

Joint Submission (JS) by Centre for Justice & Peace (CJP), India, and Indian American Muslim Council (IAMC), U.S. on Human Rights Situation in India for 27th Session of the Working Group on the Universal Periodic Review of the U.N. Human Rights Council to be held in April-May 2017

*The **Citizens for Justice and Peace (CJP)** is a collective of citizens from Mumbai and Ahmedabad committed to the rule of law and civil rights. It has been committed to providing legal aid to the victims of mass targeted violence (Gujarat 2002) as also to pursue advocacy around legal accountability, reparation and justice. The efforts of the organization in 2002 has resulted in 137 convictions to life imprisonment in Gujarat. On principle CJP argued against death penalty. CJP and its office bearers, especially Secretary Teesta Setalvad, have been targeted by the Gujarat state (and now central agencies) in acts of vendetta due to their struggle for Justice.*

*The **Indian American Muslim Council (IAMC)** is a Washington, D.C.-based apolitical and non-profit organization dedicated to promoting peace, pluralism and social justice through advocacy and outreach across communities. Founded in August 2002, IAMC is the largest advocacy organization of Indian Muslims in the U.S. with 12 chapters across. IAMC strives to strengthen India's secular institutions and promote peaceful ethnic and religious co-existence.*

The status of Religious Minorities in India, worsened after the last UPR in 2012, has to be understood in the context of the present regime in power in India. ¹One illustration is the slew of

¹ [1] Head to Head - Is Modi's India flirting with fascism?

https://www.youtube.com/watch?v=m1W-oXZ_31U, <http://www.aljazeera.com/programmes/headtohead/2015/12/modis-india-flirting-fas...>

[2] Head to head with hate, <http://indianexpress.com/article/opinion/columns/ram-madhav-mehdi-hasan-al-jazeera/>

[3] 'Brit bigots should learn from Hindutva trolls': Al Jazeera anchor on reaction to Ram Madhav interview, <http://scroll.in/article/778421/brit-bigots-should-learn-from-hindutva-t...>

[4] "The Ideology of the Rashtriya Swayamsevak Sangh (RSS) is both Hate-Ridden and Supremacist - Part 1: Three Internal Threats says the RSS: Muslims, Christians, Communists <https://sabrangindia.in/indepth/ideology-rashtriya-sw-ayamsevak-sangh-rss-both-hate-ridden-and-supremacist-part-1>

"Since May 2014, the dominant political regime of the Bharatiya Janata Party (BJP) is ideologically governed by an organisation called the Rashtriya Swayamsevak Sangh (RSS), a supremacist outfit that espouses a commitment to overthrowing the Indian Constitution

In consonance with this supremacist and hegemonic worldview that completely ignores any structural inequalities like caste-driven exclusions, within Indian society, or even within 'Hindu' society, the RSS and therefore the current Indian political dispensation views three segments to Indians as 'threats' to the nation. The 'Hindu nation' as the RSS sees it, has three specific 'internal threats.' Who are these? One, the Muslims; Two, the Christians; Three, the Communists. *"The Nation And Its Problems XVI. Internal Threat, 1. THE MUSLIMS: It has been the tragic lesson of the history of many a country in the world that the hostile elements within the country pose a far greater menace to national security than aggressors from outside...First, let us take the case of Muslims..... Even to this day, there are so many who say, "Now there is no Muslim problem at all. All those riotous elements who supported Pakistan have gone away once and for all. The remaining Muslims are devoted to our country. After all, they have no other place to go and they are bound to remain loyal."*

Let Facts Speak

But what are the facts? Is it true that all pro-Pakistani elements have gone away to Pakistan? ...

Face Reality

Even today, Muslims, whether in high position of the Government or outside, participate openly in rabidly anti-national conferences. Their speeches carry the ring of open defiance and rebellion. A Muslim Minister at the Center, speaking from the platform of one such conference, warned that unless the Muslim interest was well protected the story of Spain would be repeated here also, meaning thereby that they would rise in armed revolt. "This is what the RSS and by close organisational bondage, the ruling party the BJP thinks of Indian Muslims

Here are some more of the gems from this archaic and problematic text:

"2. THE CHRISTIANS: *Many leading Christian missionaries have often declared unequivocally that their one single aim is to make this country 'a province of the Kingdom of Christ'. The Archbishop of Madurai has said, as reported in*

remarks that incite mobs to violence against India's religious minorities (especially Muslims and Christians), made by members of the Central Council of Ministers and Members of Parliament since May 2014 when Prime Minister Narendra Modi began his tenure after leading his Bharatiya Janata Party (BJP) to an electoral win. In BJP-ruled states the entry of members of their ideological family — which is led by the Rashtriya Swayamsevak Sangh (RSS), a Hindu supremacist organization founded in 1925 that advocates denial of equal rights for India's non-Hindus — into the police and civil services poses a greater threat to the life, security and overall rights of minorities through discriminatory governance.

1. One illustration, is the slew of remarks, that incite mobs to violence against India's religious minorities (especially Muslims and Christians), made by some members of the Central Council of Ministers and Members of Parliament since May 2014.²In states ruled by the Bharatiya Janata Party

Vedanta Kesari of Madras that their sole aim is to fly the flag of Christ over the whole of Bharat. Even during the recent "Eucharistic Congress" at Bombay, Cardinal Gracias bewailed that after centuries of proselytising in Bharat the Catholics were only six million and the overwhelming majority remained Hindus.

