

May 2023

# Fact-finding Report on the Murder of Idrees Pasha in Sathanuru, Ramanagara District



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On April 1st 2023, newspapers reported on an incident of assault on 30th March 2023. by a group of self-appointed “cow vigilantes” led by Mr. Puneeth Kerehalli and other members of *Rashtra Rakshana Pade* on a group of three cattle traders in Sathanuru village, Kanakapura taluka, Ramanagara district. The attack led to the death of Mr. Idrees Pasha and injuries to his other two companions/associates, all residents of Mandya.

A team comprising Advocate Sivamanithan, Dr. Sylvia Karpagam, Siddharth K J and Khasim Shoaib Qureshi and members of All India Jamaithul Quresh (Karnataka) conducted a fact-finding into the above incident. The fact-finding team visited the spot where the incident took place (in Sathanuru, Kanakapura taluka, Ramanagara district) and spoke to the residents of the area. Additionally, the fact-finding team visited Mandya and spoke to the family members of Idrees Pasha, including his brother, Mr. Yunus Pasha. The fact-finding team also spoke to other members of the community who are involved in cattle trade about similar incidents of violence being faced by them while transporting cattle along the Mandya-Sathanuru route.

Subsequently, the fact-finding team spoke to the Circle Inspector (Kanakapura) who is the Investigating Officer in the cases and the Superintendent of Police (Ramanagara district). Names of some of the persons interviewed by team are not being disclosed to ensure their safety. Based on the statements of these individuals and officials, an account of the events that transpired on the intervening night between 30th March and 1st April, 2023 at Sathanuru has been provided in the report, along with key observations and recommendations of the fact-finding team.

# BACKGROUND

It is important to note that the Sathanuru incident was not the first instance of a group of self-appointed ‘cow-vigilantes’ taking the law into their hands by illegally restraining cattle-transporting vehicles along transport routes and then physically assaulting the occupants of the vehicle. There is an uptick in such instances of violence after the BJP government in Karnataka enacted the Karnataka Prevention of Slaughter and Preservation of Cattle Act, 2020 (hereafter, the 2020 Act). Annexure to the Report provides an illustrative list of such incidents in the state. In fact, as we were informed by the Superintendent of Police (Ramanagara), there are at least 11 such criminal cases only against Puneeth Kerehalli, the accused in the murder of Idrees Pasha.

The 2020 Act, enacted along the lines of similar laws in several north Indian states (like Uttar Pradesh and Gujarat) not only prohibits slaughter of cattle (defined as cow, calf of a cow and bull, bullock of all ages and he or she buffalo below the age of thirteen years) but also prohibits transport of cattle for slaughter. But since transportation of cattle is an activity which *precedes* any probable act of slaughter, determination of *intended* purpose of transport poses inherent difficulties, for it to be sustainable in law. The 2020 Act gets around this problem by defining a category of transport of cattle for ‘*agricultural or animal husbandry purpose*’ and imposing onerous procedural and documentary obligations on the transporters of cattle to prove that *intended* purpose of the transport falls within this category.

Every other instance of cattle transport is prohibited and is punishable with imprisonment of a minimum of 3 years. This means that a farmer with sick cattle requiring urgent medical attention has to go looking for the government Veterinary Officer for issuance of transport documents, and in case she is unable to do that, the farmer has to let the cattle die or risk going to jail for a minimum of 3 years! For example, if a farmer buys cattle from another farmer of a neighboring village and wants to transport it to his own village, falling in the same Gram Panchayath, to be able to do legally, s/he needs to go to the Veterinary Officer to get required documents. Thus the 2020 Act and the Rules made under it, make day-to-day cattle transactions prohibitively difficult and risky.<sup>1</sup>

Although, the consumption, sale or possession of beef has not been prohibited, there has been instances where the Act has been invoked against those found in possession of beef or selling beef for suspicion of having violated the law (see Annexure for examples of such cases). The enactment of the 2020 Act has been accompanied by renewed moral legitimacy and impunity for weapon-wielding goons patrolling highways and lurking at corners, ready to pounce on cattle-carrying vehicles.

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<sup>1</sup> See the report by *Aahara Namma Hakku -Criminalizing Livelihoods, Legalising Vigilantism: The Adverse Impact of the Karnataka Prevention of Slaughter and Preservation of Cattle Act, 2020* - which details the negative impact of the 2020 Act on the animal markets in Karnataka, which has in turn adversely affected crucial economic sectors like dairying, agriculture, meat and leather industries in the state.

