

COW-SLAUGHTER

COW-SLAUGHTER

HORN OF A DILEMMA

A PLAY

INDIAN RENAISSANCE INSTITUTE

---

# COW-SLAUGHTER

HORNS OF A DILEMMA

*Edited by*

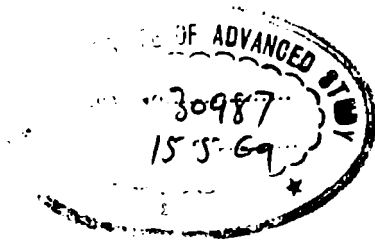
A. B. SHAH



LALVANI PUBLISHING HOUSE  
BOMBAY • NEW DELHI • CALCUTTA • MADRAS

First Published 1967

© INDIAN RENAISSANCE INSTITUTE, DEHRADUN 1967



309.154  
SH18C



PRINTED IN INDIA BY S. R. KRISHNAN AT INLAND PRINTERS, VICTORIA MILLS BUILDING, GAMDEVI ROAD, BOMBAY - 7, AND PUBLISHED BY S. P. LALVANI, LALVANI PUBLISHING HOUSE, 210 DR. D. N. ROAD, BOMBAY 1

## Contents

1. INTRODUCTION		7
	<i>A. B. Shah</i>	
2. COW CULT IN INDIA		15
	<i>Mukandi Lal</i>	
3. CATTLE PROBLEM		35
	<i>V. M. Dandekar</i>	
4. COW-SLAUGHTER: THE ECONOMIC ASPECT		44
	<i>M. M. Shah</i>	
5. COW-SLAUGHTER: THE LEGAL ASPECT		69
	<i>S. P. Sathe</i>	

## Introduction

BEGINNING with the fast unto death of Potti Sriramulu for the creation of a separate Telugu-speaking State and the subsequent creation of Andhra Pradesh by the Government of India in 1952, public life in India has witnessed an increasing use of extra-parliamentary methods for the realization of group objectives. The decision to create Andhra Pradesh, not because the demand for linguistic States was regarded by Mr Nehru as harmless and legitimate but because he did not wish to appear heartless in the face of self-immolation and thus lose votes for his party, started a dangerous process in Indian politics. Over the years, not the education of public opinion but the arousing of mass passions became the standard technique of all agitational groups. Last year's agitation for a total ban on the slaughter of the cow and her progeny regardless of its economic advisability is only the latest example of such an attitude. By then the Frankensteinian monster of mass agitation had assumed such a terrifying aspect that except the pro-Moscow Communist Party of India and the Jana Sangh no political party had the courage even to mention the issue in its election manifesto. The Jana Sangh, of course, supported the demand for the ban. The CPI opposed it, which was easy enough for it since it does not have a mass following to keep in the States where the agitation was strong. Of the other parties, only the PSP kept at least silent on the demand instead of supporting it in public. Many leaders of the Congress, Swatantra and Samyukta Socialist parties made a number of statements in support of the demand. Among these were men who are known for the courage of their convictions, as also those who are Christians, Muslims or Parsis and therefore have no religious objection to eating beef.

In most agitations of this type the method is that of mass *morchas* which soon lead to looting and arson. However, in such cases the Government can at least hit back without a guilty conscience in the interests of law and order provided it has the will to govern. Whenever such a will was evident as, for example, at the time of the recent abortive 'national march' of students on the Capital, the organizers of the agitation saw that on balance

it would be wiser not to challenge the authority of the state. The capacity for making this clear was the basic difference between Mr G. L. Nanda and his successor in the Home Ministry. Mr Nanda could never make up his mind between the claims of popularity and those of peace. Mr Chavan, on the other hand, had the commonsense and moral courage to realize that the two may not always be compatible, at least in the short run. He also saw that in the case of a conflict between them, the citizen's right to go about his normal business without molestation had to get precedence over those who sought to paralyse public life by taking recourse to coercion.

However, the Government is seemingly helpless when an individual of standing in public life and venerated by a large number of followers threatens self-immolation through fasting or fire in order to compel it to take steps which may not be in public interest or within its competence. The fast undertaken last year by the Shankaracharya of Puri for a total ban on cow-slaughter throughout the country and the one undertaken by Sant Fateh Singh against Chandigarh being made the common capital of Punjabi Suba and Haryana illustrate this point. Both the Shankaracharya and the Sant are objects of religious devotion and could evoke the deepest passions of their followers. Nor was that all. They were being used as willing instruments of vulgar politics and thus, in effect, were violating the sanctity of one of the noblest of human feelings. Consequently, even if either of them did, in a moment of lucidity, think of giving up the fast it would have been difficult for him to do so. Those who were using him for their own political ends would not have easily agreed to it. If ultimately both the fasts ended short of death, the credit for it should go to the new-found firmness of the Union Government.

It would be wrong to imagine that wisdom would lie in conceding their demands even if they were legitimate. What is at issue in such cases is not the desirability of completely banning cow-slaughter in India or of giving Punjabi Suba and Haryana the full appurtenances of a separate state and making Chandigarh the capital of Punjabi Suba alone. As it is, both the demands are patently unreasonable. However, what is more important is the method adopted for their realization, and it makes them not only all the more unreasonable but also dangerous. The warning

contained in the situation created by the fasts and agitations of last year and the *gheraos* of this year may only be ignored by the country at the risk of an irresistible threat to its very integrity as a nation, regardless of whether it continues to be a democratic one.

Sant Fateh Singh's demand need not engage us anymore. The Shankaracharya's demand is still likely to create trouble. It has been made out by some, including the Union Government and most of the national press, as reasonable in itself. The argument is that in a democratic state the wishes of an overwhelming majority of its citizens ought to be respected and given appropriate statutory expression. If the government of the day refuses to do this the citizens are justified in adopting any methods that are available to them for the realization of their demand. This, in brief, is the argument advanced even by a number of Hindus who otherwise are opposed to the ban on cow-slaughter.

That the position mentioned above is fallacious needs to be shown even if it may be obvious to some. There are at least three points on which the common argument in favour of cow-slaughter appears unsatisfactory to me. First, democracy does not give the majority, even if it were ninety-nine per cent strong, the right to act in a manner that would either undermine democracy or interfere with the right of other groups to live in their own way. Just as total prohibition as distinguished from restriction on drinking in the interests of health is undemocratic even if only one citizen wishes to drink, so also a total ban on the slaughter of cows would be undemocratic even if there were only one beef-eater in the country. All that the agitators for the ban may legitimately demand is that they should not be compelled to eat beef, to slaughter cows or to send their own cows to the slaughterhouse. They may also legitimately demand that cow-slaughter should not be carried out in the vicinity of Hindu temples. Any demand beyond this would be an encroachment on the rights of those who do not believe in the sanctity of the cow or, even if they believed in its sanctity, do not believe in its inviolability.

That there is a distinction between the sanctity of the cow and its inviolability needs to be pointed out to most Hindus, including many high-placed ones, who claim to be proud of the Hindu tradition without knowing enough about it. The fact of the matter, as Mr Mukandi Lal shows in his article in this symposium, is

that for about three hundred years after the rise of Buddhism and Jainism, beef-eating was common in India. Not only archaeological evidence supports this view but there are a number of statements in the Hindu scriptures which explicitly recommend beef-eating on certain occasions. For instance, the *Brihadaranyaka* Upanishad recommends beef *pulao* to a couple desirous of having a son who is proficient in all the three *Vedas* and capable of conquering learned assemblies. Similarly, the *Grihya Sutras* recommend the killing of a cow or a calf to entertain an important guest such as the king, one's son-in-law, a dear friend, and the like. Indeed the whole tone and temper of life during the Vedic and Upanishadic period seems to have been altogether different from what came to be the case after Buddhism and Jainism had taken root in Hindu society. The situation became still worse after the rise of Shankar and his highly sophisticated but world-negating philosophy.

Those Hindus who today claim the support of religion in favour of their demand for a ban on cow-slaughter are either ignorant or knowingly dishonest. If they want to justify their demand, the only course open to them is to say that they are opposed to cow-slaughter regardless of what their history says and that, being a majority community, they are going to see it accepted by the rest of the country.

Secondly, there is no evidence that a majority of Hindus themselves really want cow-slaughter to be banned. The demand of a few high-caste members of the intelligentsia cannot, in the absence of other evidence, be taken as a demand of the majority of Hindus. Indeed, the evidence, if anything, is to the contrary. Even during the two decades after Independence the Indian peasant has been selling dry cows to the butcher for the simple reason that he cannot afford to maintain them. Some years ago, a non-official resolution for a ban on cow-slaughter was thrown out by the Legislative Assembly of what was then the Bombay State on the ground that it would merely result in the slow death by starvation of about 50,000 animals every year in Maharashtra and lead to an outbreak of epidemics. Also, if an opinion poll were to be taken today of the peasants, who are the most directly concerned with the problem, they would refuse to accept the responsibility for preserving cows which had ceased to be of economic value to them. As a matter of fact, the Panchayat Samiti



of Karad in Maharashtra has already passed a resolution expressing its opposition to the Shankaracharya's demand.

Thirdly, even if a majority of Hindus were to support this demand, how would it justify them in imposing their own religious beliefs on others? That a number of Muslims have supported the demand for banning cow-slaughter should not mislead one into believing that they are really happy over it. More likely than not, being conscious of their minority status, they are only trying to be on the right side of whatever section of the majority community claims to speak on behalf of it in a militant manner and gives enough signs of its being victorious in the end. The Congress here has a lesson for it. If it yields to the demand of the Jana Sangh this time, it may very well find that Muslims give increasing support to the Jana Sangh in the belief that ultimately the latter will replace the Congress. Not only the obligation of safeguarding the rights of dissident groups but also—and this is more likely to appeal to the Congress—its own interest in retaining whatever power it still has, should make it reconsider the position it has already taken on the demand in principle.

One question, however, remains. If the Shankaracharya is obstinate and is likely to die as a result of a second fast, what should the Government do? Should it not try to prevent his death and the disturbances that are likely to break out as its consequence? I am clear that the proper answer to such doubts is in the negative. If the brief account of the growing use of non-parliamentary methods in a parliamentary system given above is of any significance, it is this: the question is not merely that of the reasonableness of a demand itself but also of the methods employed for realising the demand. If the Congress Government at the Centre or any Government at the State level succumbs to the pressure tactics of the revivalist movement in India, it may very well find that sooner than it imagined it would have to give up all claims to secularism. Worse than that, the Indian state will cease to be secular even in name and this would weaken India's already dubious claim to continue in Kashmir in the name of secularism. I would, therefore, suggest that if the Government is clear about its own tasks as government, it should call the Shankaracharya's bluff and take the necessary steps to ward off the exploitation of his possible death for political purposes. Since Independence,

this country has gone through a number of tragedies, some of them disastrous. One more minor tragedy need not make a great difference to it.

The next two articles, by Professor V. M. Dandekar and Professor Manubhai Shah, examine the economic aspect of the demand for banning cow-slaughter. They leave no doubt that yielding to the demand of Hindu revivalism would only aggravate the condition of the Indian economy. The authors of these articles are well-known scholars and yet the lack of courage of most of our daily press is such that Professor Dandekar's article could not be published in an English-language daily newspaper and had to appear in *Blitz*.

The last article, by Dr S. P. Sathe, examines the legal implications of the question. It will be seen from the article that the Directive Principle in Art 48 of the Indian Constitution is self-contradictory as Professor Dandekar also points out in his article. It needs to be amended in the interests of clarity. Whether and how it is amended will also indicate whether India will march forward in the direction of a modern, secular democracy or slide back into a worse type of medievalism than the pre-Independence period ever was.

8 June 1967  
Bombay

A. B. SHAH

COW-SLAUGHTER

The Hindu religion prohibits cow-slaughter for the Hindus, not for the world. The religious prohibition comes from within. Any imposition from without means compulsion. Such compulsion is repugnant to religion. India is the land not only of the Hindus, but also of the Musalmans, the Sikhs, the Parsis, the Christians and the Jews and all who claim to be Indian and are loyal to the Indian Union. If they can prohibit cow slaughter in India on the religious grounds, why cannot the Pakistan Government prohibit, say, idol worship in Pakistan on similar grounds? I am not a templegoer, but if I were prohibited from going to a temple in Pakistan, I would make it a point to go there even at the risk of losing my head. Just as Shariat cannot be imposed on the non-Muslims, the Hindu law cannot be imposed on the non-Hindus.

M. K. GANDHI

# Cow Cult in India

MUKANDI LAL

## I

THE cow cult in India is one of the greatest mysteries of human behaviour. How a beef-eating race became the greatest protector, preserver and worshipper of the cow is a wonder of wonders. There was a time when the cow-sacrifice (*gomedha*) was a most important sacrifice. Cows were sacrificed on the occasions of birth, marriage and death and to feast the honoured guests. 'The slaughter of beasts including cattle on a large scale for the supply of meat to the people, including even Brahmins' was a common and recognised practice, according to Kautilya's *Arthashastra*.<sup>1</sup> Yet a time came when the death penalty was prescribed for the killing of a cow in some Indian states. And the cow came to be regarded as so sacred that even cow-dung and cow-urine were supposed to purify a sinner. Penance for a man even indirectly responsible for the accidental death of a cow was nothing short of self-imposed torture to the extent of risking his life. Even a rogue cow could not be punished. A case from my personal knowledge will be cited later to illustrate this point. On the other hand, while the life of a cow is scrupulously protected as sacred, there are more ill-fed and ill-treated cows in India than perhaps anywhere else in the world. While it is considered a mortal sin to put an end to the life of a suffering cow, the worshippers have no compunction to allow her to die by inches, diseased and crippled, the lingering death of starvation.

