

## Chapter 9

# In the Name of the Holy Cow!

### The Issue of Cow Vigilantism in Contemporary India

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#### ABSTRACT

*India's constitutional ethos establishes itself to be a secular country, believing in every citizen's right to follow their own religious beliefs. However, in the recent past, the evolution of Hindu nationalistic politics of hate, coupled with a monolithic and myopic viewpoint of construing the nation as a Hindu entity, has fanned the growth of fundamentalistic ideals of cow worship and cow protection. This has significantly led to the rise of non-state actors who employ any or all means possible of strong-arming minorities and the vulnerable sections of society in the name of cow protection. Thus, through this chapter, the author shall at the first instance argue the reasons for the rise of cow-vigilantism in India, situating it in a historical and socio-political context. The author's second argument would be to demonstrate how cow vigilantism has elevated to the status of organised crime in India. Finally, the author shall conclude with arguments suggesting ways to put an end to such heinous incidents of vigilantism and forge a way forward.*

#### INTRODUCTION

India's Constitutional ethos establishes itself to be a secular country, believing in every citizen's right to follow their own religious beliefs. The Preamble of India's founding document, the Constitution establishes itself to be a secular nation. It also contains

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the terms ‘Liberty of thought belief, faith and worship.’ It enumerates the Right to Freedom of Religion as a fundamental right. In fact, it is crucial to understand that the Indian ideal of secularism as reflected in the Constitution is different from its traditional Western conception. It strictly does not follow the separation of Church and State, but through a transformative process has acquired a distinct identity, not one of tolerating other religions (*sarva dharma sambhava*), but equal respect for all religions (Bhargava, 2007).

However, the ground reality may not reflect the value of a secular State that the founding fathers had envisioned for the country. This is a reality that they were well acquainted with, in the communally charged atmosphere during the horrors of an ongoing Partition, fuelled on vitriolic religious rioting (Rajeshwari, 2004) . The Constitutional Assembly charged with drafting the Constitution was indeed divided at that point of time between Hindu Nationalists, Hindu traditionalists and members advocating for secularism, with some even arguing for a *Hindu Rashtra* (a theocratic Hindu State) (Jafferlot, 2019). It is indeed quite an achievement that India’s founding fathers successfully argued over and incorporated the ‘composite culture’ based secularism that is reflected in the Indian Constitution today. In fact, during the 1950’s and 1970’s this secular model worked well, relatively with leaders such as Nehru actively taking decisions to avoid a concoction of religion and politics (Jafferlot, 2019)<sup>1</sup>. With the rise of Hindu Nationalism since the 1980’s and 1990’s till the present day, the mixture of ethnoreligious conflict, historical revisionist modelled violence has only added extra *masala* to instigate and flare up the communally charged atmosphere within the country (Bose, 2018) .

However, India’s tryst with destiny was short lived. India’s past, as a nation remains both marred and married with communal violence, mainly between Hindus and Muslims, but also, to a lesser extent between Hindus and Sikhs and Hindus and Christians. (Rajeshwari, 2004 ; Jairath, 2005 ; Hasan, 1982). This has only increased after 2014, after the rise of the Hindu nationalist political party, the Bharatiya Janta Party (BJP), (Minority Rights Group International, 2017 ; Werleman, 2021 ; Ahuja, 2019). Communal violence in India shares an unholy nexus with electoral politics, with Hindu Nationalist parties appealing for *Hindu Ekta* (Hindu Unity) to accumulate support across caste lines (Varshney, 2002 ; Wilkinson, 2004) . Thus, studying the intricacies of communal violence in India in its entirety would be beyond the scope of the paper. Therefore, specifically, for the context of this chapter we shall focus on communal violence specifically rooted in cow vigilantism, since there has been a consistent increase in incidents of cow-vigilantism and lynching in almost all states of India (Jacob & Kamath, 2023) .

To perceive and understand the notion of cow vigilantism it becomes necessary to gain an understanding of the topic of vigilantism. To begin with, in any state, the enforcement of the law is the mandate of specific agencies owing their allegiance to

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