The Impartial Verdict

Their activities are not merely irreligious, they are also anti-national. Once I asked a Christian missionary why they abused our sacred scriptures, gods and goddess. He said frankly, "Our aim is to knock out the faith from the heart of the Hindus. When his faith is shattered, his nationalism is also destroyed. A void will be created in his mind. Then it becomes easy for us to fill that void with Christianity." (Pages 148-164, MS Golwalkar, Bunch of Thoughts, Part Two, Chapter VI, The Hindu Nation)^[5]

^[5] <https://sabrangindia.in/reports/w-e-or-our-nationhood-defined-1947-edition>
<http://sanjeev.sabhlokcity.com/Misc/We-or-Our-Nationhood-Defined-Shri-M-S-Golwalkar.pdf>

^[6] India, also known as Bharat, is a Union of States. It is a Sovereign Socialist Secular Democratic Republic with a parliamentary system of government. The Republic is governed in terms of the Constitution of India which was adopted by the Constituent Assembly on 26th November, 1949 and came into force on 26th January, 1950. The Constitution provides for a Parliamentary form of government which is federal in structure with certain unitary features. The constitutional head of the Executive of the Union is the President. As per Article 79 of the Constitution of India, the council of the Parliament of the Union consists of the President and two Houses known as the Council of States (Rajya Sabha) and the House of the People (Lok Sabha). Article 74(1) of the Constitution provides that there shall be a Council of Ministers with the Prime Minister as its head to aid and advise the President, who shall exercise his/her functions in accordance to the advice. The real executive power is thus vested in the Council of Ministers with the Prime Minister as its head.<http://india.gov.in/my-government/constitution-india>; http://india.gov.in/sites/upload_files/npi/files/coi_part_full.pdf

^[7] M. S. Golwalkar, *Bunch of Thoughts*, 'Internal Threats' {Chapter 16}, Bangalore: Sahitya Sindhu 1996, p. 193

^[8] M. S. Golwalkar, *Bunch of Thoughts*, 'Internal Threats' {Chapter 16}, Bangalore: Sahitya Sindhu 1996, p. 193

^[9] M. S. Golwalkar, *Bunch of Thoughts*, Bangalore: Sahitya Sindhu 1996, p 125-126

^[10] M. S. Golwalkar, *Bunch of Thoughts*, 'Internal Threats' {Chapter 16}, Bangalore: Sahitya Sindhu 1996, p. 154

² List of Inciteful Speech:

"If somebody throws a stone at a dog, then the government is responsible?"

- **VK Singh**, retired general and Union minister of state for external affairs; in response to the murder of two Dalit children in Faridabad; November, 2015

"If BJP loses Bihar elections, crackers will be burst in Pakistan".

- **Amit Shah**, BJP president, at an election rally in Bihar, October 2015

"A man can live without food or sleep. He can live when he is thirsty and hungry. But when he is insulted, he can't live. The humiliation has to be avenged".

- **Amit Shah**, BJP president, at an election rally in violence-torn Muzaffarnagar, UP; April 2014. The Chief Election Commissioner banned him from campaigning in UP but ban was later lifted.

"All those who desperately want to eat beef should go to Pakistan".

- **Mukhtar Abbas Naqvi**, Union minister of state for parliamentary affairs, during a TV programme; May 2015
"Bhule bhatke jobhai gaye hain, unko wapas layenge. Woh log apne aap nahin gaye, unko loot kar, lalach de kar le kar gaye... Abhi chor pakda gaya hai. Mera maal chor ke paas hai. Aur yeh duniya jaanti hai. Mein apna maal wapas loonga, yeh kaunsi badi baat hai (We will bring back our brothers who have lost their way. They did not go on their own. They were robbed, tempted into leaving... Now the thief has been caught and the world knows my belongings are with the thief. I will retrieve my belongings, so why is this such a big issue)."

- **Mohan Bhagwat**, RSS chief, at the Viraat Hindu Sammelan in Kolkata, December 2014.

"People of Delhi have to decide whether they want a government of Ramzaadas (followers of Ram) or haraamzaadas".

- **Sadhvi Niranjana Jyoti**, Union minister of state, also referred to as 'minister of hate', at a public rally during Delhi elections; December 2014

"Education of terrorism is being given in madrassas. They (madrassas)... are making them terrorists and jihadis....It is not in national interest"

- **Sakshi Maharaj**, BJP MP; September 2014

(BJP), the entry of members of their ideological wing³ into the police and civil services poses a greater threat to the life, security and overall rights of minorities through discriminatory governance.

2. Data released by the Indian Ministry of Home Affairs in February 2014 revealed a 30% rise in the number of communal violence incidents as compared to 2012, with the maximum number of cases being reported from Uttar Pradesh. The first ten months of 2013 have seen more bloodshed for religious and sectarian reasons than the entire three-year period of 2009-12.⁴ The large-scale targeted violence against Muslims in Muzaffarnagar and Shamli⁵ in Uttar Pradesh in September 2013 ranks only next to the 2002 Gujarat pogrom by its sheer magnitude.