Indian statesmen and politicians are not unaware of the harm this false sense of sanctity is doing both to man and animal in India, physically and economically. But the need to pander to popular prejudices in order to be returned to Parliament and state legislatures does not permit them to introduce drastic measures to rationalise the position of the cow. Some half-hearted

<sup>1</sup> R. Shamshastri, *Kautilya's Arthashastra*, Mysore Printing and Publishing House, Mysore, Seventh Edn., 1961, p. xvii.

measures are being suggested to segregate uneconomic cows into forests to ensure fodder to the milk-yielding cows. But this is little relief to the animals and will be of no help unless bolder steps are taken by the government to protect both the useful cattle and the people from the wastefulness and other ill-effects of the cow cult.

How the cow came to be venerated and sanctified in India is a most interesting and amazing story. In the earlier stages of Indian history and civilisation, the cow or the bull was no more important than other animals. So far as historical and archeological research has been able to trace Indian civilisation to 3,000 B.C. as revealed at Mohenjodaro (Sindh) and Harappa (Punjab), the highly civilised people of Mohenjodaro and Harappa were conquered and destroyed by the nomadic Aryan hordes that came from Central Asia. They massacred the people and looted their wealth and objects of art. Only a few broken sculptures and clay toys and *terra cotta* figures were left on the spot by the invaders. These *terra cottas* have enabled the historians to reconstruct the history of a civilisation of five thousand years' ago. In these *terra cottas*, we find images of bulls, horses, elephants, camels, asses, buffaloes, bison, tigers, rhinoceros, turtles, squirrels, dogs, deer, monkeys, crocodiles and even scorpions. No prominence or special importance was given to the cow, which is represented by a long-horned and humped bull.

The bull is often represented in a stylised form. It is the prototype of the Sindhi bull of to-day. The strong man or hero of the time felt proud to fight the bull.<sup>2</sup> There is a *terra cotta* sculpture depicting a man holding two bulls. One of the bulls is being assailed by a dog, man's earliest animal friend. This reminds us of the Mesopotamian man-headed bull of heaven of about 2,200 B.C. and the Cretan bull-headed rhinoceros of the same period. In Egypt two bulls support the couches of Tutankhamen in his tomb about 1,350 B.C. Solomon (1,000 B.C.) considered bulls the most important animal to offer as sacrifice to Jehova, and propitiated Him by sacrificing 2,000 oxen at his altar.

A horned bull appeared on Seclucus' coin for the first time

<sup>2</sup> The Buddha is compared to a bull — "He the most excellent man, the bull of men, the most excellent of all creatures will turn the wheel (of the Dhamma)".

*Sacred books of the East — The Dhammapada* by Max Muller. Malasksutta, pp. 125-26 (684).

about 300-281 B.C. alternatively with the elephant and the eagle. The eagle was the earliest animal to appear in Indo-Greek coins. The owl also appeared on a coin of 330-250 B.C. A horse with a rider following an elephant appeared the first time on coins of 300 B.C. Neither the cow nor the bull was so far singled out as an important animal. Elephants and horses were given more importance. The bull (a prototype of our humped bulls as they are seen roaming about in the streets of Indian towns, often attacking people, eating saleable food stuffs in the shops and damaging vegetable and other gardens) appeared on a coin found at Kausambi, probably of the Sunga period (123 B.C.) ascribed to the Sunga king Ordaka. We see a similar bull again on a coin found at Ayodhya, probably of the same period.

It is apparent from the evidence of numismatics that the cow or the bull does not appear to have been given any exclusive or special importance among Indian domestic animals.

In architecture and sculptures also we do not find the cow or bull particularly singled out. In Asoka's pillars, a bull is merely one of the four animals—elephant, horse, lion and bull. In fact, Asoka's most famous pillar-top bears the lion. This pillar top has been adopted by the Indian Government as the official crest of emblem. There is only one pillar found at Rampurwa (Behar) in which a bull is the top crest of the pillar. At Bharhut the elephant, the horse, the lion, the deer and even monkeys appear in the sculptures and carvings in railings, while the bull or the cow is not given any prominence in them.

## II

The cow figures prominently among other animals in the *Rigveda*, the oldest of the four Vedas. This is undoubtedly due to the important position occupied by this animal even in the remotest period of Indian history due to its eminent utility. The cow's utility was universal among the Aryans. The honour paid to the cow among the Iranian Aryans might be at the basis of *Das-a-Dasyu* origin, as much as in India. Among the Zorastrians, cow-urine and cow-dung were considered purifying. The same is the belief among the Hindus. The Vedic Aryans being a pastoral people, cows and oxen were their valued possession; the cow and its progeny were their chief form of wealth.

In the epic age also, the cow was considered economically a very important domestic animal. The breeding and tending of cattle almost developed into a science in the epic days. The cow was an economic unit and was used in lieu of cash payment to priests and preceptors and as price of bride and bridegroom.

Cow sacrifice (*Gomedha*) and cow-slaughter is mentioned in the *Mahabharata*. It required the courage of the great critical scholar of Sanskrit and Pali, Rahul Sankrityayan, to write in his historical novel *Volga to Ganga* that cow-slaughter is referred to in *Vanaparva*, *Dronaparva* and *Shantiparva*. He has cited in his Hindi edition of that novel a sloka from *Vanaparva* in the *Mahabharata* (20 808-10) which reads in translation:

‘O Brahman, two thousand animals used to be killed every day in the kitchen of King Rantideva and in the same manner two thousand cows were killed every day and on, best of regenerate beings, King Rantideva acquired unrivalled reputation by distributing food with meat every day.’<sup>3</sup>

On the basis of the text, Rahul Sankrityayan has written that King Rantideva of Malwa, who was a product of the Brahman culture, but a Kshatriya by his own choice, was famous for his hospitality: ‘two thousand cattle (cows) were slaughtered every day for his kitchen’.

Slaughter of cows on ceremonial occasions was considered auspicious in ancient India. The bride and bridegroom were to sit on the raw skin of a red bull before the altar. The skin must have been of the red bull sacrificed on the occasion of the marriage ceremony to feed the guests. Similarly, on the occasion of the coronation of kings, the raw skin of a red bull was placed under the seat of the king to be anointed. Probably the king had to sit on fresh cow hide to perform the ceremony.

This religious custom or practice is still observed in Nepal, the only Hindu kingdom in the world. On the occasion of the coronation of King Mahendra, the present king of Nepal, a cow hide had to be procured by air from Pakistan, as will appear from the following despatch from the correspondent of the *Times of India*, dated May 6, 1956:

<sup>3</sup> P. C. Roy (tr.), *The Mahabharata*, Vol. 2, Part XIII, *Vanaparva*, section cc VII, p. 450.



Few know that the sacred skin of an ox on which the throne of King Mahendra of Nepal was mounted for the dazzling coronation ceremonies was personally flown to Kathmandu by Pakistan's Foreign Minister, Mr Hamidul Huq Chaudhury.

The Nepalese Government had no trouble at all in getting the skins of cat, tiger, leopard and lion. But the skin of the ox was difficult to procure.

A skin of chestnut hue, enjoined by 200-year old tradition was wanted. Pakistan alone could furnish it.

Mr Chaudhury packed the semi-cured hide of an ox of the famous Sindhi breed together with the horns in a specially constructed crate. It was flown over with presents from the Pakistan Government, including a sword.

King Rantideva's hospitality must have been responsible for the sacrifice of hundreds of thousands of cows, which may have been the reason that made it necessary to put a ban on cow slaughter.

The most authentic classic on economics, sociology and statecraft in ancient India is the *Arthashastra* of Kautilya, the Minister of Chandragupta Maurya. "The state of society portrayed in the *Arthashastra* is in the main pre-Buddhistic, though Kautilya wrote long after the time of the Buddha, while the *smritis* depict the ideal of Hindu society as reconstructed and reformed consequent on its struggle for existence against the all-victorious, but just then decadent, Buddhism. The *smritis* all allude to the previous existence of the state of society described by Kautilya.<sup>4</sup> Kautilya codified the practices and supplied rules for the regulation of various social practices prevailing in India before and during his time. The *Arthashastra* gives a faithful and correct picture of Indian society and customs and the practices that prevailed in India between 1,000 B.C. and 400 B.C.

Kautilya classified cattle into various categories and, significantly, mentioned among them 'cattle that are fit only for the supply of flesh.'<sup>5</sup> Cows were further subdivided into milch cows, pregnant cows, and barren cattle. It appears that Kautilya adopted this method of classification to discourage indiscriminate cow-slaughter such as that of King Rantideva. When some cattle died a natural death, the keeper of the herd (cowherd) was to surrender to the owner its skin with brand-mark, together with ear, fat, bile, sinew, teeth, hooves, horns, and bones. The cowherd was allowed to sell the flesh fresh or dried.<sup>6</sup> There were

<sup>4</sup> R. Shamshastri, *op. cit.*, p. XVI.

<sup>5</sup> *Ibid.*, p. 143.

<sup>6</sup> *Ibid.*, p. 144.

licensed slaughter-houses in which all animals except some protected ones could be slaughtered.

It appears that cow-slaughter and beef-eating was common in the fourth and third centuries B.C. The cow-slaughterers or cow-killers called *Goghataks* were a caste by themselves. They were extremely skilful and clever in the use of their sharp knives in cutting up cow carcasses and skinning them. In Buddhist literature, they are frequently cited as clever cutters and dressers of flesh and skilful skinners. One of the principal disciples of the Buddha, while lecturing to *Bhikshunis* (nuns) on Buddhist ethics, cited the case of a 'clever slaughterer of cow (*goghatak*) who after killing the cow cut up her flesh with his sharp knife and skinned the carcass skilfully and dismembered various parts and then, having cleaned the skin, covered the heap of flesh with the same hide, and pretended that it was the same cow (which he had killed): Oh Sisters, how can she be the same cow?'<sup>7</sup>

When a sick man went to Sariputta (one of the foremost disciples of the Buddha) and described his stomach ailment he said, 'Oh Sariputta, just as a cow-killer or his disciple with his sharp cow-killing knife may cut a cow's intestine, so the wind is cutting mine.'<sup>8</sup>

A householder (*Grihapati*) approached a disciple of the Buddha for his *upadesha* (religious precepts). During the ensuing discourse, he told the householder, 'When a hungry dog is standing in front of a butcher's shop and the clever cow-slaughterer (*goghatak*) or his assistant (*antivasi*) simply throws a blood-smeared bone to the hungry dog, how can the dog's hunger be quenched?'<sup>9</sup>

Thus, there is ample evidence in the Buddhistic period of Indian history that beef was eaten and sold to common people at road-crossings openly and beef was hawked about in the streets.<sup>10</sup> In the *Jain Ubasak Dasam Sutra*, it is mentioned that a *Sethani* (a rich merchant's wife) could not live without beef in her husband's house where they did not eat beef. So, the story

<sup>7</sup> Rahul Sankrityayan (tr. in Hindi), *Majjhima Nikaya*, p. 592.

<sup>8</sup> *Ibid.*, p. 406.

<sup>9</sup> The Buddha initiated son of Kolivisa, a merchant son, who walked up and down in the hall with such vigour that he slipped, fell down and bled on the floor "became stained with blood as though cattle had been slaughtered there". *Buddhist Texts* by E. Conze, 1953, p. 55.

<sup>10</sup> Rahul Sankrityayan (tr. in Hindi), *Digha Nikaya*, p. 192.

runs two calves (*gopotake*) were sent by her parents to provide beef for her.

In *Vinayapitaka*, a list is given of animals whose flesh is forbidden to be eaten, such as, elephants, horse, snake, lion, tiger, leopard, hyena and human beings. But cow flesh is not mentioned as forbidden. It appears that even the Buddha used to eat the meat of large animals (cow) provided the animal was not killed specially to feed him and provided the meat was brought from a butcher's shop.

Once his disciple Sinha, the Commander-in-Chief of Vaishali Republic, wanted to entertain the Buddha and his disciples at a feast. He called his servant and said to him, 'Go and see if meat is ready (available at the butcher's shop)'. Having thus bought meat, Senapati Sinha entertained the Buddha and his disciples at a feast at which meat was served. While they were feasting inside, the Jain Sadhus (*Niganths*) who were against the Buddha and had done their best to stop Commander Sinha from becoming a Buddhist, shouted at the top of their voice outside the house and at the crossroads, saying "Today Commander-in-Chief Sinha has cooked food for Sraman Gautama after killing big fat animals. Sraman Gautama (the Buddha) is eating that meat knowingly."<sup>11</sup> When this was reported to Senapati Sinha he said, "These Jain *Niganths* (Sadhus) have always been against Buddhism. They spread false and contemptible slander against the Buddhists. We do not kill animals knowingly even for protecting our own lives'. It appears that in the Buddha's lifetime (563-483 B.C.) a distinction was made between killing an animal specially for food and animals slaughtered by butchers for sale of meat to those who wanted to eat it. This is what happens in Buddhist countries like Tibet even today; they do not kill the animals themselves for the pot, but butchers kill animals and sell the meat to the Buddhists."<sup>12</sup>

Once there was a famine; food was scarce and some *Bhikshus* went to a householder to get their meals. While they were staying

<sup>11</sup> Rahul Sankrityayan *Buddhacharya* (Hindi), p. 140.

