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**EMERGING TREND OF VIOLENT  
COW PROTECTION AND THE RIGHT  
TO RELIGION IN INDIA**

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**ABSTRACT**

We live in a country which has its roots in the idea of brotherhood and tolerance. India is an amalgamation of various cultures, languages, religions and beliefs. To protect such cultures and religions and to maintain harmony among people, the Constituent Assembly drafted the Constitution which aims at constituting India as a Sovereign Socialist Secular Democratic Republic. Secular here means that the State remains neutral in the matters of religion and the people are free to profess and practice their religious beliefs. However, the issue of cow slaughtering and beef eating and trading is continuously coming into conflict with the right of religion of Hindus and is posing a threat to the harmony of the nation. In this paper, the author discussed on the emerging trend of violent cow protection and the conflict of cow slaughtering and the right of freedom to religion in India.

**Key Words:** Beef, Cow Slaughtering, Religion, Secular, Constitution, Cow Vigilante Violence

**INTRODUCTION**

India being a land of multiple cultures, religious faiths and beliefs and having a long history of communal riots and religious conflicts needed to adopt a mechanism which ensures the peace and harmony among the people in long run. Thus, the Constituent Assembly was casted with the responsibility to draft such Constitution which live up to the expectations of Indian masses. With a continuous hard work of 2 years 11 months and 18 days, the Constituent Assembly successfully enacted and adopted THE CONSTITUTION OF INDIA on 26<sup>th</sup> November 1949 which was enforced on 26<sup>th</sup> January 1950. The Preamble of the Constitution clearly mentioned the ideals of India i.e. Sovereign, Democratic, Republic, Justice, Liberty, Equality and Fraternity. Later on, the words “ Socialist and Secular” were added by the 42<sup>nd</sup> Constitutional Amendment, 1976. This doesn't mean that the idea of Secularism was not there before 1976. The Constitution in its Article 25-28 envisages the Right to freedom of Religion as a Fundamental right. But it is to be understood that this right of religion is not an absolute right rather is subjected to various restrictions such as morality, health, public order and other provisions of Part III of the Constitution. People are free to profess, practice and propagate the religion of their choice but with the corresponding duty to not to hurt the religious sentiments of the others. However, the religious practices of different religious beliefs comes into conflict in one way or other. For example: use of loud speakers during prayers, bursting of crackers, cow slaughtering and beef eating etc.



## LITERATURE REVIEW

Shabnum Tejani (2019) discussed about the various aspects of violent cow protection in India. Incidences of violent attacks on Dalits and Muslims in response to their alleged cow killings is shocking. Gau rakshaks considered slaughtering of cows as an attack on Hinduism and they fulfil their duties by defending their religion and protecting their Gau mata. Protecting cows is a sacred act and beef eating is a sin and is considered as highly offensive to Hindu religious beliefs<sup>1</sup>.

Shreya Singh (2021) discussed about the Beef debate in India through the perspective of religion, history and harmony. Developing on the idea of identity of Hinduism, she focused on the idea of what actually constitute a Hindu. That results into development of sheer rejection of Muslim traditions and beliefs. One such practice is consuming cattle meat. Hindu groups declared consuming beef as anti-Hindu and an attack on Hinduism. Beef has thus, become a difference point between Muslims and Hindus<sup>2</sup>.

Faizan Mustafa and Jagteshwar Singh Sohi (2018) discussed on various aspects of religious freedom in India. Religion is the most important aspect of human life and to retain the harmony among different religious groups, the idea of secularism is adopted. Believing on the traditional idea of sarva

dharma sambhava, people remain free to follow their religious beliefs and the state committed itself to not to give preference to any particular religion and respect all the religions. However, India is facing religious conflicts and instability in face of cow slaughtering. Today, idea of Hinduism is imposed on other religions as well wherein they were forced to not to slaughter cows. The same is evident from the fact that various states has enacted laws prohibiting cow slaughter<sup>3</sup>.