Since Mr. Modi became prime minister the forms of attacks against Muslims have included:

- Physical attacks, lynching and murder after fueling a hysteria that cows are being slaughtered or beef is being eaten⁶
- Physical attacks and forced interventions to stop Muslim men from marrying Hindu women, with the affiliates of RSS-BJP claiming the Muslims have launched a conspiracy called "Love Jihad"⁷
- 'GharWapsi' (homecoming), which is forced conversion of Muslims and Christians into Hinduism, with the RSS-BJP and their affiliates arguing that all non-Hindus were once Hindus⁸
- False tests of patriotism⁹

"Hindustan is a Hindu nation...Hindutva is the identity of our nation and it (Hinduism) can incorporate others (religions) in itself".

- **Mohan Bhagwat**, RSS chief, at the golden jubilee celebration of VHP in Mumbai, August 2014.

"If they take one Hindu girl, we will take at least 100 Muslim girls. If they kill one Hindu, we will kill 100 Muslims"

- **Yogi Adityanath**, BJP MP, at a public meeting against alleged the 'Love Jihad' of Muslims; August 2014.

"Those opposed to Modi should go to Pakistan".

- **Giriraj Singh**, senior leader and former minister in Nitish Kumar's cabinet; April 2014; a few months later, PM Narendra Modi appointed him minister of state at the Centre

"Take legal advice; use Bajrang Dal to forcibly capture property bought by a Muslim in a Hindu locality."

- **Pravin Togadia**, VHP international working president; inciting Hindus to prevent a Muslim buying a house in a Hindu majority locality in Bhavnagar, Gujarat; April 2014.

"Behead those who convert Hindus"

- **Pravin Togadia**, international working president, VHP; November 2011

3 State governments ruled by the BJP have taken decisions to allow government servants to have membership of the previously banned and supremacist, RSS; 'How can an officer who attends RSS camps be impartial?'

<http://www.rediff.com/news/report/how-can-an-officer-who-attends-rss-camps-be-impartial/20150414.htm>

4 AbhishekBhalla, "Communal violence spooks Centre: Home Ministry data reveals 725 incidents across India in just 10 months", Daily Mail, 16 December 2013.

5 According to official statistics submitted by the state government to the Supreme Court in September 2013, at least 44 persons were killed, 97 persons injured and 41,829 people displaced across Muzaffarnagar and Shamli districts. According to district administration riots displaced 51,000 people - 27,198 from Muzaffarnagar and the rest from Shamli - from 150 villages. . Muslims have been the worst sufferers of communal orgy that swept Muzaffarnagar. The real truth about the Muzaffarnagar riots. See: <http://indiafacts.org/the-real-truth-about-the-muzaffarnagar-riots-part-1/>

6 These attacks have happened under the guise of cow protection

7 John Dayal (edited), "100 Days Under the New Regime: The State of Minorities", A Report by ANHAD, 2014

Over 600 incidents of targeted religious minorities have taken place from May to September 2014 in several parts of the country, but especially which have seen, or will soon see, by-elections or elections to the Legislative Assemblies. In the first few weeks of the new government, by its own admission, A total of 113 communal incidents have taken place in various parts of the country during May-June in which 15 people were killed and 318 others were injured, Minister of State for Home Affairs, Mr.KirenRijiju told the RajyaSabha. The extent of fear experienced can be adjudged from the remarks of a senior man of the police establishment, Julio Ribeiro who said in an article to a major national daily, "As a Christian, I am suddenly a stranger in my own country."<http://indianexpress.com/article/opinion/columns/i-feel-i-am-on-a-hit-list/>

8 These false and coercive steps include compelling persons to utter slogans like 'Bharat Mata ki Jai' (Hail to the Mother')

3. The attack on minorities in the name of trading in and consuming of beef, using of dormant Cow Protection Laws, is also an attack on the livelihoods of both Muslims and Dalits. Instead of addressing this in 2015, the Indian Home Minister Rajnath Singh called for a unanimous enactment of an anti-conversion law to put an end to oft-repeated questions on communal harmony and 'ghar-wapsi'. Places of worship of Muslims and pastors, congregations and churches of Christian community were targets of mob violence and state impunity in states across the country. The National Commission of Minorities has made recommendations.

In 2016, as the festival of Eid ul Azha drew near, a spate of attacks on many Indians, almost all Muslim, dotted the political landscape already littered with incidents of lynching and blood letting that have become more and more commonplace.¹⁰

The first such incident that shook India took place on September 28, 2015, when Mohammad Akhlaq, a Muslim was beaten to death after mob hysteria was stoked over the family storing beef. Since then, incidents across the length and breadth of India reveal that under the present political dispensation, 'Cow Vigilante Groups' have been empowered to take law into their own hands, attack, molest, lynch and kill. Akhlaq's family has today to suffer being persecuted for the "offense", a sure fire case of criminalizing the victim.

The attacks have taken place in states like Karnataka and Uttar Pradesh (not ruled by the BJP), and also in Maharashtra, Gujarat, Jharkhand and Punjab (ruled by the BJP). One such public lynching of two Muslims, a young, teenager and his uncle in Latehar, Jharkhand in March 2016 – two males left hanging under trees were reminiscent of the mid-west public hangings from at least 150 years ago.

⁹ In December 2014, Hindu hardliner group the Rashtriya Swayamsevak Sangh (RSS) announced plans to forcibly "reconvert" at least 4,000 Christian families and 1,000 Muslim families to Hinduism under what it calls the 'Ghar Wapsi' (returning home) programme in Uttar Pradesh on Christmas day as part of a so-called 'Ghar Wapsi' (returning home) programme. According to RSS, "Christmas was chosen as the day for conversion because the event is a "shaktipariksha" (test of strength) for both religions. If their religion is better, they can stop them. It is a test for both of us. If they come to us on Christmas, it is the biggest rejection of the faith."