<sup>12</sup> In the *Kulvagga* there is a chapter *Amangandhasutta* on acts or things forbidden. p. 4 (241). It gives a list of acts forbidden.

"Destroying living beings, killing, cutting, bidding, stealing, speaking of falsehood, fraud, deception, worthless reading, intercourse with another's wife" this is *Amangandha* (forbidden), but not the eating of flesh — p. 40, *Kulvaggasutta*, para. 4. (241).

Sacred books of the East (*Dharmapala* & Max Muller).

with him, they extolled one another's spiritual powers. When the Buddha came to know about this, he scolded them: 'Oh *mogh-purusho*, to feed your stomach you praised your (one another's) virtues and powers. It was better for you to have cut open your bellies with the sharp knife of a cow-killer than to praise one another's powers and excellence'.

Once all the residents of Kosala, young and old, went to the Buddha and asked him how it was that the Brahmans of those days had fallen from their *dharma*. What were the qualities of the Brahmans of the old times? The Buddha gave a long list of the qualities of the Brahmans of old days which are given in detail on p. 341 of *Buddhacharya* (Hindi), saying that in the olden days the Brahmans led a life of poverty, austerity and celibacy. As to the cause of their fall, the Buddha said, when the Brahmans saw the luxurious life of affluence and comfort of the Kshatriyas, they also craved for the life of luxury which that ruling class was leading. They went to King Ichhaku and persuaded him to perform sacrifices. He performed the horse sacrifice, the Bajpai sacrifice and the Nirgal sacrifice. At the conclusion of these sacrifices, he made presents of cloths, cows, beds and well-dressed women, well-decorated chariots and multi-storeyed houses. They collected all these precious presents. But their craving for luxury and sumptuous food was not satisfied. They went to King Ichhaku again and told him 'Oh King, just as water, earth, grain, and gold are for men, so the cows are for the use (feed) of men. You have plenty of wealth and you should perform more sacrifices'. Then, being persuaded by the Brahmans, the King killed several hundred and thousand cows at the sacrifice. 'The poor things could not retaliate, neither with their feet (legs) or horns nor by any other limb could they strike back. The cows, which were lovable creatures like sheep and used to give plentiful milk, them the king held with their horns and killed them with (his) weapon at the sacrifice'.<sup>13</sup>

These references and quotations conclusively prove that cow-slaughter and beef-eating were very common in the sixth

<sup>13</sup> *Ibid.*, pp. 342-43.

Sallasutta deals with inevitable death and discourages annihilation para. 7 (580) tells us "Mark! While relatives are looking on and lamenting greatly; one by one the mortal is carried off like an ox, this is going to be killed". Sallasutta, p. 107 para (580), Sacred books of the East (*Dhammapada* by Max Muller).

and fifth centuries B.C. and earlier. And it appears that the main reason to discourage and ultimately stop the slaughter of such a useful animal, which was indispensable for man, was precisely the slaughter of cows for *gomedha* (cow sacrifice) for which the Brahmans craved and to perform which they urged and persuaded the kings.

### III

Such frequent mention of the sharp knife used for cutting cows and their flesh, of cow-killers and of beef indicates that the slaughter of cows for food was very common in the sixth and fifth centuries. I enquired of Rahul Sankrityayan why the Buddhists used in their lectures and writings so frequently the similes connected with cow-slaughter. He wrote to me in his reply dated 24th May 1954 from Musoorie: 'Yes, it is a fact that (in Buddhist literature) mention is made so frequently of the cow-killer, his assistant and the knife used for killing cows. It indicates profuse use of beef (at the time). Meat of sheep and goats must have been expensive. Only the rich must have been using mutton'. This means that beef was the food of the common and poor people amongst whom the Buddhist monks moved and preached mostly. In an earlier letter, the same authority on the subject wrote to me (19th March, 1954): 'In Buddhistic times, five hundred years before Christ, butchers used to keep beef heaped up (for sale) at the crossing of the roads. It appears (from Buddhist literature) that eating of beef, generally, was given up only about the fall of the Shakas in the third century A.D.' I am personally of the opinion that it was given up finally by higher caste Hindus only in the 9th and 10th centuries A.D. True, from the third century A.D. onward, the use of beef came to be gradually looked down upon and was discouraged. The greatest contribution to the final taboo was made by the Krishna cult of Vaishnavism, which started also in the third century A.D., when Vasudev (Krishna) and Baladev were worshipped, and the cow was inseparable from them.

The Vedic Aryans used cow hide for preparing *somaras*, an intoxicating drink. The soma shoots were pounded with stones on cow hide. The priest who added milk to *somaras* had to be clothed in cow hide. At the marriage altar (*Vedi*), the bride and bridegroom, according to *Parasara Grihyasutra*, had to sit on the

raw skin of a red cow, which must have been sacrificed for the marriage feast. In the later Vedic ritual, a foal or cow was sacrificed when a body was cremated. There is mention of cow hide bags. 'A wedding hymn shows that a cow was slaughtered on special occasions while bulls are mentioned to have been sacrificed to Indra in large numbers'.<sup>14</sup> A few years ago in Mysore a Pandit, a learned Brahman, insisted on killing a cow to perform *gomedha* (cow sacrifice) and sought police help to save him from molestation by orthodox Hindus. That goes to show the hold *gomedha* has on some orthodox Brahmans who seem to attach more importance to *gomedha* than *aswamedha* (horse sacrifice). This is borne out by the Buddha in his discourse to the people of Kosala referred to before.

It was 'an old rite of hospitality to kill a cow for a guest; and as a matter of form, each honoured guest was actually offered a cow. The host says to the guest, holding the knife ready to slay the cow, that here is the cow for him'.<sup>15</sup> The Vedic Indians were a nation of meat-eaters; nor need we believe that they merely ate meat on occasions of sacrifice. Rather, as in the Homeric age, the slaughter of oxen was always in some degree a sacrificial act, and one especially appropriate for the entertainment of guests, as shown by the second name of the heroic Divodasa Aitareya Atithigava, "the slayer of oxen for guests", and as the practice of slaying oxen at the wedding festivals abundantly shows, the ox, the sheep and the goat were the normal food eaten by men and offered to their gods'.<sup>16</sup>

Right up to the seventh century, the practice of offering cows, calves or bulls in the meals given to honoured guests was common. In his *Uttara Ramacharita*, Bhavabhuti (610-675 A.D.) describes a scene at Valmiki's ashrama in the words of two students. Referring to Vashishtha who had brought with him the wives (widows) of Dashratha from Ayodhya after Sita's exile, one pupil, Sandhataki, says to another pupil, Bhandayan: 'Why, hardly had he come, when that poor dear heifer of ours was gobbled up with a swoop'. Bhandayan replied: 'Out of deference to the scriptures, that prescribe meat as part of the welcome offering (*madhuparka*) upon the arrival of a learned (pious)

<sup>14</sup> Macdonell, A. A., *A History of Sanskrit Literature*, (Indian Edn.), Mortilal Banarsodass, Delhi 1962, p. 106.

<sup>15</sup> *Ibid.*, p. 126.

<sup>16</sup> *Cambridge History of India*, vol. I (Ancient India), p. 232.

man in a Brahman's house, the householder offers him either a heifer or a bull or a goat. And this same practice is also enjoined by the authors of the *Dharma-Sutras*'.

At the same time, vegetarianism was also in vogue in the seventh century, as will appear from the following dialogue:

*Sandhataki*: For, when the holy Vashistha comes, the heifer is slain; whereas on the arrival, later, this very day, of the royal sage Janaka, even the exalted Valmiki makes his welcome offering merely with curds and honey; the heifer is let off.

*Bhandayan*: The former ritual is laid down by the sages for those who have not abjured meat; whereas the venerable Janaka has abjured meat'.

Either Bhavabhuti was describing the practice of beef-eating of his times, or he was referring to the practice that prevailed at the time of the *Ramayana* of Valmiki (200 B.C.). There can be no doubt that at the time of Bhavabhuti (610-75) mention of beef-eating in connection with pious Brahmans was not shocking or abhorrent in a way as the very mention of beef or cow-slaughter became taboo in later times.

However, it is certain that slaughter of milch cows was always banned. Their sanctity was well established even in Vedic times and the Sutra period. 'The earth itself is often spoken of by the poets of *Rigveda* as a cow. That this animal already possessed a sacred character is shown by the fact that one Rishi addresses a cow as *Aditi* and a goddess, impressing upon his hearers that she should not be slain'. Because, 'to no other animal has mankind owed so much, and the debt has been richly repaid in India with a veneration unknown in other lands'.<sup>17</sup> The Buddha himself pointed out the utility of the cow in the following words: 'Just as mother, father, brother and other relations are our friends, so is the cow. . . She gives us food, strength, superiority and happiness. Knowing all this, ancient Brahmans did not kill cows. . . . Just as water, earth, wealth and grain (food) are necessary for all beings, so is the cow which should be enjoyed'.<sup>18</sup> However, in spite of the recognition of the importance and utility of the cow, cow-slaughter was common and performed on a very large scale. For instance, as mentioned earlier, King Rantideva slayed two thousand cows daily to feed the Brahmans.

<sup>17</sup> *Ibid.*, pp. 101-102.

<sup>18</sup> Macdonnel, A. A., *op. cit.*, pp. 91-92.

Cow-slaughter seems to have been forbidden only from the fourth century A.D. onwards.

The code of Manu belongs to the fourth century A.D. The Manusmriti summarises and regularises the social customs and practices that prevailed up to the fourth century A.D. There is another possibility. The nucleus of the laws of Manu might have been composed in the first century A.D., and additions made gradually up to the fourth century, when it was codified.

In the laws of Manu, the chapter dealing with food speaks of meat-eating as permissible; but it was restricted to sacrificial occasions. On such occasions, even cows were killed. When the honey-mixture (*madhuparka*) is given at a sacrifice and in rites to the gods, only cattle are to be slain. But generally slaughter of all animals, according to Manu, is not conducive to heaven; therefore one should avoid flesh.' He further qualifies his views on animal food. Manu says: 'There is no fault in eating flesh nor in drinking intoxicating liquor, nor in copulation, (for) that is natural to human beings, but cessation (from them) produces great fruit.'<sup>10</sup> The idea of pollution by touching a dead cow or its skin had not yet come in. Repeating Kautilya, Manu says: 'When cattle die (a natural death), he (the keeper or cowherd) should present to the owner the two ears, the hide, the tail, the bladder, the sinews, the fall-yellow, and let them see the proofs.'<sup>20</sup>

Manu had a soft corner for the Brahmans, to which caste he himself belonged, and among animals for the cow, on whose milk he was brought up. The man who 'stole a cow belonging to a Brahman or who pierced the nostrils of a barren cow, should have half of his foot cut off.'<sup>21</sup> Manu was very severe on the Sudras. He provided for them more severe punishment. A Sudra, for instance, for the theft of a cow, was to be given sixty-four times the punishment of a Brahman, and thirty-two times that of a Kshatriya.

Until Manu's time, the killing of a cow was a secondary crime and punishable in the same manner, or with the same chastisement, as for a younger brother marrying before the elder, or for injuring a girl, taking usurious interest, selling a wife or

<sup>10</sup> Rahul Sankrityayan, *Buddhacharya*, pp. 342-43.

<sup>20</sup> *Manusmriti*, V 56.

<sup>21</sup> *Ibid.*, VIII 234.



child, felling a live tree for fire-wood, stealing grain or doing the work (profession) of a dancer or singer.

The killing of an ass, horse, forest animals, elephant, goat or sheep, fish, snake or buffalo, were lesser crimes and were equivalent to the mixing of caste (marrying or eating with other lower castes). But men were advised 'to give up their lives to protect a cow and a Brahman'.

The killer of a cow was to drink barley broth for a month, shave his head, and live at the place where that cow lived (before her death), enwrapped in that cow's hide. Or, in the alternative, he should expiate for this secondary sin of killing a cow by doing the following acts: 'He should eat, at the fourth (meal) time, (only food) without salt and moderate (in quantity), and also practise bathing with cow's urine for two months, with the organs of sense restrained. . . .

'And by day let him follow after the cows; standing, let him drink the dust (they make) as it rises; showing them obedience and reverence by night, let him abide by the posture called mainly (seated in Yoga Asana).

'Let him stand behind them as they stand, and advance behind them as they advance, reclining, too, when they recline, being restrained, and having selfish thoughts restrained.'

He was to protect cows from robbers, tigers, disease and lift them from the mud; while tending cows, he was not to protect himself from heat, rain, cold or wind before he had made shelter for the cows to protect them from the same.

Then, Manu goes on to say: 'Now, if any man after killing a cow, follows after the cows in accordance with the rule, he removes in three months the sin caused by slaughtering the cow; and having strictly performed these observances, he should give ten cows and a bull to those wise in the Vedas; in case he has (them) not in his possession, he should bestow all he has (on the learned Brahman).'<sup>20</sup>

#### IV

The generally accepted date of the code of Manu is 350 A.D.; it is in no case later than 700 A.D. The *Sukraniti* cycle is the next important law-making period. The late Professor Binoy Kumar

<sup>22</sup> *Ibid.*, VIII 325.

Sarkar analysed the *Nitishastra* in his *Positive Background of Sociology*. He also translated *Sukraniti*. He assigned *Sukraniti* to the ninth century and was of the opinion that *Nitikal* or the Sukra cycle of social laws of the Hindus belonged to the 9th and the 10th centuries, when the social laws were finally crystallised and became rigid.

