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Contending with Contentious Cows



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UP CM Yogi Adityanath watching Samajwadi Party and Bahujan Samaj Party legislators protesting against the cattle menace in the fields during the address of Governor Ram Naik to the joint session of the two houses on the opening day of the State Assembly's Budget session in Lucknow on February 5, 2019. Due to a ban on the slaughter of cows and bulls by the Yogi Adityanath government, the number of unclaimed cattle who destroy the crops in the fields has grown manifold Photo By: Rajeev Bhatt/ *The Hindu*

The evangelical zeal with which Uttar Pradesh Chief Minister Yogi Adityanath has sought to protect cows has caused an administrative crisis. Farmers, unable to bear the financial burden of maintaining unproductive cows, have set them free to forage in city garbage heaps or destroy the crops of other farmers. Initially, the State police went on a spree, filing cases against those who had turned their animals loose: now, facing the wrath of angry farmers,

months ahead of the general election, the police have started closing such cases, and the Chief Minister has announced the construction of cow shelters to deal with the problem.

In this article, Jawhar Sircar, former Secretary, Ministry of Culture, Government of India, provides a historical perspective on the cow as a “polarising animal”, explains how the Modi government’s policies have not just targeted minorities and Dalits but destroyed the cow economy as well — adversely affecting exports of buffalo meat and leather. He also asks: “A country, a fourth of whose population goes to bed without food, needs to introspect on whether it can really afford such a high level of expenditure on feeding the religious sentiment of the presently dominant group.”

Public administration, as distinct from political governance, has its own problems. For political programmes have a way of boomeranging on the government of the day. Sometimes, they can be anticipated, on other occasions, they are intended to provoke and occasionally, they just create a mess: a recent example is the ugly fallout of Chief Minister Yogi Adityanath's complete ban on cow slaughter in Uttar Pradesh that might have been avoided with some planning, patience and a sense of perspective. Instead, on display was his brash manner of getting things done, the trademark of today’s crop of populist leaders and the tell-tale signs of the total absence of any prior planning.

Yogi Adityanath, however, is not the first to start the present reign of fear aimed at Muslims and Christians, nor was he the first one to use the cow to cow down minorities. For he became Chief Minister almost three years after the Modi wave of 2014 swept the Bharatiya Janata Party (BJP) to power. But he certainly took the cow and the state-sponsored politics of hate to new and fearsome levels that other BJP Chief Ministers had not done.

Shortly after Narendra Modi became Prime Minister, cow vigilante groups were formed — almost overnight — in States ruled by the BJP or its allies. *Gau rakshaks* or 'protectors of cows', as they called themselves, began to patrol the streets and highways to accost and challenge those they assumed were transporting beef or taking cattle to slaughter houses. The high-handed treatment of

their victims spread panic as they took the law into their own hands, with the overt or covert support of state governments and their leaders.

It soon became clear that the Modi regime was dangerously different from the BJP-led government of Atal Bihari Vajpayee. *Reuters* reported in June 2017¹ that 24 Muslims had been killed and 120 injured

in cow-related vigilantism. Though the report delved back to 2010, it was emphatic that almost all the violence and killings could be attributed to the new

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Modi government that was, by then, completing three years in office. Killings like those of Mohammad Akhlaq in Dadri, Uttar Pradesh (September '15) and Pehlu Khan in Alwar, Rajasthan (April '17) made it to the headlines in India and abroad: most other victims died painful deaths, unsung. The vigilantes, however, met their match in July 2016 when Dalits in Gujarat went on strike and started a new 'liberation movement' after some of their young men were beaten brutally in Una for stripping the carcass of a dead cow.

A divisive history

Of course, cow slaughter has been at the centre of controversy in India even before Narendra Modi became Prime Minister in May 2014. It was Dayananda Saraswati who, almost one and a half centuries ago, constituted the first cow protection committee in 1882. This singular issue dug deep and created the most formidable trench that was to be the cause of much bitterness between India's two major communities. Marxist historian DN Jha said this act "made the animal a symbol of the unity of a wide-ranging people, challenged the Muslim practice of its slaughter and provoked a series of serious communal riots in the 1880s and 1890s."² Indeed, at the core of the 'Save the Cow' movement is a more significant sub-text — that of 're-gaining ground' that is/was perceived to have been lost during the more than six centuries of Muslim rule in India. The cow is, however, a very 'Indian' problem, because in the land of Islam's birth, Prophet Muhammad's Arabia, the cow was never a prized animal either for meat or for religious sacrifice. It was the camel or the ram that was in greater demand and, of course, supply.