# BRIEF DESCRIPTION OF THE EVENTS

On the intervening night between 30th March and 1st April, just before 12:00 pm midnight, a vehicle driven by Mr. Zaheer Pasha who was accompanied by Mr. Irfan and Mr. Idrees Pasha and carrying 16 animals, was stopped by 5 persons including Mr. Puneeth Kerehalli near the Santhemala Circle in Sathanuru village. As per the statements made to the fact-finding team, Mr. Puneeth Kerehalli and his associates were armed with sticks and cricket wickets. The attackers were parked there in anticipation of vehicles carrying animals and this is not the first time they have indulged in these activities. This location is not more than 600 meters from Sathanuru Police Station. We were informed by the Superintendent of Police (Ramanagara) that on that night there were only 3 police personnel on duty. A patrol vehicle which had gone on rounds earlier had not spotted the vehicle of Mr. Puneeth Kerehalli.

After stopping the vehicle, Mr. Puneeth Kerehalli alleged that the vehicle was transporting stolen animals. But when the driver denied this stating that they had receipts issued by the RMC Yard from where they had bought the animals, Mr. Puneeth Kerehalli asked them to call the owner of the cattle and send Rs 2 lakhs. Mr. Idrees Pasha refused to comply with such demands and asked the driver, Mr. Zaheer Pasha to drive ahead. The vehicle took a right turn towards the road passing through the Police Station.

Mr. Puneeth Kerehalli and his men followed them in their own vehicle and stopped them after another 100-200 meters, brandishing sticks and cricket wickets in their hands. At this point, all three occupants of the vehicle tried to run away from their attackers. Mr. Irfan who was sitting next to the left door of the vehicle ran first, and was followed by Mr. Idrees Pasha. They were chased by their attackers, while both of them ran in the dark to save their lives. While Mr. Irfan was able to evade the attackers, the attackers were able to get hold of Mr. Idrees Pasha and he was brutally attacked. The exterior marks on his fingers indicate possible use of electrical shock to assault him.

Meanwhile, the driver, Mr. Zaheer, was able to hide from the attackers. When he couldn't hear any noises in the vicinity, he came out and was immediately grabbed by the attackers, who started beating him mercilessly. Around this time a Police Constable from Sathanuru PS who was withdrawing money from a nearby ATM, arrived at the spot and took one of the attackers and Mr. Zaheer to the police station with him on his two-wheeler. The other attackers were heard saying that they are going back to search for remaining occupants of the vehicle. From the sequence of events described by the persons and officials interviewed by the team, it becomes clear that no attempt was made by the police personnel of Sathanuru PS to either restrain or apprehend the remaining attackers. In fact, the attackers went live on Facebook from police premises. It is also clear that no attempt was made by the police personnel to search for and protect the other two victims. The dead body of Mr. Idrees Pasha was found around 500 meters from the Police Station in the morning by residents of the area.

The first FIR (CR 0052/2023 at 1:00 am on 01-04-2023) that is filed in context of the incident is not against the attackers who have brazenly taken law in their hands just 500 meters outside the police station, but against the victims of the attack. The second FIR (CR 0053/2023 at 5:30 am on 01-04-2023) was filed against the attackers after 4.5 hours of the first FIR by which time the attackers have been allowed to leave the police station. By the time the dead body of Idrees Pasha was discovered in the early hours of the day, his attackers had fled from the reach of the police. The third FIR (CR 0054/2023 at 16:00 pm on 01-04-2023) was filed late in the evening based on the complaint by Mr. Idrees Pasha's brother. The sequence of the FIRs filed in the case indicate that the police prioritized the complaint of the attackers over the assault which one of the police personnel had witnessed first-hand.

When these troubling questions were placed before the Superintendent of Police (Ramanagara), the explanation provided was that there were very few police personnel (three) at the police station and they did the best they could in the given circumstances and with the available information and resources, and also that "one shouldn't try to do a post mortem of the events with the advantage of hindsight". The Superintendent of Police (Ramanagara) was emphatic in his assertion that no citizen is allowed to take the law in their hands and if they observe any crime being committed, it is their duty to bring this to the notice of the police, but in no circumstance can they take law into their hands. If that be the case, why then did the Sathanuru police not apprehend the attackers in the police station immediately? This would have probably saved Idrees Pasha's life or at least ensured he reached a hospital on time.