Sweekriti Nakhat (2018) discussed about the concept of secularism and the freedom of religion. The Constitution of India embodies the idea of secularism with great distinctive features such as Separation of state and religion, ensuring religious freedom for all, protect not only believers but non-believers also. Freedom of religion doesn't mean that people are free to do whatever they like in the name of religion. The Constitution itself imposes restrictions on the religious freedom thereby making it one of the most restrictive right<sup>4</sup>.

Muhammad Akram, Asim Nasar, Muhammad Rizwan Safdar and Falak Sher (2021) discussed that in Hinduism, the cow is considered as sacred, holy and is worshipped. Any kind of violence and attack on cows is treated as an attack on Hindu ideology and thereby triggers cow vigilante violence. Several states/UTs have enacted and adopted

<sup>1</sup> Tejani, Shabnum (2019). Cow Protection, Hindu Identity and the Politics of Hurt in India, c. 1890-2019. Emotions:History, Culture, society, 3(1).pp.136-157.

<sup>2</sup> Singh S. (2021). The Beef debate: Religion, history and harmony in India. Dissertations and Theses @UNI.1117. available at <https://scholarworks.uni.edu/etd/1117>

<sup>3</sup> Mustafa F, Sohi S. J. (2018). Freedom of Religion in India: Current Issues and Supreme court Acting as Clergy. BYU L.Rev.915. Available at <https://digitalcommons.law.byu.edu/lawreview/vol2017/iss4/9>

<sup>4</sup> Nakhat S. (2018). Right to Freedom of Religion. International Journal of Advance Research, Ideas and Innovations in Technology, 3(7). Available at [www.IJARnD.com](http://www.IJARnD.com)



the cow protection laws yet the violence occurs when cow protection groups take control of laws and attacks people on basis of suspicion, hatred or as a political agenda. As far as police role is concerned in such cases, police persons also become bias as per their beliefs, reluctant to lodge FIR, delay in responding to the incidence, try to suppress the incidence, fear to name the attackers, politically influenced, or threaten the family members of the victims etc<sup>5</sup>.

### RIGHT TO FREEDOM OF RELIGION IN INDIA

The Constitution of India in its Part III guarantees various Fundamental rights to its citizens. One such most celebrated right is Right to freedom of Religion which is enshrined in Article 25 to 28. This right of religion gain more importance due to existence of multiple religions in the country and the long history of communal riots and politics. Thus to ensure the harmony among masses and maintain the unity and integrity of the country, the Constituent Assembly incorporated religion as a fundamental right and equally entitled all persons to choose, adopt, follow and propagate their religion freely. Right of religion includes following aspects:-

1. Right to choose religion.
2. Freedom of conscience.
3. Right to profess.
4. Right to practice.
5. Right to propagate.
6. Right to convert with own will and desire. This doesn't not include forceful conversions.

7. Rights of religious denominations (establish and maintain institutions, manage affairs, own, acquire and administer property)

Although, religious freedom as conferred by the Constitution seems to be quite broad but in fact and practice, it is one of the most restricted freedom. It is subjected to various limitations such as morality, public order, health and other provisions of Part III of the Constitution. Thus, People are free to follow the religion of their choice but with the corresponding duty to not to hurt the religious sentiments of the others. However, the religious practices of different religious beliefs comes into conflict in one way or other. For example : use of loud speakers during prayers, bursting of crackers, cow slaughtering and beef eating etc.

### COW SLAUGHTER AND EMERGING TREND OF VIOLENT COW PROTECTION

Most commonly referred as Gau Mata, cow is one of the most important aspect of Hindu traditions and beliefs. It is considered as sacred, holy and is worshipped among Hindus. The protection of cows is believed to be the religious duty and the movements against beef eating and protecting the cows dates back to centuries. But in meanwhile it become a political agenda in 2014 when Prime Ministerial Candidate of BJP Shri. Narendra Modi called for cow protection. Since then, there is increase in incidences of cow vigilante violence wherein people from minority groups become the victims.