But when Arab conquerors seized their first province in the Indian sub-continent, Sindh, in 712 AD, cows, bulls or oxen and buffaloes were a common part of the

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landscape. They were not just in plenty, their meat was cheaper than that of other animals, an advantage that continues till date. They were larger and could feed many more people and the very touch or sight of such meat defiled their Hindu subjects. Indeed, if a Hindu was force fed beef, it was said that he had 'lost his religion' and, therefore, had little option but to convert to Islam. For Indian Muslim converts, eating beef was both a symbol of liberation from the suffocating casteism of Hinduism and also an effective taunt that petrified the Hindu subjects of Muslim empires and kingdoms.

Dayananda Saraswati's mission

Dayananda's mission was to rejuvenate a demoralised Hindu religion and win India back for the Hindus from both classes of conquerors, the Muslims and the British. In the closing decades of the 19th century, a newly empowered class of English-educated Hindus, who had benefitted from British rule, began to assert themselves with confidence. Their 'native' Hindu brethren, who preferred the Indian languages, had also gained from the new dispensation, and became equally assertive. Most Muslims, on the other hand, were deeply suspicious of the white man and continued to keep their distance from English education, thereby losing considerably, in terms of both education and job opportunities. Consequently, Muslims steadily fell behind in the race and were not able to retain their earlier economic or political dominant status. The newly conscious Hindus of the 1880s and 1890s were determined not to put up any more with the continued swagger of some Muslims, who behaved as if they still ruled over them.

The cow thus became the cause of a major conflict between the two communities. Skirmishes became commonplace, and "cow slaughter often sparked religious riots that led to the killing of more than a hundred people in 1893 alone."³ The rest is history, which was often quite brutal. In subsequent decades, cows and pigs — or their body parts — were used by rioters as adroitly as fire, rape and murder.

This continued, in spurts, till the partition of India in 1947 and the apocalypse that followed.

The cow as a polarising animal

The humble cow continued to be India's most polarising animal and in 1966, at least eight people died in clashes outside Parliament House in New Delhi when unruly demonstrators demanded a complete national ban on cow slaughter. Then, in 1979, Vinoba Bhave, who had launched the Bhoodan movement, threatened to go on a fast unto death to compel the then Left Front governments of West Bengal and Kerala to put an immediate end to the slaughter of all categories of cows, oxen, bullocks and the lot. The situation became explosive as the 82-year old Gandhian had brought centre stage an issue "dear to several of the Janata Party leaders — Prime Minister Morarji Desai, the foremost among them"⁴ There were many explosive moments, and some clashes occurred in these two States as well as in other parts of India. Finally, the dark clouds disappeared.

Bhave was a Gandhian, but Gandhi would never have approved of his pressure tactics. The Mahatma was very clear that while "the Hindu religion forbids cow slaughter for the Hindus," it is "not for the world". Gandhi insisted that "religious prohibition comes from within. Any imposition from without means compulsion. Such compulsion is repugnant to religion." Clearer words have hardly been spoken on this contentious subject and Gandhi was opposed to a state-supported total ban on beef.

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The legal position

Let us now turn to the legal position not just in Yogi Adityanath's boiling cauldron of Uttar Pradesh, but in India as a whole. The Constitution of India does not ban the slaughter of cows, calves, milch and draught cattle, though it prescribes — in a Directive Policy — that governments at the centre and in the States shall take steps to prohibit these acts. Article 48 reads thus:

"The State shall endeavour to organise agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter, of cows and calves and other milch and draught cattle."

It is, therefore, not a constitutional compulsion, and is among a host of Directive Principles that are yet to be implemented. Article 43A, for instance, mandates that the State shall legislate "to secure the participation of workers in the management of undertakings, establishments or other organisations engaged in any industry."