# KEY OBSERVATIONS

What emerges from above statements and facts is that a group of anti-social elements have brazenly taken law in their hands, for the alleged purpose of extorting money and targeted attacks on Muslim community. They physically assaulted three citizens at a very close distance from the police station without any fear of the police. But the police instead of immediately apprehending the attackers, has allowed them to go in search of the other victims. Even when one of the police personnel at the Police station had seen the assault himself, the attackers were not apprehended even as they filmed themselves outside the police station. Based on the statements collected by the Fact-finding team, we would like to bring the following observations to your notice:-

- 01 The fact that anti-social elements felt emboldened enough to stop vehicles and extort money at such close distance from police station and the fact that the police didn't prioritize the safety and security of the victims' points towards the impunity enjoyed by them. If the police had immediately apprehended all the attackers and had urgently searched for the victims, it is possible that the life of Mr. Idrees Pasha could have been saved. The fact that Puneeth Kerehalli and his group has been involved in several cases of violence before this incident shows that ineffectiveness of the police in deterring such repeat offenders.
- 02 Despite the allegations of attempt to extort money by the accused, the third FIR (CR 0054/2023) doesn't invoke relevant provisions of Indian Penal Code.
- 03 We were informed that the police personnel had taken signatures of the surviving victims on plain white sheets.
- 04 We were also informed that the surviving victims, who are also eye-witnesses to the attacks, have not be involved in the spot inspection at the site of the crime nor the police made any efforts to take the eye witnesses to before the Hon'ble Magistrate for their statement under section 164 CrPC.
- 05 A copy of the *Post mortem* Report has not been shared with the family of the deceased.

# RECOMMENDATIONS

Based on the above facts and the observations, we would like to make the following recommendations:-

## To the Police Department

01

### INVESTIGATION

Ensure that a thorough impartial and independent investigation is carried out in the incident.

02

### COMPENSATION

A compensation of Rs 10 lakhs should be provided to the family of Mr. Idrees Pasha.

03

### POST MORTEM REPORT

Make a copy of the *Post mortem* report available to the family of the deceased immediately.

04

### DIRECTIONS TO POLICE STATIONS

Issue direction to all Police Stations to apprehend such anti-social elements who are taking law in their own hands.

05

### RECORDING OF STATEMENT

Record the statements of the eye witnesses under section 164 CrPC immediately.

# RECOMMENDATIONS

06

## DEPARTMENTAL INQUIRY

Institute a departmental inquiry into the lapses by the police personnel in this incident.

07

## SUO MOTO REGISTRATION OF FIRs

The Police should take cognizance of videos depicting threats or acts of violence and/or torture or when they come to light and register suo moto FIRs.

## To the State Government

01

## REPEAL THE ACT

In view of the disruption to livelihoods caused by the Karnataka Prevention of Slaughter and Preservation of Cattle Act, 2020, repeal the Act immediately.

02

## Withdraw Cases

Withdraw all the cases filed under the 2020 Act with retrospective effect.

03

## PREVENTIVE STEPS

Ensure strict compliance with the orders of the Hon'ble Supreme Court in *Tehseen Poonawalla vs Union of India* [AIR 2018 SC 3354] to ensure that preventive, remedial and punitive measures are taken to bring an end to hate crimes. This includes among others – appointing nodal officers in each district to prevent such incidents, registration of an FIR without delay, preventing harassment of family members of victims, ensuring cases of mob violence are tried by Fast Track Courts on day-to-day basis, bringing out a victim compensation scheme, and holding police officials who fail their duties in preventing the violence accountable.