⁹ Such laws exist in at least 28 Indian States

[1] The Hypocrisy of the BJP and Cow Slaughter <http://www.ndtv.com/opinion/the-hypocrisy-of-the-bjp-and-cow-slaughter-1233789>

[2] The economics of cow slaughter <http://www.thehindu.com/opinion/op-ed/the-economics-of-cow-slaughter/article7880807.ece>

⁹ Angered By The Gau Rakshak Now PM must apply the same principle to all crime — including communal crime <http://indianexpress.com/article/opinion/columns/narendra-modi-gau-rakshak-cow-vigilantes-beef-ban-cow-slaughter-gujarat-dalit-2964523/>

⁹ Ironically profits from beef exports are controlled by the high caste Hindus and Jains (vegetarians)

[1] 95% of beef traders are Hindus, says former chief justice of Delhi high court

<http://timesofindia.indiatimes.com/india/95-of-beef-traders-are-Hindus-says-former-chief-justice-of-Delhi-high-court/articleshow/49866811.cms>

[2] Out of six largest meat suppliers in India four are Hindus <http://muslimmirror.com/eng/out-of-six-largest-meat-suppliers-in-india-four-are-hindus/>

[3] BJP got Rs 2.50 cr in donations from firms exporting buffalo meat <http://timesofindia.indiatimes.com/india/BJP-got-Rs-2-50-cr-in-donations-from-firms-exporting-buffalo-meat/articleshow/50195323.cms>

[4] Meat production doubled in Gujarat in 10 years <http://www.thehindu.com/news/national/other-states/meat-production-doubled-in-gujarat-in-10-years/article5872923.ece>

[5] India on top in exporting beef <http://www.thehindu.com/news/national/india-on-top-in-exporting-beef/article7519487.ece>

[6] Can India afford to ban export of beef? <http://www.dnaindia.com/money/report-can-india-afford-to-ban-export-of-beef-2131979>

[7] Concerns Rise For India's High-Growth Beef Export Market as Hindu Nationalist BJP Likely to

Win <http://www.ibtimes.co.uk/tensions-grow-indias-high-growth-beef-export-market-hindu-nationalist-bjp-likely-w-in-1447270>

[8] Pink boom: India's buffalo meat exports at current rates could impact domestic milk availability

<http://indianexpress.com/article/business/business-others/beef-ban-india-bjp-beef-export-domestic-milk-availability-bovine-meat-2912417/>

⁹ <http://www.thehindu.com/news/national/states-should-act-against-communal-incidents-rajnath/article7150757.ece>

<http://indianexpress.com/article/india/india-new-s-india-wont-let-injustice-happen-to-you-rajnath-singh-tells-christians/>

Among the most recent, however, is the beating to death of Mohammad Ayub, 29 years old, carrying a calf along with Salim Shaikh in Ahmedabad, Gujarat. A vigilante mob set upon them and, while the police watched, beat the young man so mercilessly that he succumbed to his injuries two days later, on September 16, 2016. In law, he was committing an illegal act as several states in India have enacted laws banning the slaughter of cows and their progeny (excluding bulls and bullocks in some cases, not in others), but under the same law, and within India – a country that claims for itself the status of being a modern and civilized state, the world's largest democracy, did Mohammad Ayub deserve to be surrendered to the lynch mob?

It is interesting how the police in Gujarat dealt with the "crimes" that were committed: they registered two first information reports (FIRs). Despite the fact that there had been severe violence against the two men, the first FIR was under the Cow Protection Act (invoking the law to penalize the offenders for transporting calves with a view to slaughter them) and only the second one under section 307 of the Indian Penal Code (the section deals with Attempt to Murder) against the actions of the mob.

Significantly, while the police named the assailants (Janak Ramesh Mistry, Ajay Sagar Rabari and Bharat Nagj Rabari) in the first FIR filed against the Muslim young men for offenses under the Cow Protection law (and also noted the registration numbers of the vehicles they were driving), the police was careful to omit the names of the accused in the second criminal complaint that mentions attempt to murder as the offense. This is a clear-cut ruse to weaken the case. This is also at the crux of the current spate of attacks, as Indian law enforcement personnel get influenced, swayed or pressurized by the ideology of the dominant political dispensation which has legitimized these attacks in the name of protection of the "Holy Cow".

Days before the incident in Gujarat, which Mr. Modi had ruled from 2001 to 2014 before becoming prime minister, another incident occurred close to the national capital of Delhi in Mewat district of Haryana in August 2016. Two women were gang-raped by squads of men to avenge "the possession of beef". On the eve of the Muslim festival of Eid Ul Azhar festival, the police in BJP-ruled Haryana were ordered by the Haryana Cow Service Commission, whose mission is to look after the welfare of cattle, to raid biryani (mutton-rice speciality) selling roadside stalls to check if they contained beef. There's now a 24-hour helpline in Haryana so people can report incidents of cow slaughter. Cow slaughter is illegal in Haryana: In 2015, that state government passed a law that punishes the slaughter of cows with up to 10 years in prison. Over 20 Indian states forbid either cow slaughter or beef eating or both. As a result, access to beef, which is consumed by a large sections of Indians that include Dalits, many Hindus, Muslims, as well as Christians is difficult in many states.