Currently, 20 of India's 29 States have regulations prohibiting the slaughter or the sale of cows. Kerala, West Bengal, Goa, Karnataka, Arunachal Pradesh, Mizoram, Meghalaya, Nagaland and Tripura, however, either have no such laws or have placed limited restrictions on cow slaughter. But because the issue is so intrinsically divisive and emotive, the laws prohibiting cow slaughter have been subjected to repeated and persistent litigation. States that do not have such laws have also been subjected to pressure and agitations tantamount to blackmail.

The numerous cases filed in the High Courts and in the Supreme Court were finally addressed by the latter's landmark judgment of 26 October 2005. It set several issues

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at rest as it declared that the anti-cow slaughter laws enacted by different state governments in India were valid. But even though cattle slaughter is banned in many parts of the country, several religions do permit the consumption of the meat of cows, ox or buffaloes: the question then is — in a secular polity, can the sentiments of one religion dominate the practice in other religions?

After all, a sizeable number of Indians do consume beef and buffalo meat. For instance, 80.74 per cent of the population eats beef or buffalo meat in Meghalaya; more than 50 per cent in Lakshadweep and Nagaland; and 20 to 30 per cent in Kerala, Assam, West Bengal, Jammu and Kashmir, Sikkim, Arunachal Pradesh, Manipur and Mizoram. Census figures on the subject are not entirely reliable as, given its sensitive nature, many people are chary of declaring their personal dietary

preferences to enumerators and outsiders. Thus, in a State like Tamil Nadu where a section of the 'Dravidian' and other people proudly partake of beef as a revolt against Brahminism, only 5.89 per cent of the population mentioned openly, for a host of reasons, that they ate beef or buffalo meat. This is lower than the all-India average of 7.53 per cent. In short, almost 10 crore Indians have openly declared that they eat the meat of buffaloes or cows.

Questionable numbers

The Union government's National Sample Survey Organisation (NSSO)'s 'Round of 2011-'12' estimated that of India's 96.62 crore Hindus (listed in the 2011 Census), 1.25 crore ate beef. That number appears to be rather low. For instance, while many Dalits and Adivasis abhor the idea of eating bovine meat, certain sections have historically observed no taboo against this diet. They, alone, account for far more than 1.25 crore.

Equally interesting, 30 per cent of Hindus identified by the NSSO as consumers of this meat were neither Dalits nor Adivasis—they were 'caste Hindus'. Surprisingly, only 40 per cent of Muslims and 25 per cent of Christians declared that they ate beef or buffalo meat. The NSSO's projections imply that some 4.4 lakh tons of cattle meat was consumed in India in 2011-'12, but international statistics estimate local consumption is approximately 22 lakh tons.

A worthy interjection came from the noted economist, Dr K.N. Raj, who analysed Vinoba Bhave's fast and his demand for banning cow slaughter in Kerala and West Bengal. In the *Economic and Political*

Weekly (EPW) of May 5, 1979, Raj studied all aspects of the cow slaughter issue under three heads, namely, (a) the

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constitutional and legal basis of the demand, (b) its economic rationale, and (c) the political implications and possible consequences. So sagacious and useful has been his analysis that the EPW reprinted the article in 2015⁵. Economics settles only a part of the issue, politics complicates most of it, while religion injects new dimensions and often causes conflagrations. Even so, we need to look at the numbers

and economics as much as we need to steer through the stormy waters of politics and religion.

The cow economy

The most recent livestock survey was conducted by the National Dairy Development Board (NDDB) in 2012 — the results of the NDDB 2017 survey is awaited. The 2012 survey says India has 30 crore bovines, which includes cows, bulls and buffaloes. Despite protests that too many bovines are being slaughtered and consumed in India, the country's cattle population has gone up by more than a

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 hundred million or 10 crores in the last six decades. The number of adult cows has gone up from 54 million heads in 1951 to 76.7 million in 2012, while the corresponding figures for adult oxen and bulls are 100 million in 1951 and 114 million heads in 2012. The fact that the growth rate of male cattle is lower is probably because of a silent but widely prevalent practice among Hindu farmers, as much as it is among Muslims and others: a number of bulls are killed at birth, because they are considered 'unproductive'. A certain number is kept alive and castrated into oxen and used for farming. Adult female buffaloes numbered 26 million in 1951; their population doubled by 2012 to 56.6 million, even though many States permit the slaughter of buffaloes and consumption of buffalo meat, but not of cows or bulls/oxen.