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## Members of the Fact-finding Team

The fact-finding team comprised of following members:-

Advocate Sivamanithan (s28manithan@gmail.com)

Siddharth K J (mailsiddj@gmail.com)

Dr. Sylvia Karpagam

Khasim Shoaib Qureshi and members of All India Jamaithul Quresh  
(Karnataka)

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**Annexure: Illustrative List of Incidents of Violence after Passage of Karnataka Prevention of Slaughter and Preservation of Cattle Act, 2020 (Act I of 2021)**

| S. No. | Date of Incident(s) | Place of Incident   | Description  | FIR No, Date and Time   | Acts and Sections   |
|--------|---------------------|---|--|---|---|
| 1      | 08-01-2021          | Tanikodu Check Post, Sringeri Taluka, Chikkamagaluru district | On 08-01-2021, the very first case after the passage of the Act was registered at the Sringeri PS against Shan. The complaint lodged at Sringeri PS stated that the constable at the Tanikodu check post was approached by five people in a Omni car asking if a vehicle carrying cows passed through the checkpost. When the constable said no, the unidentified five people took a u-turn and went towards Sringeri. Later, he heard a commotion, and saw a good carrier with 15-20 animals stationed at the check-post. A case was registered against the driver, later identified as Shan. Shan alleged that he was beaten up by <u>unidentified</u> individual, but it appears no FIR was filed for this assault. | Sringeri PS CR No. 02/2021<br>Date: 08-01-2021<br>Time: 5:30 am | KARNATAKA PREVENTION OF COW SLAUGHTER & CATTLE PREVENTION ACT-1964 (U/s-5,7,11) |
| 2      | 08-01-2021          | Kaimane, Sringeri Taluka, Chikkamagaluru district             | On 08-01-2021, just after the above incident a second case was registered at the Sringeri PS against Abid Ali. A constable saw a goods carrier near Kaimane parked on the road while the driver of the vehicle, Abid Ali, was lying in an injured state. A case against Abid Ali under the new Act was registered. Abid Ali alleged that he was attacked by unidentified individuals.  | Sringeri PS CR No. 03/2021<br>Date: 08-01-2021<br>Time: 8:30 am | KARNATAKA PREVENTION OF COW SLAUGHTER & CATTLE PREVENTION ACT-1964 (U/s-5,7,11) |
|        |                     |   |  | Sringeri PS CR No. 04/2021<br>Date: 08-01-2021<br>Time: 9:30 am | IPC 1860 (U/s-341,504,392,326,307,427,34)                                       |
| 3      | 03-07-2021          | Devadana,   | On 03-07-2021 two Muslim men were accused of   | Balehonnuru PS  | IPC 1860 (U/s-379,429,34);  |

|   |            |                               |  |  |   |
|---|------------|-------------------------------|--|--|---|
|   |            | Chikkamagaluru district       | stealing and killing a 1 year-old cow near Devadana village, Chikkamagaluru Taluka, Chikkamagaluru district falling under Balehonnuru PS, and were allegedly verbally abused and assaulted with hands and sticks. The police arrested the two men for violating Section 4 and 7 of the Ordinance (which had been notified as an Act by then) pertaining to slaughter and disposal of cattle. 5 men from the village were <u>arrested</u> for assault on the two Muslim men.  | CR No: 49/2021;<br>Date: 03-07-2021<br>Time: 11:30 AM  | THE KARNATAKA PREVENTION OF SLAUGHTER AND PRESERVATION OF CATTLE ORDINANCE-2020 (U/s-4,7,12)                          |
|   |            |                               |  | Balehonnuru PS<br>CR No: 50/2021;<br>Date: 03-07-2021;<br>Time: 04:30 PM                                 | IPC 1860 (U/s-143,504,324,323,506,149)  |
| 4 | 20-08-2022 | Sakaleshpura, Hassan District | On 20-08-2022, a member of Bajrang Dal allegedly stopped Manjuntha, a Dalit farmer who was transporting cattle from his sister's house to his own house, verbally abused him using casteist slurs and attacked him physically. Manjunath filed a complaint against the attacker.<br><br>Subsequently, Manjunath's nephew was allegedly beaten by a group of 8-10 Bajrang Dal members including the person who had allegedly attacked Manjunatha earlier and a FIR was filed by the nephew against the attackers.<br><br>A counter-complaint was filed by Bajrang Dal members against Manjunath's nephew and DSS leaders alleging that they attacked Bajrang Dal members. | Attack on Manjunatha: Sakaleshpura Town PS CR No. 137/2022<br>Date: 20-08-2022<br>Time: 7:40 pm          | IPC 1860 (U/s-341,323,504,506); The SC & ST (Prevention of Atrocities) Amendment Act 2015 (U/s-3(1) (r) (s),3(2)(va)) |
|   |            |                               |  | Attack on Manjunatha's nephew: Sakaleshpura Town PS CR No. 138/2022<br>Date: 20-08-2022<br>Time: 9:40 pm | IPC 1860 (U/s-323,341,504,506,114,34)   |
|   |            |                               |  | Sakaleshpura Town PS CR No. 137/2022<br>Date: 21-08-2022<br>Time: 11:45 am                               | IPC 1860 (U/s-143,147,148,323,324,504,506,149)  |
| 5 | 20-03-2023 | Electronic City,              | On 20-03-2023 two Muslim men – a driver and a  | Electronic City  | PREVENTION  |