<sup>5</sup> Akram,M., Nasar A, Safdar M R, Sher F. (2020). Restorative Justice Approach to Cow Vigilante Violence in India. Journal of Ethnic and Cultural

Studies, 8(1),pp.190-205. Available at <https://doi.org/10.29333/ejecs/537>



Several states/UTS in India have enacted laws prohibiting cow slaughtering and made it a punishable offence. These laws get their validity from Article 48 of the Constitution which provides for prohibiting of slaughter of cows, calves, other milch and draught cattle. Apart from law, people have formed various Gau Raksha Dal which are continuously engaged in mob lynching and cow vigilante violence. Following are some incidences that have been reported or remained in news due to mob lynching and cow vigilante violence:-

1. Mohammed Akhlaq (2015) :- Often called Dadri Mob Lynching 2015 wherein a group of villagers attacked Mohammed Akhlaq under suspicion of cow stealing and slaughtering resulting into his death.<sup>6</sup>
2. Dalits stripped and brutally beaten up for Skinning dead cow (2016) :- victims were dalits who were engaged in work of bringing dead cows and skinning them. 6 persons accused them of cow slaughter, stripped, beaten and tied behind the car and dragged them in public.<sup>7</sup>
3. Mohammad Majloom and Inayatullah Khan (2016) :- In the state of Jharkhand Muslim cattle trader were found hanging from a tree. Their hands were tied behind back, eyes covered with cloth and multiple injuries on body.<sup>8</sup>
4. Pehlu Khan (2017) :- In an incident in Rajasthan, a mob in Alwar accused Pehlu

Khan of cow smuggling and beat him brutally as a result of which he died. He was a dairy farmer from Nuh, Haryana who went Jaipur to purchase cattle. While he along with 6 others, was returning after purchasing cattle, were stopped by 200 cow vigilantes and were brutally beaten<sup>9</sup>.

5. 4 Jammu & Kashmir students beaten for beef eating in Rajasthan (2017) :- A mob beaten up 4 students of Mewar University in Rajasthan upon allegations of eating beef.<sup>10</sup>
6. Junaid and Nasir (2023) :- 2 men belonging to Rajasthan suspected of smuggling cattle were allegedly abducted by Gau Rakshaks and burnt to death in Bhiwani, Haryana<sup>11</sup>.

### ROLE PLAYED BY POLICE PERSONNELS

Police Personnels are vested with the responsibility to maintain law and order and to protect the people. But when it comes to cases of cow vigilante violence and violent cow protection, police persons failed to prevent such incidences or to investigate such incidences due to the various factors that includes Personal beliefs and faiths, Political influence, fear to their life or job. They often delay in lodging FIR, delay in reaching the crime spot, improperly investigate the case, try to suppress or cover up the incidence, wilfully avoid to arrest the attackers or threaten the victim or his family members.

<sup>6</sup><https://www.thehindu.com/specials/in-depth/The-Dadri-lynching-how-events-unfolded/article60291071.ece/amp/>

<sup>7</sup> [https://m.timesofindia.com/city/rajkot/4-dalits-stripped-beaten-up-for-skinning-dead-cow/amp\\_articleshow/53184266.cms](https://m.timesofindia.com/city/rajkot/4-dalits-stripped-beaten-up-for-skinning-dead-cow/amp_articleshow/53184266.cms)

<sup>8</sup> <https://indianexpress.com/article/opinion/columns/jharkhand-latehar-muslim-cattle-owner-killings/lite/>

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[https://en.m.wikipedia.org/wiki/2017\\_Alwar\\_mob\\_lynching](https://en.m.wikipedia.org/wiki/2017_Alwar_mob_lynching)

<sup>10</sup> [https://m.timesofindia.com/india/4-jk-students-beaten-in-rajasthan-for-eating-beef/amp\\_articleshow/51436537.cms](https://m.timesofindia.com/india/4-jk-students-beaten-in-rajasthan-for-eating-beef/amp_articleshow/51436537.cms)

<sup>11</sup> <https://www.tribuneindia.com/news/haryana/2-burnt-alive-in-bhiwani-kin-blame-gau-rakshaks-480439>



The action is usually not taken until the incidence become a matter of political agenda or become a breaking news.