Four per cent of bovine animals die each year of natural causes. That means that approximately 1.2 crore such cattle must either be consumed, or left to rot in the open. The just-dead animals are either eaten by those whose religion, caste or diet permits them to do so, but, now, *gau rakshaks* who roam the countryside in search of prey prefer to bludgeon to death anyone who dares to touch such meat. They prefer to leave the carcasses for the vultures, or to decompose, causing stench and disease. Their ire is directly even more sharply against farmers who sell their old and near-dead cattle to slaughter houses. It is estimated that about four per cent of the total number of bovines that consist of old and uneconomic animals are slaughtered.

The sacred cow and the demonised buffalo

The cow is sacred for Hindus, but there is no clarity on when the ‘highest class’ of Hindus actually gave up eating⁶ beef, as its consumption was not only permitted but was a sacred tradition from Vedic times. We have already speculated on the possible reasons for turning to the other extreme of worshipping cows, though it is unclear when exactly that happened. Several *Puranas* have been cited but since these texts have been interpolated and played around with mercilessly for centuries, their dating is difficult and not very reliable.

The same reverence is, however, not accorded to the buffalo. In fact, it has often been demonised in religion, myth and life. Durga’s slaying of the Mahishasura in the Devi Mahamaya section of the Markandeya Purana and the killing of Mahishasuri by the god of Sabarimala in Kerala are two good examples. The slaughter of the buffalo has been a part of Hindu religious tradition and exists, all the way from Assam and Bengal to Rajasthan. Evidently, the animal that was slaughtered was feasted upon by some sections. Indeed, even today, the slaughter of buffaloes and the export of their meat is legal.

In 2016, registered slaughter houses numbered 1,623, with the figure for unregistered ones possibly several times higher. Maharashtra topped the list with 316 registered slaughter houses, followed by Uttar Pradesh with 285 and Tamil Nadu with 130.

This brings us to the question: why do even god-fearing Hindus sell their cattle, however small be the number, for slaughter? Cows and female buffaloes lactate in cycles throughout their life depending on the calves they bear but the farmer has to spend between Rs 30,000 to 40,000 a year on each animal. These cattle thus became a financial burden once they become unproductive; so most poor farmers set them free to graze wherever they can. A small section sells ‘dry bovines’ to feed the remaining cows and buffaloes.

Clearly, any farmer, who is prohibited from selling an unproductive animal for slaughter, is left with no choice but to let it loose to forage among garbage and plastics for food or enter other people’s farms and destroy their crops. This is exactly what is happening at present, mostly in Uttar Pradesh, where state power and

muscle power have joined hands to ensure that dry cows or aged buffalos are not sold to anyone.

This issue became even more complicated when the Union ministry of environment issued a proclamation in May 2017, in exercise of its overarching powers. *The Prevention of Cruelty to Animals (Regulation of Livestock Markets) Rules* banned the sale of cattle, for all matters and purposes, mandating declarations from both the seller and the buyer that the animal was not being taken for slaughter. This created a furore as it constricted even genuine transactions like the purchase and sale for the purpose of improving livestock. This, in turn, resulted in the shutting down of a majority of the country's animal fairs and markets, particularly impacting recalcitrant states like West Bengal and Kerala, and those in the North East.

More significant, these rules actually gave a legal weapon to cow vigilante groups that had already tasted blood ever since the new regime came to power. They could now wreak havoc as outsourced agents of state power, immune from any serious retribution. The 2017 rules also resulted in an increase in the number of cattle that were past their use as dairy or farm animals, and no one knew who was to look after them. Farmers let loose their uneconomic animals and these started creating disturbances everywhere.

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Within a year, the Centre was forced to scrap the controversial rules. Its replacement — *The Prevention of Cruelty to Animals in Animal Markets Rules, 2018* — did away with the clause on "restrictions on sale of cattle". But the *gau rakshaks* continued to ensure that transporting cattle is either very difficult or impossible. Everything, however, is negotiable and truck drivers in India are genetically programmed to slip a few currency notes into the open palms of those who try to stop them legally or otherwise.