|   |            |   |  |   |  |
|---|------------|---|--|---|--|
|   |            | Bengaluru City                                      | <p>helper – were assaulted by a group of five persons led by Puneeth Kerehalli near Hosur Road Toll when they were in a vehicle with 8 animals. An FIR was filed against the two men in the vehicle while no FIR was filed against the attackers. Subsequently, a <a href="#">video</a> of Puneeth Kerehalli using a taser gun on the helper came to light. The video was made by the <a href="#">attackers</a> themselves when they went live on Facebook during the attack. An FIR against the attacks was filed almost 15 days later, based on the <a href="#">complaint</a> from the person who was attacked with the taser gun.</p> | <p>PS CR No. 64/2023<br/>Date: 20-03-2023<br/>Time: 3:40 pm</p>                 | <p>OF CRUELTY TO ANIMALS ACT, 1960 (U/s-II); KARNATAKA PREVENTION OF COW SLAUGHTER &amp; CATTLE PREVENTION ACT 2020 (U/s-4,5,6,7,12)</p>   |
|   |            |   |  | <p>Electronic City PS CR No. 76/2023<br/>Date: 06-04-2023<br/>Time: 7:20 pm</p> | <p>IPC 1860 (U/s-427,506,341,34,504,323,324)</p>   |
| 6 | 27-01-2023 | Gonibeedu, Mudigere taluka, Chikkamagaluru District | <p>An Assamese Muslim youth was <a href="#">tied to a pole</a> and beaten by three Bajarang Dal activists on the suspicion of being in possession of beef, although possession of beef is not prohibited by the law. The whole act was <a href="#">video-recorded</a> and circulated. The Police also registered a case against the victim for slaughtering cattle on the basis of possession of meat that could be beef.</p>  | <p>Gonibeedu PS CR No. 6/2023<br/>Date: 27-01-2023<br/>Time: 6:45 pm</p>        | <p>THE KARNATAKA PREVENTION OF SLAUGHTER AND PRESERVATION OF CATTLE ACT-2020 (U/s-4,12)</p>  |
|   |            |   |  | <p>Gonibeedu PS CR No. 7/2023<br/>Date: 28-01-2023<br/>Time: 8:30 pm</p>        | <p>IPC 1860 (U/s-143,341,342,504,506,323,149)</p>  |
| 7 | 30-03-2023 | Sathanuru, Kanakapura Taluka, Ramangara district    | <p>A vehicle carrying cattle was allegedly attacked by Puneeth Kerehalli and his associates on 30-03-2023 in Sathanuru, Kanakapura taluka, barely 400 meters from the Police station, leading to the death of Idrees Pasha.</p> <p>The first FIR was filed against the cattle transporters. The second FIR was filed against the attackers based on the complaint of the driver of</p>   | <p>Sathanuru PS CR No. 52/2023<br/>Date: 01-04-2023<br/>Time: 1:55 am</p>       | <p>KARNATAKA PREVENTION OF COW SLAUGHTER &amp; CATTLE PREVENTION ACT 2020 (U/s-4,5,12); PREVENTION OF CRUELTY TO ANIMALS ACT, 1960 (U/s-II(i) (A)); Transportation of Animal</p> |

|  |  |  |  |   |                                       |
|--|--|--|--|---|---------------------------------------|
|  |  |  | the vehicle. The third FIR was filed late in the evening based on the complaint by Mr. Idrees Pasha's brother. |   | Act 1978 (U/s-97);                    |
|  |  |  |  | Sathanuru PS CR<br>No. 52/2023<br>Date: 01-04-2023<br>Time: 5:55 am | IPC 1860 (U/s-143,341,504,149)        |
|  |  |  |  | Sathanuru PS CR<br>No. 52/2023<br>Date: 01-04-2023<br>Time: 4:25 pm | IPC 1860 (U/s-341,504,506,324,302,34) |