By the tenth century, the cow had come to be recognised as so important an animal in the social economy that Sukra, while laying down the time or seasons for declaring wars advised the King to go to war even out of season (i.e. at any time) if the enemy or anyone had killed cows, women and Brahmans. He says; 'There are no rules about time or season in cases created by the killing of cows, women and Brahmans.'

According to *Sukraniti*, special care was to be taken for building stables for animals. Sukracharya says: 'Houses should be built towards the West for cows, deer, camels, elephants and other animals.' Yet 'of all animals the cow is the most sacred. It typifies the all-yielding earth'. All agricultural labour depended on the ox, for no such animal as the cart horse existed in India. According to Sarkar, 'There is a typical "cow of plenty", *Kamaduh*, supposed to yield all desired objects, images of which are commonly sold in the bazaars, and bought as objects of reverence; and the letting loose of a bull (*Vrisotsarga*)—properly stamped with the symbol of Shiva—in sacred cities like Banaras and Gaya, that it may be tended and revered by pious persons, is a highly meritorious act.' The sacredness of the bull supersedes the sacredness or value of a human being now.

Now not only the sacred bulls of Banaras or Gaya are above law or man, but all bulls let loose by villagers as stud bulls or as unmanageable vagabonds, have assumed such sanctity that even a bull which may gore a man to death is not to be touched. In the month of December 1952, a bull gored to death a clerk in the neighbourhood of Bareilly city in a well-known industrial area. Several men surrounded the murderous bull which was defiantly standing over his victim but none dared harm the bull even though there was a policeman present with a gun. He had been specially called by the timid or pious onlookers, but he dared not use his gun against the culprit. After having committed the murder, the bull moved away proudly and stood on the

highway, which is really a part of the Grand Trunk Road, and traffic had to be suspended for some time. Some clever labourers managed to rope the bull and tied it hand and foot and then fastened it to a tree by the roadside. Next morning the bull was found dead of cold or discomfort, or of poison. But the Collector and the Police themselves, though they were informed of the murderous act of the bull, dared not enforce the law against the bull, which they would have done had the offender been a human being, because it was a sacred beast.

To return to the point of special sanctity assigned to the cow by the tenth century, in *The Positive Background of Hindu Sociology* Sarkar points out that 'the cow has been specifically mentioned in *Sukraniti* as agricultural livestock. But much information on this head is not available from it. It requires to be noted, however, that Sukra authors represent one of those stages in the history of Hindu national sentiment which gave concrete shape to the idea of the cow as a divinity.'

In spite of the sentimental sanctity attributed to the live cow, the practical utility of the dead cow was recognised in India even in the Sukra cycle in the tenth century. Cow hide was an important commodity in trade and was used for leather. In a naive manner, Sukracharya says: 'It is better to cover feet with shoes than to try to cover the whole earth with leather.' Even the *Vishnu Purana* enjoins on all who wish to protect their person never to be without leather shoes. And Manu forbids the use of others' shoes. This indicates that even Manu permitted the use of leather shoes.

According to Rajendralal Mitra, the material for these shoes was bovine leather, and even the hide of sacrificed cattle. The hide of cattle sacrificed in Sulgava ceremony is a fit material for shoes according to a Vedic verse quoted by Savara Swami in his commentary on the *Mimamsa* aphorisms. Rajendralal also mentions leather bottles, leather jars (*drits* in Manu), leather straps, strings and bands, leather sails, etc. The utility of cow hide and hair was well recognised and availed of by the people of India even up to the tenth century. In *Sukraniti* a process of softening or curing of cow hide, flaying of skins and extraction or distillation of oil from flesh is also described.

Also, if the cow and bull were really sacred animals to be protected at any cost, they would not be used in warfare, where

they were likely to be slaughtered by the enemy. Yet, bulls were 1/5th of a batallion.

Western scholars, as a result of the critical study of Sanskrit literature, came to the conclusion that 'the eating of meat (in ancient India) is, indeed, here and there censured, as for instance in a hymn of the *Atharva Veda*, where meat-eating is classed with the drinking of *Sura* (liquor) as a sinful act, and meat might be avoided like other things by one who was keeping a vow. But it was still the custom to slay a great ox or goat for the entertainment of a guest. The great sage Yajnavalkya ate the meat of milch cows and oxen, provided that the flesh was tender.' <sup>23</sup>

Indian historians also admit that 'in spite of the growing spirit of *Ahimsa* (non-injury) to animals fostered by the Jains and Buddhists, and enforced by emperors like Asoka, various kinds of fish and meat, not excluding beef, were extensively taken by the people.'<sup>24</sup> Asoka himself observed that many hundreds of thousands of animals were everyday slaughtered in his kitchen for curry.

Up to the time of the Buddha (563 B.C. to 483 B.C.), the use of beef was very common. Cattle flesh, being cheap, was commonly used by the people. Goat and sheep were not available in such large numbers as cows. The cow being considered a very important animal, cow sacrifice had special significance and importance. The cow-slaughter of King Rantideva and of other magnates must have been responsible for the slaughter of millions of cows. Therefore, it became necessary for economic and agricultural reasons to ban the slaughter of cows. The Buddha and Asoka, who advocated non-killing of all beings, laid emphasis on the protection of the cow and singled out this most important and useful animal for preaching *Ahimsa*. Emperor Asoka prohibited the slaughter of animals within his empire and outside after seeing the carnage in the battle of Kalinga.

It appears that for climatic reasons also the original inhabitants of the Indian peninsula were predominantly non-meat-eaters. Buddhism further strengthened this inherent aversion to meat of the early Indians. Because the cow was the most useful domestic animal, whose milk and physical labour in agriculture were essential for man, therefore both Buddhist vegetarians and

<sup>23</sup> *Ibid.*, XI 107-114.

<sup>24</sup> *Cambridge History of India*, Vol. I, p. 137.

Vaishnavas concentrated on forbidding beef-eating, confident that people would agree to protect the cow, which was a most docile, meek and lovable animal intimately connected with the life of man. Initiative was taken by the Buddhists, and the Brahmans followed suit. They could not totally taboo beef-eating and stop cow-slaughter. But they discouraged the higher castes from beef-eating and said that only the Chandals (the lowest among the Hindus) may eat beef. Parasar, one of the law-givers, said in the fourth century A.D. that in the Kaliyuga five practices should be abandoned: (i) horse sacrifice, (ii) cow sacrifice, (iii) *Sanyas* (renouncing the world), (iv) meat offerings to the dead, and (v) begetting a son by younger brothers-in-law. Besides, people who could afford to buy the more expensive meat of goats and sheep preferred mutton to beef as the former was tender and more tasty. This was also one of the factors contributing to the protection of the cow.

## V

The Krishna cult or worship of Krishna as an incarnation, started under the Kushans (65 A.D.-225 A.D.) at Mathura where Krishna was born. Krishna went through all stages of life from childhood to manhood, from a cowherd to a statesman and philosopher. His life is recorded in the *Bhagwat Purana*, which was written in the fifth century A.D. The devotees of Krishna, the Vaishnavas, were all strict vegetarians and worshippers of the cow, which was so intimately connected with Krishna's life. Vaishnavism or the Krishna cult remained dormant for some centuries. It was revived by the devotional and romantic poet Vidyapati, who was born in 1403. The Great Vaishnava Saint Vallabhacharya who was born in 1478 translated the *Bhagwat Purana* into Hindi. The translation of the *Bhagwat Purana* in a popular language gave a great fillip to the cow cult in India, as it made the cow more familiar to Hindus as part and parcel of Krishna's life, who is the most human incarnation of God to the Hindu. Therefore, as the Krishna legend appealed to the common man in India, Krishna's cow became the cow mother (*Gomata*) of every Hindu. It became a part of the Hindu religion. No orthodox Hindu would henceforth kill a cow or eat beef.

Muslim influence is much older than the invasion of Moham-mad Gazni (998-1030 A.D.). Muslim saints came and lived in India with Hindu ascetics devoted to yoga and religious practices as Sufis. They also respected the cow. But the aggressive aspects of Islam strengthened the cow cult in India indirectly. To prevent the spread of Islam, jealous orthodox Hindus used the cow as a bulwark of defence. The Muslim invaders were cow-killers and beef-eaters. The Hindu Brahmans pleaded this as an argument against Islam and further emphasised the sacredness of the cow. Conversely, Muslims encouraged Hindus to eat beef so that they would become outcastes and come into their fold where they could enjoy beef. In consequence, Hindus became even greater protectors of the cow.

It might appear as a paradox to assert that Hindu India's contact with the Western world encouraged and further developed the sanctity of the cow and created an abhorrence amongst the Hindus regarding beef. Yet it is so. The early Indian Christians became beef-eaters. Beef-eating became a Christian's normal and almost necessary sign of conversion. Among the westernised Indians of the nineteenth century, beef-eating became almost a fashion and an emblem of being modern and civilized. I remember Abanindranath Tagore (1871-1951) telling me that he remembered the days when some westernised Bengali reformers used to shout in public that they had eaten beef. The orthodox Bengalis took advantage of this and exposed such westernised Indians and treated them as outcastes and Christians. It had a deterrent effect on educated Indians both in a negative way and positively in form of the wave of nationalism that started from 1905. Nationalist India owned the cow as *Gomata* and made it a differentiating factor between nationalists and non-nationalists. The cow became the emblem of 'Indianness.'

Even some Muslim rulers of India recognised that, to be popular with the Hindu subjects, they should put a ban on the slaughter of cows. Babar (1526-1530) is said to have issued a *farman* to forbid cow-slaughter though some historians think it is a spurious document. In the reign of Akbar (1542-1605), the slaughter of cows was forbidden and made a capital offence, as in purely Hindu India. With Akbar, this was statesmanship and a matter of policy. But Asoka (304-232 B.C.) had forbidden slaughter of all animals as part of his religion. Some Indian

princes also put a total ban on cow-slaughter in their states. But amongst the paramount rulers of India, Akbar and Asoka are the only two all-India figures who penalised cow-killers.

The veneration of the cow has gone to such an exaggerated extent that not only is it a sacred animal, but even cow-dung and cow-urine are considered purifying and are used as such in religious rites. Cow-dung is used for cleaning and plastering kitchen floors and even living rooms. Because of its supposedly purifying effect, the urine of the cow is almost like nectar to pious Hindus, who take a few drops of it mixed with honey, milk and ghee at the time of worship and for purifying themselves.

There is a strong feeling among the orthodox common people in India that the cow should not be killed. There is a movement being fostered against cow-slaughter. Some political parties have given prominent place in their programmes to the ban on cow-slaughter as an election slogan. Even such politicians who have no scruples about beef-eating and are not in favour of indiscriminate preservation of useless and ailing cows dare not sponsor legislation for the elimination of such animals for fear of unpopularity. Educated Indians are aware that the orthodox reverence for the cow is unscientific, irrational, uneconomic and harmful to the nation. Yet they dare not openly advocate reform in the treatment and appraisal of the cow, just as they dare not advocate the killing or disposal otherwise even of monkeys who are so destructive of crops, fruits and property. In many cases, they have proved a great danger to man. It is the vote more than the welfare of the electorate which counts, and fear of unpopularity among the ignorant and backward masses is the cause that politicians who have the power dare not openly introduce or support admittedly desirable legislation for the elimination of the crippled, old, useless and diseased cows and destructive monkeys.

The ordinary Hindu's reverence for the cow is simply sentimental, based on prejudice or religious beliefs, and quite unconnected with the good of the cow. But the man who makes a living out of the cow's milk has not even such sentimental scruples, or else he would not resort to that most inhuman and abominable practice of 'phooka' to extract more milk from the cow. However, with the general awakening amongst the Indian people, it may be hoped that gradually the attitude to the cow

cult in India will also become more scientific, economic and rational, and the cow will receive, instead of devotion and worship, intelligent care and treatment. Then the time may come when we can divide the cows into various categories, as Kautilya did in the fourth century B.C., or as they do in modern Europe according to their variety and utility and not let the healthy and useful ones suffer for the sake of the old, crippled and invalid ones which would be better off if put to rest.

It is regrettable that the importance of hides and skins and other cattle produce is not recognised in the economic development of the country. The scarcity of good hides is being felt already in the country. In ancient times, hides occupied a definite place in the national economy. The *Arthashastra* of Kautilya mentions valuable animal products, such as hides, skins, sinews, bones, teeth, horns, and claws of buffaloes, cows, tigers, lions, leopards, crocodiles, tortoise and the tails of the yaks, which were collected and sold in the country and abroad. Kautilya was not a westernised Hindu; he was an orthodox Hindu Brahman. But he was a fearless patriot and great nationalist. He has written to what use a cow was put in his days, and what a useful animal the cow was. Similarly, the Buddha and the authors of the *Mahabharata* have mentioned that the sanctity and utility of the cow are not inconsistent with its slaughter. In this modern age of ours, the attitude to the cow should be governed by economic factors and based on rational principles.

Amongst our statesmen, Jawaharlal Nehru was perhaps the only Indian patriot to express his opinion on social and economic matters fearlessly and with impunity. In his home town of Allahabad, on 11th July, 1954 he uttered a warning to the devotees of the cow cult in India. He said: 'The condition of the cows in foreign countries like America, England and Russia is far better than in India. Even granting that an overall law is passed banning the slaughter of all cows, it would lead to greater starvation and more deaths among cows. This is because it is an economic question and not a legal one. But communal parties find in it a handle for their propaganda.' These words deserve to be seriously pondered by all who realise the gravity of the cattle problem and the importance of the cow in the economic life of India, and have the welfare of the cows as well as of the human beings at least equally at heart.