Economically and culturally, this Cow Vigilantism is affecting both Dalits and Muslims. Dalits, the section of Indians once called India's untouchables, are often responsible for disposing the carcasses of cows, selling their hides to tanners, their meat to butchers. They do it because upper caste Hindus are loath to take on that task – they consider the work impure. Until July 11, 2016 when Dalits in Una in Gujarat were flogged mercilessly for performing their legitimate task of carrying cow carcasses to skin the animal, resistance to this vigilantism was scattered. That changed after Gujarat's Dalits, took to the streets, abandoned cow carcasses all over the state – even dumping them at the offices of the district administration, protesting vociferously and successfully.

This was a unique resistance and protest as reflected in the battle cry, 'If the Cow is Your Mother, You Bury Her'. Gujarat's Dalits and Muslims also forged an alliance. At 7% and 10.5% of the state's population their numbers may not be enough to shake the BJP government out of its stupor. It is clear however that having Dalits in their corner is much more critical than the country's Muslims; Mr. Modi was rattled enough by the repeated protests in the state (July 21 and 29—a rally at Ahmedabad and a march covering 81km likened to Martin Luther King's Washington March) to break his preferred silence on August 6, close to a month after the incident and several months after Muslim lives had been lost to public lynchings.

The harsh economics behind the Cow Vigilante Hate and Lynch Campaign tell a cold and cynical tale. What were the laws before 2014 and how have they been amended since? Since the days of the debates before the Constituent Assembly between 1947 and 1950 — when the doyens of the freedom struggle, Mahatma Gandhi and the leader of Dalits who drafted the Constitution, Dr B.R. Ambedkar, battled issues of religion and culture — the ghost of "cow protection" has been hovering over and above Indian law and jurisprudence. Unambiguous in his analysis that the issue of 'cow protection and 'beef eating' was a cultural or religious more being sought to be imposed on India's majority population, Ambedkar had written extensively on the question. Unable to triumph over Gandhi—and many other leaders—however, a loose mention under the Directive Principles of State Policy (Article 48) has been used to impose this value.

The 20-odd Indian states, however that enacted laws for cow protection, until 2014 (with the sole exception of Gujarat), however were clear and careful to refer specifically to the cow and also if the bull and bullock only until it was useful or productive (to impose the ban). Since the present Modi regime rode to power in May 2014, state after state ruled by them has amended earlier laws to criminalize the transport, possession and consumption of beef.

Several Supreme Court judgements from 1958 onwards saw a consistent and rational jurisprudence evolve. These court verdicts interpreted the laws in these states to say that while cow slaughter can be banned, the ban on the slaughter of bulls and bullocks should only be until the animal crosses age of 14 years (the definition of 'useful'). That changed in 2005 when a seven-member bench of the Supreme Court (earlier judgements had been decided by five judges of the same court) headed by the then chief justice Lahoti ruled, in effect that bulls and bullocks are "useful till they die".

The harsher beef ban law enacted after 2014 was challenged in Maharashtra at the Bombay High Court. On May 6, 2016, the Court struck down Sections 5D and 9 B of the amended law and in effect allowed consumption, import and transport of beef, ruling that these new additions to the law impinged on the right to privacy which is part of personal liberty and the right to life (a meaningful life with free choice). The Court did not go further in view of the 2005 Supreme Court judgement. The appeals now lie in India's highest court.

A blanket ban on slaughter means the a farmer owning cow will have to pay for its upkeep which, at current prices, would amount to around Rs. 100 a day or Rs. 36,500 a year. Can farmers in the grip of an acute agrarian crisis afford this expense? Who and how will these cattle, once they are past productive use, be managed? Will the government give them a cattle subsidy? According to the cattle census, already there are 53 lakh stray cattle abandoned by their owners.

The strident campaign against cow slaughter will have an adverse impact on the leather industry, which employs close to 2.5 million people, mostly Dalits. Raw material supply to the industry will be affected. Figures provided by the Council for Leather Exports say that 2.5 million people, the majority of them scheduled castes, are employed in the industry. An estimated eight lakh Dalits earn a living through flaying the skin of dead cattle. This activity is allowed and is squarely within the law.

That the current Cow hysteria (earlier whipped up by Mr. Modi himself during the run-up to the campaign when he dubbed it the "pink revolution"), is, simply put, falsely premised. It is not cows but the meat of buffaloes and unproductive cattle that is mainly used for consumption and exports. In fact, as far as the cow is concerned, the 2012 cattle census shows that "the Female Cattle (Cows) Population" has increased by 6.52% over the previous census (2007) and the total number of female cattle in 2012 is 122.9 million numbers. This explodes the myth of the rampant slaughter of cows.

How many Indians actually eat beef?

The National Sample Survey Organisation (NSSO) estimated in 2011-12 that 5.2 crore people in the country eat beef/buffalo meat. Earlier, the National Commission on Cattle, set up by the Atal

Bihari Vajpayee Government, also led by the BJP, in 2002 to promote a ban on cow slaughter, also admitted in a report (para 167) that "extreme poverty and customary practices in the coastal areas and among some sections of scheduled tribes, scheduled castes and other backward castes also make them beef eaters." There is clearly a class and caste dimension to beef/buffalo eating. Imposition of an unacceptable food code will and has directly affected the nutrition of the poor.