### IMPACTS ON SOCIETY

Emerging trend of violent cow protection and increasing cow vigilante violence have following impacts on society as well as on the nation :-

1. It promotes violence.
2. It damages the idea of secularism and results into intolerance.
3. It has drastic effect on leather industry.
4. Increase in attacks on minority groups merely on basis of suspicion.
5. It is harmful for religious harmony of the nation.
6. It poses threat to the unity of the nation.

### JUDICIAL RESPONSE

In the case of **Tehseen S.Poonawalla vs. UOI (2018)**, the Supreme Court issued certain guidelines pertaining to cow vigilantism and other incidences of mob lynching. The supreme Court issued guidelines in terms of 3 different measures i.e. preventive, remedial and punitive.

#### A. Preventive measures :

1. The State Governments are directed to designate a senior police officer as a nodal officer in every district. Such officer should not be below the SP rank. He will be responsible for taking preventive measures in respect of mob lynching and violence and procure intelligence reports.
2. The state Governments are directed to collect data and identify districts and villages wherein such incidences have been reported in recent past.

3. Nodal officers to hold regular meetings with local intelligence unit along with SHO's in the district.
4. DGP to take regular meetings with the Nodal officers and police intelligence heads.
5. Duty of police officer to exercise his power u/s.129 of CrPC and disperse the mob.
6. Home Ministry, GOI to work in coordination with State Govts to sensitise law enforcement agencies and identify measures to prevent mob violence.
7. DGP to issue circulars to SP with regard to patrolling of police in sensitive areas.
8. Govt to broadcast via different media platforms that mob violence and lynching will result into serious consequences.
9. Duty of Govt to take steps to stop circulation of any kind of news, audio, video, photo, message that may incite mob violence. Police to register FIR u/s.153A IPC against such persons.
10. Central Govt may issue other appropriate directions to the State Govts.

#### B. Remedial Measures :-

1. Police station having jurisdiction, to lodge FIR without delay in case mob violence or lynching has taken place.
2. SHO to intimate the same to nodal officer who will ensure that victim's family members is not to be further harassed.
3. Nodal officer to monitor the investigation.
4. State Govt to make victim compensation scheme u/s. 357A CrPC.
5. Mob violence or lynching cases to be tried by fast track courts/designated courts.
6. Trial court to award maximum sentence in such cases to set an example.
7. Trial court to ensure the protection of witness identity and address.
8. Legal aid to be given to the victim or his family members under Legal Services Authorities Act 1987.



C. Punitive Measures :-

1. Appropriate action to be taken against the police officer/ District officer who has failed to comply with the above directions.
2. State are also directed to take disciplinary action against such officers<sup>12</sup>.

**SUGGESTIONS**

With increase in brutal attacks of cow vigilante violence and urge of violent cow protection among Hindus, there is a need of strong steps to be taken by the govt. Following are some suggestions:-

1. Governments need to bring strong legislative measures to ban cow slaughter and beef eating and make them a punishable offence.
2. Governments to propagate the idea of tolerance and that law is there to protect their beliefs.
3. Educate the masses on animal cruelty.
4. Propagate the laws, rules, regulations etc so enacted by the Govt to put ban on cow slaughter and animal cruelty.
5. Special law needs to be enacted on mob lynching and violence.
6. Law enforcing agencies needs to work without bias.

**CONCLUSION**

Religion is one of the most important aspect of human life. It brings spirituality and peace. On other hand, people become so connected with their religious beliefs and practices that any kind of attack on their religious symbol is highly intolerable. One such aspect is cow slaughter and beef eating. Where cow is considered as sacred, holy and is worshipped among Hindus, there are certain groups

which indulges in acts of cow slaughter and beef eating. These acts are considered as an attack on Hinduism thereby resulting into incidences of violent cow protection and cow vigilante violence. There is no end to such violence due to the fact that religious beliefs and practices are very sensible issues. Government need to bring certain strong legislative measures which can tackle such incidences and not remain a mere paper tiger.

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<sup>12</sup> <https://indiankanoon.org/doc/71965246/>



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