# Cattle Problem

V. M. DANDEKAR

THE current agitation for ban on cow-slaughter has focussed public attention on a serious problem with which Indian agriculture is riddled. The few religious men who are sincere in their agitated sentiment have never paid attention to the material aspects of this question; or else they do not understand them. The many politicians who are operating under the religious robe are plainly exploiting the ignorance of the mass of people. The government should know better. However, it has obviously decided to take the political line. There are frequent references to the directive principles of the Constitution. The politicians, both in the government and the opposition, apparently believe that the Constitution has enfranchised the cow. So they are looking for the votes. There is thus a little chance that the problem will be examined rationally and dispassionately.

Let us all understand that this is a grave problem of the first magnitude and that by making a religious and political issue out of it, we are doing great harm to ourselves and to our children. The country has already a very large human population and a very large cattle population. The density of human population in the country is 370 per square mile of geographic area and for every 100 persons there are over 50 heads of cattle. Both these are too large for our resources to feed adequately. Moreover, both the populations are increasing at an increasingly rapid rate during the last fifteen years. This is because of the continuous improvement in medical, public health and veterinary services we are achieving through our development programmes. Previously, both the human and cattle populations in the country were kept within limits because of high mortality on account of disease. Thanks to the improvement in medicine and public health, major epidemics such as smallpox, cholera, plague and influenza no longer take a heavy toll of life. For many common illnesses, better medical treatment is now available more readily. This has resulted in a phenomenal reduction in mortality. Consequently, the human population has been growing at an increasingly rapid

rate. The estimated rate of growth at present is about 2.5 per cent per annum. The same is true of the cattle population. Rinderpest and foot-and-mouth are now effectively controlled and veterinary services have greatly improved. This has led to a reduction in mortality among the cattle population, which has also been growing at an increasingly rapid rate. During the quinquennium 1956-1960, the cattle population in the country grew by 10 per cent which gives an annual rate of growth of almost 2.0 per cent. In some of the States, the rates of growth have been even higher. The annual growth rate in Orissa was 4.5 per cent, in Uttar Pradesh it was 2.7 per cent, in Bihar 2.3 per cent and in Madras 2.2 per cent. With improving veterinary services, these growth rates are bound to increase even further. In fact, one wonders if in Orissa, the cattle population will not soon be larger than the human population.

The rapid growth in the human and cattle populations of the country in recent years is thus due to improvement in medical, public health and veterinary services and consequent decline in mortality. However, no one will argue that we should for that reason give up our programmes in medical, public health and veterinary services and let mortality check the growth in population. As regards the human population, this is obvious. It is one of the aims of economic development that every individual should live healthy and long. In fact, we wish that everyone should live upto 100 years. The medical and public health services must therefore be improved and mortality reduced even further. Even with the cattle population, there are several reasons why we must not cut down our veterinary services, and let a higher mortality rate check the growth of the cattle population. First, diseases and epidemics do not act selectively. They kill not necessarily the animals which are useless or unproductive. They operate indiscriminately and kill good, bad and indifferent animals alike. In fact, epidemics, if uncontrolled, may endanger the entire stock wholesale. Secondly, diseases do not necessarily kill. Often, they merely disable the animals and let them live in an unproductive and useless condition. Thus for several reasons it is essential to control diseases and death among the cattle population as much as among the human population. In other words, growth in population, whether human or cattle, cannot be checked through uncontrolled mortality.

Nevertheless, it is obvious that if the human and cattle populations in the country are allowed to grow unchecked, they will jeopardize the entire process of development. Already, the burden of these populations on our resources is too heavy to support. If it grows any further, it will without doubt push the country from the present poverty to destitution and starvation. It is therefore imperative that something is done to check the growth in these two populations. In relation to human population, we have recognized the urgency of this problem. We have also seen the logical solution, namely, that if mortality is to be reduced fertility must also be reduced. In other words, if the number of deaths is reduced, the number of births must also be reduced so that there may be no growing balance of births over deaths. After considerable debate and deliberation, we have accepted this logical necessity and launched a massive programme for controlling human population through birth control.

The same logical necessity prevails in the case of cattle population. We cannot allow the cattle population to grow indefinitely. This is a crucial point and must be understood firmly. Our agricultural resources in land and water are limited and they cannot support and sustain an indefinitely growing population whether it is human or cattle. We have agreed to limit the human population and we must agree to limit the cattle population. We must restrict the cattle population not only because it is in our interest to do so, but also because it is in the interest of the cattle as well. Even if we were to extinguish ourselves and hand over the country to the cattle, it will be necessary to restrict the cattle population. If this is not done, increased mortality through disease and starvation will ultimately begin to operate. This is the crucial point in the understanding of this question. I hope that even the protagonists of a ban on cow-slaughter will agree to this need, namely, that the cattle population will have to be restricted. No further discussion is possible with those who do not accept this preliminary proposition. Hence before parting company, we should try to understand their precise position on this point. I shall therefore ask the following questions:

(1) Do they desire that the human population should be limited but that the cattle population should be allowed to grow unrestrictedly? If they do, they may know that under the

circumstances, it will not take much time for the cattle population to outgrow the human population.

(2) Or, do they desire that neither the human nor the cattle population should be restricted and that both should be allowed to grow unrestrictedly? If they do, let them clearly understand the consequences. The combined human and cattle populations will soon outstrip all our resources and man will find it difficult to live very differently from the cattle. There are then two possibilities: the 'human' beings and cattle will continue to live harmoniously in which case increased mortality through disease and starvation will begin to operate in both the populations. Alternatively, the two populations may begin to compete for the limited resources and a struggle for survival and existence will ensue. Then either species must win by killing and controlling the other.

(3) One final question: do they recognize any difference between man, cattle, horse, dog, birds, insects, bacteria and several other forms of life? If they do, is the difference religious or economic? If they do not recognize any difference between several forms of life, do they advocate that all forms of life should be allowed to grow unrestrictedly? In that case, they may know that it will not take much time to return to the jungle and that ultimately, the law of the jungle will prevail.

Let these questions be considered dispassionately and answered publicly. We may not agree but let us understand our respective positions. In the meantime, let us move in the company of those who recognize that just as we have agreed to control and limit the human population, so also we must agree to take effective steps to control and limit the cattle population.

The accepted method to control the human population is controlling births. How do we control the cattle population? Serious suggestions have been made that we should adopt the same method namely, birth control through contraceptives such as sterilization or ringing of the cows. Recently, the Central Council of Gosamvardhan has reportedly recommended the use of the loop for cows. These suggestions of course arise out of the desire to treat the cows exactly like our mother or like the mother of our children. Suppose for a moment that we accept this suggestion and fit loops to the cows. Let us then consider the consequences. The cows fitted with loops will of course not calve and

hence the population will be controlled. But if a cow does not calve, she will also not give any milk. Who will then feed her? Of course, if we desire to treat the cow exactly like our mother or like the mother of our children, we should agree to feed her even when she does not calve and give any milk. We feed our mother or wife even after she is fitted with a loop. Why should we not feed a cow? We should. Unfortunately we do not. We do not feed a cow unless she promises to give us milk. This is a hard fact that, when the chips are down, we do make a difference between our mother and the cow. We need not be ashamed of this because the cow has precisely reciprocal feelings. We call her mother and some of us do behave like her sons. Nevertheless, she makes a difference between ourselves and her calves. She refuses to give milk unless she has a calf. The hard facts about our relations with the cow are: (a) a cow refuses to give milk unless she calves, and (b) we refuse to feed her unless she promises to give milk.

There is ample evidence to show that we shall not feed the cow once we fit her with the loop. Even without the loop, there are a large number of unproductive cows in the country and we merely have to examine how we are treating them. We do not feed an unproductive cow but let her loose. She must then roam around and feed herself on refuse. In rural areas, these cows roam with hunger and soon become wild. Wild cows roaming and destroying crops are a serious problem in many districts. Finally, if she cannot feed herself, she faces starvation, emaciation and death. The evidence of this can be seen in the much smaller number of cows as compared to the number of bullocks in our adult cattle stock. Let us consider the situation in Uttar Pradesh where presumably the cow is most loved and best looked after. According to the Livestock Census of 1961, among the adult cattle stock in Uttar Pradesh there were 195 bullocks for every 100 cows. This means that in the adult stock, only one-third are cows and two-thirds are bullocks. How does this happen? The male and female calves are born in more or less equal numbers, and they appear in more or less equal numbers in the young stock. How is it then that the number of cows is so much reduced in the adult stock? How does it happen without slaughtering? The answer is neglect and starvation. It is through neglect and starvation that in Uttar Pradesh the

number of cows is kept down. The same is true in several other States. Take Bihar and Gujarat. In Bihar, among the adult cattle stock, there are 163 bullocks to every 100 cows. How are these numbers of cows reduced so much below the number of bullocks without slaughter? It is through neglect and starvation. There are notable exceptions where this is not true. They are; most importantly, Kerala with a predominant Christian population, Jammu and Kashmir with a predominantly Muslim population, and Rajasthan with land resources which are as yet not overburdened. In the remaining States, the ratios vary but everywhere the number of cows is smaller than the number of bullocks. Here, the cows are eliminated through neglect and starvation. This is the general rule and these are the prospects that the cow will face if she is fitted with the loop.

It is suggested that unproductive cows should be taken care of in special cattle camps set up for the purpose. We have no such care-taking camps for old men and women. Nevertheless, we may certainly set up care-taking camps for old and unproductive cows if we feel that the old cows should have higher priority over old parents. In fact, a few such camps called *Gosadans* have been set up. The experience generally has been that they have failed to attract private charity in sufficient measure and the public funds provided for them have not been used for the care of the cows exclusively. However, this is incidental. The main point is that whether it is private or public charity, whether the cows are fed at home, or they are let loose to feed themselves or are taken care of in *Gosadans*, they are a claim on the limited resources of the country and we cannot afford to let their number grow unrestrictedly.

The cattle problem has often been mistaken as the problem of the old and unproductive stock. Old and unproductive stock indeed is a serious problem. However, it must be emphasized that even if we succeed in doing something to the existing stock of old and unproductive animals, the basic problem remains. This is a point which must be firmly understood. The fact of the matter is that given any stock, it brings forth a certain number of calves which is much larger than is needed to replace the original stock. As a result, the size of the stock continues to grow without limit. When the stock outgrows the resources, there arises the problem of unproductive stock. The existence of un-

productive stock is only a signal that the stock has outgrown the resources. The root cause of the problem is thus not old and unproductive animals, but the large number of calves that come forth and are allowed to grow. Nevertheless, we cannot reduce the number of calves coming forth, because that would render a larger number of cows unproductive. Therefore we must permit the largest number of calves to come forth but not let all of them grow indefinitely.

To be sure, today we do not permit all the calves to grow. This will be evident if we compare the number of young stock under one year and the number of adult stock above three years. A little computation shows that the mortality in the young stock is so high that fewer than 30 per cent of the calves grow to the adult age of three years. These ratios are again different in different states. In Uttar Pradesh, less than 20 per cent of the calves grow to the adult age of three years. The same is true of Punjab. It is only in Gujarat, Himachal Pradesh and Madhya Pradesh that between 40 and 50 per cent of the calves grow to the adult age of three. In all other states, the ratios are less than 30 per cent.

How does this happen? We do not eat veal. Why do then so many calves die so young? Because almost immediately after it is born, we pull the calf away and deny it the full share of the milk of its mother. We cheat the cow with a false calf and steal away all her milk while her young one is starved to death. If the cow had the slightest notion of the fate of her young one, she would readily walk to the slaughter-house rather than deliver her calf in our hands to be starved to death.

These are then the two cardinal principles of the affectionate care that we bestow on the cow. First, we do not feed the cow unless she promises milk. But we do not kill her either; we let her starve to death. Secondly, when she calves, we cheat her, steal the milk away and leave the young one alone but do not kill it; we let it starve to death. What is the religious sanction to this between starvation and slaughter? In what sense is starvation of animals more humane, more in consonance with our cultural heritage than is slaughter? These are questions for the religious men to answer. Let them ponder these questions and answer them sincerely.

If the choice may be made on economic grounds, it is obvious

that slaughter is far more economic than starvation. In the first instance, with deliberate slaughter, one can be deliberately selective. One may select the animals one would like to keep and kill the rest. Starvation cannot be equally selective. When an animal starves, it nevertheless eats a little and denies that food to other animals. Hence all animals starve in varying degrees. Starvation is not selective also in the sense that the animals which survive the process of starvation are not necessarily those who should survive. Those who survive are often fit for nothing else except mere survival. Thirdly, a well-fed animal when deliberately slaughtered has high economic value. A starved and emaciated animal eats its own meat and finally when it dies, it leaves behind little except bones and inferior hide. It has become impossible to consider these questions dispassionately because of importing into the discussion much argument by analogy. Let us give up this analogy between the cow and the mother. We know it is false and dishonest. We know that our relation with the cow is not that between mother and son. We know that the relation is based on solid material considerations. We know that we would not feed her if she did not give milk. Let us then call a cow, a cow. That will help establish a normal, healthy relation between ourselves and the cow.