If these experiments with law and injustice have terrorised those whose livelihood depends on the slaughter or distribution of bovine meat, displeasing agriculturalists and dairy farmers alike, it has also adversely impacted exports. In 2014-'15, India

was the world's largest exporter of bovine meat —14.76 lakh tons — ahead of its competitors, Brazil and Australia-New Zealand.

Today, India has lost its pre-eminence, as its exports fell by one lakh tons in 2017-18⁷. India's export earnings fell from US \$ 4.76 billion in 2014-'15 to US \$ 3.91 billion in 2016-'17, picking up slightly last year (2017-'18) and rising to US \$ 4.04 billion, thanks to higher unit cost realisation. The same is true for its by-product, leather. In 2014-'15, Indian leather and leather goods earned almost US \$ 6.5 billion. This figure slumped to US \$ 5.6 billion in 2016-'17, and US \$ 5.7 billion last year.

A terrorised bovine economy

The export figures for both meat and leather are depressing when one considers that India should have gone up by 50 per cent at least, to offset our growing imports. Instead, we have fallen, notch by notch, every year in earnings, even as the leather export sector that employs 25 lakh people has also fallen substantially. India's domestic trade in leather and leather goods equals and often surpasses the export market in terms of value and employment. This is under severe threat and there has been a fall in earnings and employment as well.

Uttar Pradesh, interestingly, is the highest producer and exporter of leather, though no one is certain how long things will remain the same. When Yogi Adityanath

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moved into the Chief Minister's official residence in 2017, the entire building was cleansed with cow's milk as a religious ritual, and all leather furnishings were removed⁸. A cow shed was constructed within the Chief Minister's compound and his favourite cows were brought from his ashram in Gorakhpur.

Yogi Adityanath and the BJP had conducted a high-voltage campaign, condemning the slaughter of cows for meat and claiming that this has led to a rapid depletion of their population. But the facts are otherwise. The Uttar Pradesh livestock census of 2013 has shown a consistent upswing in the buffalo population, from 229 lakhs in 2003 to 306 lakhs in 2012. The last all-India livestock census of 2012 has shown a 6.5 per cent increase in the population of cows from the previous census in 2007. Indeed, it is high time that the NDDB livestock census figures for 2017 are released

to set at rest all apprehensions. Incidentally, NDDB figures show that Uttar Pradesh's milk production figures have shot up from 24,863 tonnes in 2012 to 29,086 tonnes last year, indicating a rise of 17 per cent.

Yet, many people believe that all the cows are being eaten up and hence need to be saved by stalwarts like Yogi Adityanath. But, today, even he is a worried man as his policy of terrorising the cow economy has started backfiring with growing numbers of stray cattle on the rampage. He woke up to the problem once he realised that all the existing 514 cattle shelters in Uttar Pradesh, run by charitable institutions, are full. He has sanctioned funds for 104 new cow shelters, some of which can accommodate a thousand cows. He is now desperate to have them up and running before exasperated villagers vote against his party in the 2019 elections. Though he has cracked the whip on the District Collectors to fast-forward the programme, things take time and construction activities just cannot be rushed beyond a point. Till early January 2019, only one such cow shelter had reportedly come up in Lalitpur district in the Bundelkhand region. The Chief Minister is so worried that he has ordered his administration to track down the owners of stray cattle and punish them. This is bound to create a backlash. What is more important is who will feed the one lakh cattle that Yogi Adityanath plans to shove into his shelters.

Each unproductive creature will cost him a minimum of Rs 30,000 per year just for food and medicines — their keepers, too, will have to be paid. The number of cow shelters is bound to go up year after year as old, abandoned cows and oxen live at least five years after they become uneconomical.

It is time Yogi Adityanath visits his temple at Gorakhpur to seek spiritual inspiration on how to get out of Lucknow's impossibly labyrinthine maze. A country, a fourth of whose population goes to bed without food, needs to introspect on whether it can really afford such a high level of expenditure on feeding the religious sentiment of the presently dominant group. Public resources are limited and the crying demands of impoverished, malnourished human beings also matter.

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