India retained its top spot as the world's largest exporter of beef, according to data released by the U.S. Department of Agriculture, and has extended its lead over the next highest exporter, Brazil. (the U.S. government classifies even buffalo meat as beef). According to the data, India exported 2.4 million tonnes of beef and veal in FY2015, compared to 2 million tonnes by Brazil and 1.5 million by Australia. These three countries account for 58.7% of all the beef exports in the world. India itself accounts for 23.5% of global beef exports. This is up from a 20.8% share last year, before the Modi government rode to power.

Interestingly, 95% of the beef traders – including the companies who rake in the profits through exporting the meat, are Hindus, many of who are the largest beef suppliers of India. Out of six largest meat suppliers in India four are Hindus though the companies are named with suitable "Muslim" names. And the political party that has given much legitimacy to the Cow Vigilante Groups who have been on all India lynching spree, the BJP received Rs 2.5 crore in donations from companies exporting buffalo meat, according to contribution reports for financial years 2013-2014 and 2014-2015 submitted to the Election Commission of India.

Dr. Ambedkar's scathing criticism of the caste system and the Brahminical order contained an analysis of the grounds for untouchability practiced against Dalits, one of which was consumption of the meat of dead cattle. He held that the demand for a ban on cow slaughter was a way of introducing Hindutva of the upper castes into what was to be a secular Constitution. Renowned Indian historian D.N. Jha, no favourite of the present political dispensation, has long argued, with incontrovertible historical evidence, that even caste Hindus, during Vedic times, consumed beef. Ambedkar discusses at length when and at what stage 'Hinduism' began being associated with the love of the cow and cow protection.

4. In the past three years key cases against powerful functionaries of the present regime and policemen have been dropped¹¹. Several terror cases where members of supremacist outfits had been charged have also been closed without following due process. Former government public prosecutors have spoken about strongly against this grant of impunity to powerful perpetrators close to the ruling political dispensation.¹²¹³

¹¹[1] No prosecutable evidence against N K Amin: Court

<http://timesofindia.indiatimes.com/city/ahmedabad/No-prosecutable-evidence-against-N-K-Amin-Court/articleshow/53765616.cms>

[2] <http://scroll.in/article/739017/modi-wants-cbi-to-hand-over-sensitive-division-to-officer-with-controversial-past>
Modi wants CBI to hand over sensitive division to officer with controversial past

[3] CBI U-Turn against its own chargesheet in the Sohrabuddin case, the caged parrot

syndrome? <https://sabrangindia.in/article/cbi-u-turn-against-its-own-chargesheet-sohrabuddin-case-caged-parrot-syndrome>

¹²[1] Little Gujarat In CBI Headquarters Old loyalists from Gujarat are being rewarded with the bureau's top posts; it won't be long before one of them becomes director <http://www.outlookindia.com/magazine/story/little-gujarat-in-cbi-headquarters/294874>

[2] <http://www.thehindu.com/todays-paper/we-did-not-give-amit-shah-a-clean-chit-sathasivam/article6377813.ece> We did not give Amit Shah a clean chit: Sathasivam

[3] Malegaon blasts case: Salian speaks up again after NIA's U-turn

Salian was reacting to The Indian Express report on how the NIA did a U-turn on Tuesday to oppose the discharge of the nine Muslim men facing terror charges in the case. <http://indianexpress.com/article/india/india-new-s-india/salian-speaks-up-again-after-nias-malegaon-u-turn/>

[4] NIA told me to go soft in Malegaon 2008 blast case: Rohini Salian <http://www.thehindu.com/news/national/other-states/nia-told-me-to-go-soft-in-malegaon-2008-blast-case-says-special-public-prosecutor-rohini-salian/article7354066.ece>

[5] Malegaon Blasts: NIA must Probe Mohan Bhagwat's Admission and Allegations about Art of Living

<https://www.sabrangindia.in/article/malegaon-blasts-nia-must-probe-mohan-bhagwat%E2%80%99s-admission-and-allegations-about-art-living>

[6] Received No Support From Madhya Pradesh Cops In Samjhauta Blast Probe: Former SIT Chief

5. Armed Militias of these Organisations¹⁴ by conducting Armed Training Camps, in violation of Police Acts and the Arms Act, have further accentuated the threat to the Life and Security of Religious minorities.¹⁵

6. Deep rooted prejudice and institutional bias against the religious minorities in India's law and order machinery--police, federal investigation agencies, para-military, and army needs rigorous correction.¹⁶

7. Access to Justice Evades Survivors from the Religious Minorities.¹⁷ Criminal Cases where Minorities are Survivors are left to collapse. In the Dadri lynching case, a criminal case was filed against the family of Akhlaque who was lynched to death is a stark example.¹⁸

8. The continuance of Part (iii) of Article 341 of the Constitution effectively denies 200 million of Scheduled Castes persons (Dalits) the Rights to Freedom of Faith and Belief by making it compulsory that they remain Hindus to avail of affirmative action.