Once this is understood, we shall find it possible to feed a cow not only because she gives milk but also because she can give us meat. We may then choose to slaughter some cows but we shall feed them well, to the last moment, rather than letting them starve to death as at present. We shall feed them well not for charity or sentiment but because it will pay us to feed them. We shall let all the young stock suck at the mother because it will pay us to do so. As the stock grows, we shall have to select and weed out but we shall feed all the animals well up to the last moment. We shall then have around us cattle that are well-fed and well-looked after. Sooner or later every one may be slaughtered. But every one will be fed well while it lives.

These are the elementary principles of stock management. Feed, weed and select. Without adequate weeding through appropriate selection between sex and age and between one animal and another, there is no possibility of feeding the stock well. Reference is constantly being made to the directive principles of the Constitution. The Constitution certainly directs that



the State shall endeavour to take steps for prohibiting the slaughter of cows and and calves and other milch and draught cattle. But the Constitution also directs that the State shall endeavour to organize agriculture and animal husbandry on modern and scientific lines. There is a clear conflict between these two directives of policy and we must decide which one of the two principles should prevail. Let us discuss and debate the issue dispassionately.

# Cow-Slaughter: The Economic Aspect

M. M. SHAH

THE advent of the British Raj opened a new chapter in the history of India. Handicrafts and cottage industries did flourish prior to the arrival of the Europeans. There were also a few prosperous trade centres. But the impact of the industrial revolution in England got transmitted – may be, in a staccato manner – to India during the hundred and fifty years the British ruled us. Political stability and general security of life and property ensued. The process of urbanization gathered momentum. Cities and towns grew in size and number. The commercial age set in. Agricultural production got geared to large consuming markets. Money crops began to be sown extensively. Many non-agricultural products formerly used only by the elite and the rich began to be purchased by the lower strata whose incomes rose. Means of communication and transport developed. A full-fledged monetary economy had taken possession of the Indian scene by the time we became independent in August 1947. A significant historical fact is that until then our 'colonial' economy was linked up to the needs of the British economy. With Independence, we could start moulding it according to our own requirements and in our own interests. The post-war schemes at first and the Five-Year Plans later have regulated the economic growth of the country since then. The problem of cattle has to be viewed against this background.

Both human beings and animals have to depend upon land. A severe competition between both has gone on mounting decade after decade. It has been reflected, on the one hand, in poverty, destitution and extremely low standards of living of the mass of the people and, on the other, in the deterioration of the quality of the cattle. A vast majority of the milch animals are of a non-descript, mongrel, general utility type. Pure animals of superior strains are an exception and probably do not form more than 5% even on a lenient estimate. Apart from natural

calamities, factors related to breeding, feeding and herd management have been responsible for the chronic malady.

Bulls are insufficient for the needs of the female herds. Most of them are of a mongrel type and inferior in quality. Breeding is uncertain, irregular and haphazard. Veterinary care of the animals is inadequate. According to Mr William Smith, the emphasis laid by some Provincial Governments until the 'twenties on the development of draft breeds was also a factor that seriously damaged the milk-producing qualities of the cows. The Chitale Committee, 1921 (Bombay), too, endorsed this view.

As early as 1937, Dr N. C. Wright had pointed out in his "Report on the Development of Cattle and Dairy Industries of India" that a majority of the Indian dairy cattle were 'seriously underfed' and attributed their slow rate of growth, low maturity and long dry periods to the lack of adequate feeding. Conditions have worsened since then as regards the supply of feeds. According to the estimates recently published by the Nutrition Advisory Committee of the Indian Council of Medical Research and the Animal Nutrition Committee of the Indian Council of Agricultural Research, in their Memorandum on Human Nutrition *vis-a-vis* Animal Nutrition in India, the country has only 30% of the requirements of concentrates and only 70% of the requirements of fodder for feeding the existing bovines. The country was reported to be short of straw, green fodder, oil cakes, maize, barely, gram, cotton-seeds and grain to the tune of 60,178, 5.33, 7.17, 6.07, 4.65, 2.45 and 0.85 million tons respectively. The deficits were not evenly spread all over the country or within different regions in the same state. Thus, for instance, according to the Report of the State Dairy Development and Co-ordination Committee on the Improvement of Dairying in the State of Bombay, 1953, the average quantity of dry fodder available per adult animal in the state was 7 lbs. per day as against the nutritional minimum of 20 lbs.; in the Bombay Suburban Area and Broach and Kaira Districts in the state, the respective average were extremely low at 0.6 lbs., 1.3 lbs. and 5.6 lbs.

There has been no organized pasture development on any appreciable scale in the country. Traditionally, most of the villages had portions of their village lands reserved to serve as common grazing grounds for the village cattle. Thus, according

to the Gazetteer of Baroda State, Vol. I, 1923, in the former Baroda State, 5% of the village land was so earmarked. Being common village property, no one looked after them. They were never ploughed, manured or sown. They were never fenced and were used heavily and indiscriminately (See *Improvement of Grass Lands*: 1943 by L. S. S. Kumar). Most of them became barren wastelands. The operation of geographical factors worsened the situation. In many places, stumps, shrubs, weeds and inedible stalks grew. Even where grass did grow, it was of an inferior quality and was hardly sufficient to provide cattle fodder for bare subsistence for a period of two or three months in the year. The second world war had witnessed mounting food shortages and some of the Governments had confiscated portions of the wastelands for the production of foodgrains by lesser cultivators. The food problem has been acutely grave in the post-war years and the policy has been not to allow the redirection of the land already assigned to food production to other uses, including common grazing. Continuous neglect and contraction of village common grounds have hit the cattle hard. In 1960-61, for which the latest comparable figures are available, out of a total of 739 million acres of land, 216 million acres consisted of grazing lands and culturable wastelands as against 328 million acres of net sown area; the total livestock numbered 337 million consisting of 177 million cattle, 51 million buffaloes, 40 million sheep, 61 million goats and 9 million others. Thus the average grazing land available to animals amounted to only 0.64 acre per head. If the off-season grazing available from the sown area is set off roughly against the needs of non-bovine animals, the cattle and the buffaloes had still only 0.95 acres of grazing land per head.

Forest lands also served as a source of the supply of grass. The total area covered by forests in India came to 138.5 million acres in 1960-61. There were, however, limitations to the usability of the forest grazing lands. As the Report on the Survey of Areas of Surplus Grass Production, 1956, pointed out, the 'lack of organized demand for baled grass, the seasonal nature of grass-cutting operations, excessive costs of transporting it over long distances due to its bulk, and appreciable losses in its handling and storage' obstructed their proper utilization.

The growth of agro-based industries and the rapid expansion in the production of cash crops, too, had their share in under-

mining the position of cattle. The cotton and tobacco stalks and bagasse are not useful as cattle-feeds; oil-crushing by expellers has greatly reduced the utility of residual oilcakes as concentrate feeds in comparison to that of the cakes supplied by the fast-dying village *Ghanis*. Again, alternative industrial uses have been developed for grass and other feeds. The competitive non-feed demands go on pushing up their prices and restrict the capacity of cattle-owners all over the country to acquire them in adequate quantities for the efficient maintenance of their stocks.

The scarcity of feeds is aggravated by the operations of two institutions native to the Indian soil and sentiment. (1) We have the *Gaushalas* and *Panjrappoles*—the charity cow-houses for incapacitated, dry and useless cattle. According to the Report on “*Gaushalas and Panjrappoles in India*”, published by the Central Council of Gosamvardhan, Government of India, in 1957, there were over 1,000 such institutions housing 1.32 lakh animals and spending annually about Rs. 160 per animal. Some of them wield tremendous influence locally because they are mainly supported by funds accumulated by the levy of charity cesses on various trades and by donations—both capital and revenue—received and collected regularly or frequently on occasions. On an all-India basis, even a conservative estimate of their expenditure on the purchase of fodder and feeds came to over Rs 110 million. These purchases are competitive in character. In particular, during times of scarcity and famine, those of them which are financially strong are the first to corner the stocks of feed and fodder. Consequently, the useless and inefficient cattle, which ought to be the first victims of the onslaught of lean years, survive at the cost of the more efficient ones belonging to the scattered small owners. (2) The institution of professional cattle-breeders and graziers has been another headache in some parts of the country. A few tribes and castes of graziers including the Bharwads, Rabaris, Bhils, Kolis and Vanzaras pursue the profession of breeding bullocks for the needs of the cultivators. They do not own any farming lands and wander seasonally, following fixed routes from area to area in search of water and fodder supplies. Milk production and ghee-making are their subsidiary occupations. Their existence raises peculiar problems: (a) They graze their stocks on the village common grazing grounds and on the

harvested fields. Their cattle compete with the local herds in the consumption of the limited fodder supplies. (b) They are probably more responsible than the local inhabitants for unrestricted and haphazard grazing and the spoiling of common grounds. (c) Their animals frequently stray into cultivated fields belonging to the landholders and damage standing crops. (d) Apart from the ensuing quarrels, cattle impounding and auction, etc. these seasonal migrations cause loss of feeds, steady deterioration in the quality of cattle owing to mixed breeding everywhere and the spread of diseases.

The general management of cattle—except that of the herds scientifically managed in military, Government and few privately owned farms—has been primitive and traditional. Illiteracy, poverty, insanitary habits and inefficiency of the owners make for poor care of animals.

The cumulative effect of the factors discussed above is reflected in the low lactational yields, late maturity for first calving, long intervals between calvings, irregularity of calving, and the reduced total number of calving during the entire span of their lives. Mr J. K. Desai's article on "Cattle Wealth of Gujarat" published in the *Journal of Gujarat Research Society* in 1954

Table 1

S.No.	Particulars	1942	50 years earlier
1.	Families engaged in cattle breeding	80%	100%
2.	Average herd-strength per family	6 to 15	15 to 30
3.	Age at first calving	4 to 6 years	2½ to 3¼ years
4.	Interval between two successive calvings	18 to 36 months	15 to 25 months
5.	Average daily milk per cow during lactation	3 lbs.	8 lbs.
6.	Length of lactation	4 to 6 months	9 to 12 months
7.	Average number of calves borne by a cow during her life-time	2 to 4	6 to 8

makes instructive and illustrative reading in regard to the comparative position of the Rabaris in Baroda State over a period of 50 years since 1892. The relevant figures, though old, are typical and worth quoting. (See Table 1 on p. 48)

If the conditions regarding some of the pure-bred animals are briefly reviewed, as against the first calving age of 20 to 24 months in the advanced countries, the Kankrej and the Gir cows first calve when they are between 3 and 4 years of age and the Surti, Mehasana, Pandharpuri, Delhi and Jaffarabadi buffaloes first calve when their respective ages are about 3.5, 4.5, 4.6 and 6 years. The calving life of cows normally is 14 to 15 years and that of buffaloes normally is 16 to 17 years. Hence, to get the maximum number of calves and milk during these spans of the lives of the animals, quickness and regularity of calving in succession are essential. A pure-strain cow has 8 to 10 lactations and the pure-strain Surti, Mehsana, Pandharpuri, Delhi and Jaffarabadi buffaloes have 10, 8, 10, 6 to 8, and 6 lactations respectively during their life-times. The normal lactational yields per head are: Cows—Khillar and Amrit Mahal: 900 lbs.; Dangi and Nimar: 1,500 lbs.; Krishna Valley and Kankrej: 2,000 lbs.; and, Gir: 3,000 lbs. Buffaloes—Pandharpuri: 3,000 lbs.; Surti: 3,500 lbs. to 4,000 lbs.; Mehsana: 4,000 to 4,500 lbs.; Delhi: 5,000 lbs.; and, Jaffarabadi: 6,000 to 7,000 lbs.

However the bulk of the cows and buffaloes are non-descript and their usual lactational yields can be estimated to be 700 lbs. and 1,500 lbs. respectively.

The foregoing figures compare very poorly with those of the Danish, English, Belgian, and Swiss cows, which are reported to yield about 7,600 lbs., 6,100 lbs., 7,300 lbs., and 6,300 lbs. respectively per head per annum. The gross production of milk during the life-time of an animal in India is very low. This raises the overhead cost and causes a drain on the scanty fodder and grass resources of the country.

The Governments have, either alone or in conjunction with semi-official and non-official bodies, taken various measures in the past few decades to improve matters. Flood control and irrigation schemes, provision for the elimination of scrag bulls, veterinary aid, establishment of *Gosadans* (Government-subsidized asylums for inefficient and incapacitated animals), measures for improving the situation pertaining to the supply of

feeds, fodder and grass, and rehabilitation schemes for professional cattlebreeders can be considered preventive measures. The positive measures include those for better breeding, premium bull scheme, Gaushala development scheme, Gir cattle improvement scheme, buffalo breeding work, premium cow scheme, multidirectional improvement work, key-village scheme, government cattle-breeding farms, supplementary cattle-breeding centres, subsidized cattle-breeding institutions, military dairy farms, artificial insemination work, milk recording, cattle shows and rallies, co-operative cattle-breeding societies, etc.

Official action seems to have touched only the fringe of the problem. To quote Professor Hammond from the FAO "Report to the Government of India on Animal Production in the State of Bombay", most of the farms are too small to do really effective work in improving breeding of cattle for milk. The annual supply of premium Bulls and Cows is thoroughly inadequate. Buffaloes, which are the main suppliers of milk, are usually left out in improvement work. (The plans like the Rs. 3.85 crore 7-year multidirectional Development Plan of the Kaira District Co-operative Milk Producers' Union Ltd., Anand, in operation as recast in June 1964 with a view to doubling the average milk production of the buffaloes of 600 primary milk societies in Kaira District, that had yielded 2,100 lbs. per head during 1960-61, are still rare in the country.) Scientific breeding, feeding and rational herd management have yet largely remained in an experimental stage. Much of the work done in the past has proved to be piecemeal and of limited value.

