, remedial and punitive" measures.

Human Rights Watch calls upon national and state governments to enforce the Supreme Court directives; ensure proper investigations to identify and prosecute perpetrators regardless of their political connections; and hold to account police and other institutions that fail to uphold rights because of caste or religious prejudice.

(above) Cattle seized by cow vigilantes in a cow shelter in Barsana, Uttar Pradesh, June 2017.

© 2017 Cathal McNaughton/Reuters

(front cover) Members of a cow protection group patrol the streets of Ramgarh, Rajasthan, and confiscate cattle being transported by traders, November 2015.

© 2015 Allison Joyce/Getty Images