<http://www.ndtv.com/india-news/received-no-support-from-madhya-pradesh-cops-in-samjhauta-blast-probe-former-sit-chief-1416209>

[7] Samjhauta blasts: Former SIT chief slams 'attempts to give Colonel Purohit a clean chit'

<http://indiatoday.intoday.in/story/samjhauta-blasts-probe-former-sit-chief-vikash-narain-rai-colonel-purohit-and-hindu-fringe-groups/1/686344.html>

[8] As NIA Now Pursues Islamist Angle, Investigator Sees Clear Hindutva Link to Samjhauta Bombing

<http://thewire.in/40962/2007-samjhauta-express-blast-case-vikash-narain-rai/>

¹³ Malegaon blasts case shows that Hindutva forces are succeeding in widening Hindu-Muslim divide, writes

Julio Ribeiro <http://indianexpress.com/article/opinion/columns/malegaon-blasts-2008-burying-hemnat-karkare-2805887/>

14 Ayodhya: Video allegedly showing Bajrang Dal workers receiving 'self-defence' training in weapons goes viral-

The video of a mock drill purportedly showed some volunteers wearing skull caps at the camp held in Karsevakpuram — the VHP workshop in Ayodhya.

<http://indianexpress.com/article/india/india-news-india/bajrang-dal-self-defence-video-ayodhya-ram-naik-vhp-karsevak-camp-2817657/>

¹⁵ Ayodhya: Bajrang Dal leader arrested over holding weapons training camp <http://indianexpress.com/article/india/india-news-india/mahesh-mishra-faizabad-bajrang-dal-chief-held-over-holding-weapons-training-camp-2819283/>

¹⁶ [1] The Lemmings of Hashimpura - Vibhuti Narain Rai, retired officer of the Indian Police Force (IPS)

<https://sabrangindia.in/interview/lemmings-hashimpura-vibhuti-narain-rai-retired-officer-indian-police-force-ips>

[2] Then and Now; <https://www.sabrangindia.in/column/then-and-now>

[3] The Importance of Memory” hashimpura <https://www.sabrangindia.in/tags/vibhuti-narain-rai>

<https://sabrangindia.in/article/temples-kerala-be-freed-sangh-sponsored-arms-training> Temples in Kerala to be Freed from Sangh-Sponsored Arms Training; <https://www.sabrangindia.in/indepth/if-bajrang-dal-not-bjp-w-hat-rss-mr-shah>

Bajrang Dal is not BJP, what of the RSS, Mr Shah

¹⁷ [1] Examples of Sikhs in 1984, Gujarat 2002, Muzaffarnagar 2013 explained in the footnotes detail how the criminal justice system is abused. Gang rape acquittal: <http://indianexpress.com/article/india/india-news-india/shamli-district-burhana-police-2013-muzaffarnagar-riots-4-acquitted-in-gangrape-case-after-victim-family-turn-hostile-husband-says-we-were-threatened/>

[2] Acquittals due to witnesses turning hostile- Feb 2016 <http://indianexpress.com/article/india/india-news-india/muzaffarnagar-case-families-of-boy-woman-killed-in-2013-riots-turn-hostile/>.

<http://indianexpress.com/article/india/india-news-india/three-more-muzaffarnagar-riots-cases-end-in-acquittal/>

[3] Other reports on Muzaffarnagar from 2016: <http://indianexpress.com/article/india/india-news-india/muzaffarnagar-riots-no-end-in-sight-for-nine-pending-cases-one-on-fake-video-clip/> <http://indianexpress.com/article/cities/lucknow/muzaffarnagar-riots-cases-37-in-jail/>

[4] Even Gujarat 2002 cases after the present Regime came to power have taken a unique turn.

<https://www.sabrangindia.in/indepth/gulberg-massacre-conspiracy-telltale-mobile-call-records-february-2728-2002>

[5] Gulberg Massacre Conspiracy: The Telltale Mobile Call Records of February 27/28, 2002

<https://www.sabrangindia.in/indepth/judge-buys-police-sit%E2%80%99s-claim-private-firing-ahsan-jafri-triggered-gulberg-society-massacre>

[6] Judge Buys Police, SIT's Claim That Private Firing by Ahsan Jafri Triggered the Gulberg Society Massacre

¹⁸ [1] In Dadri Lynching Case, Victim Mohd Akhlaq's Mother, Wife Face Charges <http://www.ndtv.com/india-news/police-case-ordered-against-family-of-mohd-akhlaq-lynched-in-dadri-1431453>

[2] Allahabad HC stays arrest of Akhlaque's family in cow slaughter case <http://www.thehindu.com/news/national/other-states/allahabad-hc-stays-arrest-of-akhlaques-family-in-cow-slaughter-case/article9036411.ece>

9. The Proposed New Education Policy (NEP) clearly violates the fundamental rights of India's minorities as it prejudices, silences and invisibilises their Contribution to the historical narrative, excludes cultural and languages of the minorities, denies them cultural and political rights. Manipulation of Textbooks and the Subversion of Research Bodies of the Central Government as Withdrawal of the Works of Historians are evidence of this shift.¹⁹

10. There is no substantial improvement in the development conditions even a decade after the Recommendations of the Sachar Commission and the Rangannath Mishra Commission. They still lack inclusion in employment within government institutions, civil services, police and access to basic public amenities.

9. Anti-conversion laws enacted by many Indian states have prompted grave insecurities²⁰ among the religious minorities²¹ who fear that they would be the main targets of right wing Hindu groups.²²

11. Youth from India's Religious Minorities, both Muslims and Christians are Targeted in Cases Related to Terror. Many or most of them are acquitted after years being incarcerated. No reparation (compensation is paid) neither are law enforcement found responsible for wrongful arrest, confinement ever prosecuted.²³

12. In March 2016 India denied visa to members of a US Commission on International Religious Freedom (USCIRF)²⁴ who wanted to discuss and assess "deteriorating" religious freedom conditions in the country.