Now, measures financed from public funds are bound to be limited in size and expanse for years to come in a developing country like ours where the limited resources have to be priority-stretched to meet the severely competing demands from all sectors of the economy in the light of constant regional, political and other pulls. It means that widespread livestock improvement work has to be undertaken on a continuous and sustained basis by the owners of the cattle themselves. Poverty and illiteracy of the people explain the malady only partially. It is the excessive number of cattle that is the main rub. One prominent school of thought believes that there is no other alternative but to take the drastic step of outright slaughter of the excess numbers. For, maintenance of a large number of animals



means the distribution of poverty in cattle-feed resources, perpetuation of the state of semi-starvation among animals, burdening the efficient cattle with the cost of maintenance of the less efficient and multiplication of the low quality stocks. The studies of Mr Whyte (*The Grasslands and Fodder Resources of India*) and Dr Aalfs (Report on live stock conditions in Bombay State) coincided in 1957 when they estimated a grazing pressure of animals in Bombay State at 1.44 animals per acre and concluded that a rationalisation to only 1 animal per 3 acres would entail a reduction of the number of animals by more than 77%. Dr V. Kurien, President of the All India Dairy Development Board, has been quoted as saying in a talk delivered by him under the auspices of NAPE in June 1966 that only 2 crore good milch cattle are necessary to supply the milk needed for the entire population of India and that about 8 crore cattle are completely useless. As per my calculations for 1960-61 presented in an earlier paragraph, the grazing land available to livestock on an all-India basis works out to 0.64 acres per head, which indicates a worsening of the situation, and calls for swift action by the Government and the people of India.

But, there is the other vociferous school of thought that has been opposing any move aiming at the massacre of useless cattle, particularly of cows. Its objections are not only on economic or religious grounds but also on those of practicability. We shall only consider the first and third types here, which are briefly stated below.

(1) It is impossible to determine the criterion of efficiency for weeding out animals for slaughter. The percentage of the total number of cattle officially considered useless is very low. The variation-range has been from 2.5% to 5.5% in the past few quinquennia. Cattle are triple purpose animals. They supply milk, traction power and dung used as manure and fuel. (Their role as suppliers of meat is limited in relation to that of goats.) Hence, the milk-yielding capacity of an animal cannot be the only consideration for deciding whether an animal is economic or not. Even from a purely milk point of view, wholesale elimination of less efficient herds would play havoc with milk supplies. The Memorandum on Human Nutrition *vis-a-vis* Animal Nutrition in India cited earlier estimated that the slaughter of animals each giving 2 lbs. or less of milk per day will mean an elimination

of 90% of the cow population and a loss of about 7 millions tons out of about 9.7 million tons of gross annual production of milk from this group to the country. Moreover, animals are used for cultivation of land, for carting in rural areas, as pack animals for transport and for indigenous oil crushers. The main source of traction power is bullock. For a long time to come, the country will have to keep the present number of bullocks. Even the cows that may be uneconomic for milk production will have to be maintained for their supply. Mr Mankar's estimates are: the country needs 7 to 8 crore bullocks as against their present supply of 6 crore; every year 10% of the working ones become old, crippled and unfit for work and need replacement; there must be 4 crores of unbarren cows so that 2 crores calves alternately every year; 50% of the progeny must be made. Again, he believes that the dung produced by the so-called useless cattle alone makes them remunerative. In his note prepared in 1957 he had estimated that 800 million tons of cowdung were annually available from the cattle, giving a return of Rs. 30/- per head as against the maintenance expenses of Rs. 18/- only per head for the rehabilitation of useless cattle in *Gosadans* established in the areas of unutilised fodder resources. He also now estimates that the 24 crore animals in the country yield 40 crore tons of dung, urine etc. that can supply organic manure amounting to 40 crore lbs. of nitrogen, 400 crore lbs. of potassium, 200 crore lbs. of phosphorous, etc.

(2) It may not be feasible for an underdeveloped country, short of capital resources, to destroy its livestock capital which is the mainstay of its agriculture. The total value of the milch stocks can be estimated at Rs. 3,000 crores. Wholesale destruction would inflict an enormous drain on the economy of the country.

(3) The religious conservatism in the bigger sector of the population is the greatest hindrance to cow slaughter. Many of the States have passed legislation for the prevention of slaughter of cows or for the preservation of milch animals. Also, it would be difficult to compel millions of small owners to have their cattle slaughtered, even on payment of compensation.

Let us consider the different issues. Nobody denies that a composite view has to be taken in regard to the triple utility of the cattle and their overall remunerativeness. But the basic facts

remain (i) that modern scientific breed development has to be geared to the needs of milch and draft qualities separately as the dual-purpose cow is relatively less economic, and (ii) that agriculture and animal husbandry have by now greatly ceased to be a 'way of life' with the farmers. The maximization of the 'output-input' surpluses and the 'opportunity cost' principle have to be the guiding criteria for cattle management—if only by the sheer force of the growth-economy situation. It is not enough that an animal should be able to eke out anyhow a meagre 'living', to lead an increasingly agonizing existence for want of immediate death. The limited capital the community has accumulated over years must be used to generate a flow of returns capable of bettering steadily the conditions of cattle and of creating surpluses for capital appreciation at the same time. Therefore, the maintenance of 90% of cows yielding less than 2 lbs. of milk per head per day for the uncertain and irregular supply of bullocks would only ensure the perpetuation of the ruinous state of affairs that has for decades been a bane of the Indian economy. Mr Mankar himself complains that the stocks of bullocks available in recent years have been far inferior to those that were in supply of few years back. He finds an explanation for the deterioration in four factors, viz., wrong land and dairy development policies of the Government and the experts, disinterestedness of the public, shortages of grass and fodder, and failure to improve the breeds. He does not enlarge upon the first factor which is a vast subject by itself for a separate debate. I shall touch a few directly relevant points regarding city milk supplies at an appropriate place later in this article. But the three other factors are the crux of the problem. As stated earlier, developmental work has to be slow, limited and staggered in terms of the allocable resources. A cake cannot be kept and eaten simultaneously. A slate has to be cleaned of previous writing before it can be used again for fresh writing. Official measures cannot have any appreciable impact as long as the multiplication of inferior stocks continues unabated and the pace of quality deterioration remains faster than that of the improvement programme.

As regards cowdung, almost half of it is used by the cultivators and others as fuel and most of the precious urine goes waste. The estimates of Mr Mankar are hypothetical and exaggerated

in terms of their use as organic manure. Again, cow-dung is not a composite manure which replenishes the loss of fertility of the soil owing to continuous cropping. If it were so, a vast country like India—with its largest per acre supply of cow-dung in the world—should, instead of having suffered from chronic deterioration of agricultural productivity over years, have witnessed progressive improvement in soil fertility and production. The vicious criticism that the production of chemical fertilisers in factories like the one at Sindri involving huge capital investments with sizable foreign components is a damaging approach is indeed fallacious. If a rapid rise in agricultural production is to be secured, both organic manure and chemical fertiliser factories are a necessary ingredient in our agricultural planning. Thank God, the Indian agriculturists have by now become conscious of their interests so that the demand for fertilisers has, for over a decade, been outstripping the limited supplies. In fact, acute shortages and large-scale adulterations are rampant in many parts of Gujarat and farmers have reportedly been paying exorbitant blackmarket prices. This is clear evidence of the utility of artificial fertilisers in which the country must become self-sufficient at the earliest in view of the grave recurrent food crises from which it suffers. Moreover, the paucity of indigenous technical know-how and the need for importing plant and machinery from abroad will not for long remain problems for setting up new fertiliser factories as, according to Mr S. G. Barve, till recently Member of the Planning Commission, we should be self-sufficient in this regard in the next five years.

Insofar as schemes like *Gosadans* are concerned, one becomes highly sceptical about their outcome. Dr Aalfs had attempted, in 1957, to work out the area that would have to be reserved for useless and unproductive cattle in the bilingual State of Bombay if all of them were to be granted refuge in such asylums. It came to 4.8 million acres—an area equal to the whole of the block formed by grazing lands plus barren cultivable waste plus the entire forest area that would provide 2.57 acres per head. The revised model of the *Gosadans* prescribed 2 acres per head of 500 cattle to be accommodated in each. A comparison of the two figures makes it evident that such a scheme can only mean a shift of difficulties in which the position of the useful cow is even worsened. In other words, the scheme provided for a

Government-supported encroachment by inefficient cattle on the limited fodder and grass resources of the country over which the efficient cattle must have a prior claim and on which they could yield a greater net return to the community. Again, Mr Mankar gave the annual figures of Rs 34/- and Rs 18/- as the estimated income from cow-dung and the maintenance costs respectively per head of the rehabilitated animals. It appears he did not take into account the initial capital expenditure for founding the *Gosadans* and the transportation charges of the animal, its dung and its carcass on natural death, etc. Moreover, a total maintenance cost of Rs 1.50 per animal per month, as calculated, appears to be a gross underestimate if the wage and salary bill of the staff, the costs of repairs and maintenance of the premises, the expenditure to be incurred for the supply of water for drinking and washing in dry seasons—and in all seasons, if the 'Sadan' is not located on the bank of a river or if no water reservoir exists in its vicinity—the cost of fodder during the lean seasons etc. are added up.

As regards the argument that slaughter of useless cattle would inflict a heavy destruction of capital and drain on the economy, I do not think any sensible person would advocate their wholesale elimination at a stroke. It will certainly be impracticable in view of the sheer size and perimeter of the problem and the sudden tremendous loss of milk supplies, bullocks and dung.

The remedial steps must, therefore, consist of an integrated and phased twin programme (*a*) of gradual and regulated elimination of less efficient animals over a period, say, of five years, and (*b*) of improving the ages of first calving, regularity and frequency of successive calvings, lactation periods, milk yields, sturdiness of calves, etc. and conservation of dung for manure. Such an approach will eliminate the perils of acute shortages of milk, bullocks and dung of which frightening estimates are being set forth time and again to inhibit any positive action. Immediate advantages will accrue from graded slaughter from two directions. The disposal of cattle will yield block incomes strengthening the financial ability of the former owners. It will reduce the pressure on the limited grass, fodder and other feed resources which can be diverted to more efficient animals and the rearing of potentially productive calves. It is a common experience that better and balanced feeding raises in a few days only the milk

yields of cows and buffaloes. The results are quick in the case of sub-marginal stocks. An increase of only 2 lbs. daily will release as many as around 50% of the cows for slaughter in a few months' time, without adversely affecting the total milk supply as feared in the Memorandum on Human Nutrition *vis-a-vis* Animal Nutrition in India. The fluid milk market incentive that has played the trick in and around urban centres of concentrated demand, too, will play its role. The impact on calving may take a little longer. It will take time to make arrangements for the procurement, collection and slaughter of animals. Those that the least productive and barren will be the first to be weeded out. Their annihilation will leave the supply position of replacement bullocks unaffected for two to three years from the date of the implementation of the Phased Slaughter Plan. During this period, the better stocks will have started compensatory calving. Even if a temporary deficiency is felt for a year or two, the existing lots of bullocks, who will be better fed by then, can be overworked a little to tide over the difficulties. (Even now privately-owned bullocks are being used on a co-operative basis among the cultivators many of whom are short of funds to purchase their own pairs.) Simultaneously, a progressively expanding programme of replacing bullocks by mechanized implements developed indigenously to suit the needs and the paying capacities of the small farmers is not difficult to draw out. Even capital-intensive tractors and accessories are being increasingly used now as never before in the past. (Their number was 35,000 in 1960-61.) In the field of rural transport, bullocks are fast being replaced by hand-carts, trucks, tempoes, trailers, etc. and the pace will be further accelerated with the growth of better roads everywhere. The possible shortages of organic manure can be dealt with by raising the tempo of conservation of all cattle urine and dung. Charcoal and kerosene are rapidly penetrating the interior. The use of cow-dung cakes as fuel must be stopped by continuous propaganda and the supply of alternative cheaper varieties of fuel.

An extremely serious problem that must be touched here is that of the city milk supplies. The heavy population concentrations and the comparatively higher and regular incomes provide a high level perennial demand for fluid milk. Keeping of cattle in stables under urban artificial conditions and on imported high-cost grass and feeds gave rise to abnormal cost-price relation-

ships and many issues vital to the economic health of the nation. A multiplicity of factors are involved and a reference will be made to only two of them in this discussion. They are related to the continuous annihilation for years of the best breeds of milch animals in the country.

Bombay presented a typical case until very recently. There, for over six decades, the entire herds in stables used to be replaced every 8 to 9 months by newly imported animals and thousands of buffaloes were sent to the slaughter-house at the end of a single lactation. Attention was drawn to the gravity of the problem as early as in 1912 by Mr Hewlett, by Messrs Knight & Horn in 1914, by the Keatings Committee in 1916 and a number of experts thereafter. Dry buffaloes were so slaughtered prematurely because (i) the costs of maintaining them without immediate returns was prohibitive in Bombay, (ii) their despatch for cheaper salvaging to the nearest rural areas in Kaira district involved a costly return journey of over 550 miles, (iii) while in Bombay they were never covered in time and for a lactation period of 8 months they had a dry period of 12 to 15 months against the normal one of 4 to 5 months, (iv) a very hideous and dirty practice of 'phooka' was in vogue for years and, apart from causing pain to the buffalo, it caused barrenness, and (v) the insanitary conditions in which the buffaloes were kept permanently impaired the milk-yielding capacity after a lactation or two.