RECOMMENDATIONS

¹⁹The manipulation of History and Social Studies text books to reflect a supremacist, mythological (communally biased) worldview rather than rational and dynamic disciplines has been evident in the appointments to key Research Bodies of the Central Government and Withdrawal of Books by Well Known Historians.

<http://indianculturalforum.in/2016/08/10/saffronising-and-corporatising-indian-education-critique-of-the-national-educational-policy-2016-draft/>

Saffronising and Corporatising Indian Education: Critique of the National Educational Policy 2016 Draft

[2] Student Unity against Commercialisation, Centralisation & Communalisation of

Education http://peoplesdemocracy.in/2015/08/02_pd/student-unity-against-commercialisation-centralisation-communalisation-education

It is a manner of moulding minds to a supremacist and exclusivist vision that barter incitement which is dangerous.

²⁰As the US State Department's "International Religious Freedom Report 2014" shows (especially in the "Government Practices" section), "anti-conversion" laws, at the state level, have been used by state and local authorities to harass religious minority populations - usually with trumped-up charges. International Religious Freedom Report for 2014, Available at http://www.state.gov/drl/rls/irf/religiousfreedom/index.htm?year=2014&dliid=238494#w_rapper

²¹Effectively, these laws target Christian and Muslim communities and provide opportunities for both local officials and Hindu supremacist organizations to harass and intimidate them. The anti-conversion laws, passed by a number of states, ironically titled the Freedom of Religion Act, violate freedom of religion guaranteed by the Indian constitution. But the same laws do not address forcible conversions to Hinduism such as 'Ghar Wapsi' ceremonies. See: Hate and Targeted Violence against Christian in India – Report 2014 by Evangelical Fellowship of India & Alliance Defending Freedom India.

²²Violent elements in extremist Hindutva groups such as the Rashtriya Swayamsevak Sangh and its allies such as the Akhil Bharatiya Vanvasi Kalyan Parishad, the Vishwa Hindu Parishad and the Bajrang Dal have, in connivance with local police, used the existence of the Act to attack pastors and house churches accusing them of carrying out illegal conversions. Arguably, more than 75 per cent of the acts of violence against Christians, averaging now about 1,000 a year, are under the guise of stopping fraudulent conversions in villages. See: John Dayal, "Court upholds anti-conversion law, knocks out major clause", August 31, 2012 Available at <http://www.ucanindia.in/news/court-upholds-anti-conversion-law-knocks-out-major-clause/18945/daily>

²³<http://muslimmirror.com/eng/qyarah-saal-salakhon-ke-peeche-mufti-abdul-qayyums-jail-book-released/>

[1] Gyarah Saal Salakhon Ke Peeche ' -Mufti Abdul Qayyum's jail book release

[2] A Classic Case of the Abuse of Power: Malegaon 2006 blasts <https://sabrangindia.in/article/classic-case-abuse-power-malegaon-2006-blasts>

²⁴USCIRF is an independent, bipartisan US federal government commission and its principal responsibilities include reviewing, through the lens of international human rights law, the facts and circumstances of violations of religious freedom internationally and making policy recommendations to the US President, Secretary of State, and Congress. India denies visa to members of US religious commission, PTI | Washington, March 4, 2016

- Ban cow vigilante squads and repeal laws that justify violence in the name of cow protection
- Repeal cow protection laws, including recent amendments that have included bulls, bullocks and other animals within the purview of the ban
- Enact an anti-discrimination law to protect rights of all social and religious minorities, and make it justiciable also in housing societies where Muslims and Dalits are often prevented from owning residences
- Repeal anti-conversion laws existing in many Indian States as they impinge on freedom of faith as guaranteed under the Indian Constitution
- Federal investigation agencies like the Central Bureau of Investigation (CBI) and the National Investigation Agency (NIA) should be made autonomous of the government and answerable only to Parliament
- Ban the armed militias of Hindu right-wing organizations such as the Bajrang Dal, an affiliate of the RSS-BJP as well as their arms training camps, which is in violation of various laws and have further accentuated the threat to the life and security of religious minorities
- Impart training in Constitutional Rights to police, federal investigation agencies, paramilitary organizations, and the army from the time of joining the service till retirement, to remove deep-rooted prejudice and institutional bias against the religious minorities
- Ensure that higher courts mandatorily and independently monitor cases of violence against the minorities
- Legislate a law to criminalize communal violence against the minorities, an effort which reflected in the Prevention of Communal and Targeted Violence (Access to Justice and Reparations) Bill, 2013 which was approved by the Indian Cabinet in December 2013 but could not pass in Parliament
- Abandon the proposed New Education Policy (NEP) that clearly violates the fundamental rights of India's minorities as it prejudices and silences their contribution to the historical narrative, excludes their cultures and languages, and denies them cultural and political rights
- Stop manipulation of the content of school textbooks and the subversion of research bodies of the Central Government
- Implement the report of the Equal Opportunities Commission and the Diversity Index
- Repeal anti-conversion laws enacted by various Indian states as they have prompted grave insecurities among the religious minorities who fear that they would be the main targets of right-wing Hindu groups
- Formulate and pass in Parliament a national policy for Dignified Reparation of all individuals acquitted in terror related cases
- Abrogate Article 341 (iii) of the Constitution forthwith