The consequences were grave. The animals that, in the natural course, would have given satisfactory service (milk as well as first class progeny) for about ten lactations were, so to speak, used up in a single lactation. The heavy capital depreciation inflated the cost structure of the urban milk production. But the still worse impact was that, to reduce unit overheads, first-class buffaloes that yielded maximum daily quantities of milk containing high fat percentages only were imported. The pace of rearing of the best milkers in the breeding areas exporting buffaloes to Bombay proved to be slower than the rate of destruction. Over a period of a few decades, the top class of buffaloes was entirely eliminated from the cattle-breeding areas. In addition, the general level of the quality of all the breeds went down. According to dozens of experienced persons, who were interviewed by me in a case study, Bombay used to import a few

years ago a major portion of its buffalo requirements from Kaira District in Gujarat. When the top breed of the area was annihilated by the above process, much of the demand was shifted, first to the other breeding areas in North Gujarat, and later, by the same process, to the more distant cattle-breeding regions in Saurashtra, U.P. and the Punjab. (The annual drain was between 20,000 and 30,000 cattle-heads.) The partition of India in 1947 transferred some of the best breeding areas of cattle in the north to Pakistan. The dislocation of traffic because of unsettled conditions, communal frenzy and unhappy relations between the two countries aggravated the shortage of good milch cattle in India. The conflagration in 1965, too, took a heavy toll.

Another grave evil connected with the town Gavali's business was that of the wretched treatment meted out to and the destruction of the young stock. In Bombay, valuable calves—both male and female—were looked upon as a nuisance. Instead of being reared, they were mercilessly killed or driven out of the stables at night to die of starvation or mutilation by trams or motor cars. Sometimes they were thrown alive into the dustbins. The reason for this nauseating state of affairs was purely economic as the stable-owners were not ready to bear the financial burden and accept the botheration of rearing calves until they became productive. The practice, as reported by the Keatings Committee as early as 1916, meant 'the loss to the country every year of a large number of calves of the milk buffaloes'. Mr Walter Reeves, one of the pioneers of the dairy industry in Kaira district, wrote in the *Journal of Dairying and Dairy Farming in India* in 1918, 'This wanton destruction of valuable calves means a waste and a degradation to the country and would not be permitted in any other civilized country in the world. Even more unfortunate is the sure process of elimination of the best types that is going on, by exploitation and by the slaughter and destruction of calves.' Authoritative sources—the Reports and writings of Committees, experts and Governments—show that the yearly disposal of the carcasses of the calves has gone up from 20,000 prior to 1920 to around 90,000 in recent years.

The Aarey Colony has, even after two decades of its existence, not been able to make substantial headway in this regard. Reportedly, the annual imports of fresh cattle in Bombay have been over 90,000—over 75,000 from Gujarat and about 15,000



from the Punjab—in the past few years and annually 35% of the dry stocks have continued to be slaughtered. It is not known how many of the over 60,000 dry buffaloes sent out to Gujarat for freshening every year return to Bombay. Similarly, the number of calves distributed for rearing under various schemes of the Aarey Colony has remained in the neighbourhood of 2,000. In other words, over 97% of the calves in Bombay are still being killed every year. The drain on the best species of the buffaloes in the country continues unabated. Cattle colonizations on the pattern of the Bombay Milk Scheme are not an answer to the problem of city milk supplies both in terms of the costs of production and the preservation and growth of first rate animals. A rational and economically sound solution lies only in expanding milk production in rural areas and importing it into cities.

Mr Mankar was critical of the proposal to rear calves for the Ceylon Government. The calves have gone on being killed for decades indiscriminately in the urban—and, to a lesser but equally serious extent, in the rural—areas in our country and the main cause has been the cost of rearing them. If, therefore, the Ceylon Government bears, under an agreement the cost of our rearing a certain number of calves to be exported to build up quality stocks in a friendly and neighbouring country, there is no cause for raising a hue and cry against such a scheme. Those calves at least will be saved from ruthless killing. Such concrete measures are certainly better than barren lip sympathy of the agitators. Again, the seed that is being sown has the high potentiality of sprouting into financially viable self-multiplying stocks of satisfactory types in the country.

A perversity seems to have overshadowed the logic and sense of proportion in Mr Mankar's writings. Apart from his objectionable and unfounded aspersions against the FAO and other experts who have done a great service to the country, it makes queer reading when he tries to link up the long-standing problem of excessive numbers of cattle and their slaughter to devaluation. Mr Mankar says that the Government and its experts are trying to create a background for meeting the sudden and heavy rise in our foreign debt through increased foreign exchange earnings to be secured by accelerated slaughter of cows and export of beef abroad. He also alleges that the Planning Commission and

the Ministers make 'implied' general statements regarding increasing exports when what they actually mean is expanding exports of the limbs and products derived from animals to be increasingly slaughtered! Opponents may as well say that some groups are playing with the sentiments of the conservative sections of the population to serve their political ends.

The fact is that voluminous sensible literature—published and unpublished—has been, for over half a century, drawing our pointed attention to the riddle of too many cattle with rock-bottom productivity that negatives all developmental efforts. Now if cattle have to be slaughtered, it becomes imperative that their carcasses, parts and products should be sold as remuneratively as possible. If the domestic market cannot absorb them on the scale that will naturally be unprecedented, they must be exported. That the exports of useless cattle may bring to India foreign exchange worth crores of rupees should be welcomed rather than annoying. The historical intent of the proposition for cattle slaughter has certainly not been to augment the earnings of foreign exchange but to solve the vital issue of excessive cattle continuously encroaching upon the existence of the efficient ones and of our people. A rough comparison shows that while India has only 2.5% of the world's land resources, it accounts for 16% of the world's human population, 20% of its cattle population, 50% of its buffalo population and only 9% of its milk production. The figures are clearly indicative of the serious pull that cattle exert against human beings in our country. Add to this the high rate of growth of the cattle population in the country. In the five-year period 1956-61, it was 11.34%, or a simple annual average of over 2.25%. Compare it with the human population growth rate around 2.2%, and the peaceful co-existence of the human and cattle species becomes a myth. One must give way to the other if a crushing explosion is to be averted. (Sterilisation of cattle cannot serve as a suitable measure for stabilising the cattle population as the sterilised females will not bear any calves or yield any milk and will be a dead burden on the community for the rest of their lives.) The devaluation crisis has been a recent episode and it will only be an accidental though positive coincidence that increased exchange earnings from slaughtered cattle exports will partly compensate for the up-revised foreign debts. There is nothing wrong about it.

But there is still another very convincing reason for a phased harvesting of the cattle. The slaughter and export of two crores of the most inferior stocks will, at the conservative price of Rs. 200 per head, yield annually Rs. 400 crore worth of foreign exchange to the country. Moreover, it will be a perennial stream for 10 to 15 years in the first instance. Compare the figure with our annual requirements of foreign exchange for the repayment of instalments due and for the servicing of the foreign debts. This source alone may be able to achieve what the variety of export incentive schemes and the two devaluations in a brief span of fifteen years have not been able to accomplish. The remunerativeness of cattle exports can initiate a chain action for the growth of meat — and beef-packing, leather and a variety of by-product industries in our country on a large scale with a spiral impact on the economy in terms of employment-creation, capital-formation, quality improvement of stocks, and so on. (A proper utilization of the by-products of the existing slaughter houses alone can, according to an estimate of Dr Y. Nayudamma, Director, Central Leather Research Institute, Madras make for a saving of over Rs 35 crore annually.) Of late, the demand for imported beef and meat from the meat-eating countries has been fast expanding. It has come to stay. If India enters the world beef and meat markets in a big way, we can slice off a big segment from it to the great benefit of our international trade—the exports can form 50% of the present total exports of the country and 35% of the augmented ones! In fact, India's possible entry in the world beef and meat market is being viewed with great concern and nervousness by the existing exporters both in terms of the depression it may inflict on the prices and the scale on which they may be elbowed out. Let not Indian sentiment help their cause. Anyway, we too shall have to plan our programmes rationally to reap the maximum advantage by staggered slaughtering geared to world conditions. A slow and steady penetration may enable us to establish our supremacy in the world market. The burden that our large numbers have been until now can thus be converted into a lucrative asset.

Imagine what a relief it would mean to any Government in a parliamentary democracy when the gravest headache of a permanent imbalance of payments can be remedied! The drain on our other resources will stop. Our domestic economy will

look up. Our standards of living will go up. Our rupee will swing up abroad. Above all, our present heavy dependence on foreign aid causing so much of political turmoil, making a mockery of our independence and of our policy of non-alignment, and gathering forces of disintegration within the country will come to an end. Of course, all this cannot happen overnight; but the metamorphosis will certainly start taking place at an early date. The earnings from slaughtered cattle can be earmarked for effecting improvement and modernization in the fields of animal husbandry and agriculture. A part can also be diverted to defence.

The criticism against capital-intensive modern dairies supplying pasteurized milk and milk products encouraging the growth of buffalo population at the cost of the cow population is also untenable. If some people in India have developed a taste for buffalo milk with a high fat content and if, therefore, buffaloes have been gradually outnumbering the cows in certain areas, no one can help it. No one can object to the spread of the cow-milk-drinking habit among Indians. But no one can compel them not to drink buffalo milk. As in other fields, many factors—monetary, psychological and situational—have, over the years, led us to the present state of dairying in our country. Thoughts, habits, reflexes, customs and traditions are formed and reformed by environmental impacts. Everyone is entitled to make concerted efforts to influence them at the right end. Again, capital has to be invested in the construction of modern dairy plants to develop large markets for liquid milk and milk products. Otherwise, for want of these markets, cattle improvement and development work may not succeed.

Finally, about the complications arising out of 'religious beliefs and sentimental susceptibilities', to quote a good phrase from *Commerce*. Hinduism has been a 'Sanatan Dharma'. It has withstood the onslaught of times and places because it is uniquely adaptive and dynamic. It has remained rigid in a few universal values of life but has proved to be flexible in regard to the social values. That which sustains is religion. A true religion can never victimize and sentimentalize its followers: certainly not the 'Sanatan Dharma' which is 'the Substainer Universal'. It is the Hindu philosophy that has itself produced the tenet: "Jeevo Jeevasya jeevanam". Life sustains life in two ways—one, by mutual co-operation and, two, by the bigger, mighty or more

developed ones engulfing the weaker ones. It has been a Law of Nature that the most developed species has always reigned supreme over its inferior contemporaries and, whenever it has been a question of competition between the two, the former always had a priority treatment. Utilitarianism has usually prevailed and exceptions have been provided even in the basic principles of life in the name of 'Apad Dharma'.

For centuries, he-buffaloes and calves have continued to be killed ruthlessly in areas where they are not required for jobs other than the one of procreation. Thousands of buffaloes, goats and cocks have in the past been 'offered' to the Goddesses at the Holy Altars in hundreds of temples all over India. Many cattle-stable owners and the 'garalis' in the cities like Bombay have been Hindus. They have, for decades, not refrained from selling the buffaloes in the prime of their youth and the calves—both male and female—to the butchers. The old, crippled and invalid animals have rarely been retained by the original owners to be fed and looked after well until they died in harness. They have used to be driven away to be left to their lucks. (In olden times, they went on living and grazing in the grasslands and forests until they collapsed by sheer exhaustion or were pounced upon by some ferocious animals.) Now, in villages, they stray in others' fields and damage the crops, vegetables, trees, grass and hedge, frequently get a good thrashing, suffer from physical pains and die, or some agents drive them away free of cost for slaughter. In cities they roam about eating garbage, nightsoil, rags and all rubbish that can be digested and stray in partially protected private and public gardens inflicting losses on the owners or the community. Cows are easily excitable and bulls are short-tempered. They impede traffic, cause accidents, injure pedestrians. They lay dung anywhere—most of which goes waste—and add to the urban filth. They are a nuisance to the hawkers and the peddlers selling eatables. Even milking animals—cows, goats, etc.—are sent out like this by their owners. The ownership in practice is limited to milking them and not feeding or housing them. Keeping of milch animals in cities adds to the cruelty to them—they are huddled together in congested structures and have to live in insanitary conditions, at times they have no covers overhead, the supply of water for drinking and washing is limited, going out for green grass grazing and exercises are

luxuries. Insofar as the *Gaushalas* and *Panjrapoles* are concerned, the wretched conditions in which the dumb, invalid and old animals are kept in many of them stuns a visitor. And the stories of pious people in border areas purchasing cattle from butchers or their agents to drive them away to Pakistan to save their lives only shows to what extent people can be self-deceived in the name of blind religiousness. Not only are the animals slaughtered there but also the carcasses add to the material prosperity of the persons on the other side who find them a God-send. Is all this really compassion and pity to the animals? Is it not the highest type of impeachable cruelty if the owners misbehave with their own pets? Is it not their crime against the other inhabitants in their towns on whom the bovines are dumped and are a drag? Is it not a heinous crime to make the efficient cattle suffer by protecting the useless ones?

Mahatma Gandhi, the apostle of compassion, suffered from a deep agony that he gave vent to in these words: 'The Gujaratis and the Marwaris were supposed to be the foremost in their wish for the protection of the cow, but they had so far forgotten the dictates of Hinduism, that they would gladly impose restrictions on others—whilst they were grossly ill-treating the cow and her progeny. Why were the cattle of India the most neglected? And why had they, as was contended, become a burden on the land by reason of the poorest yield of the milk in the world? As beasts of burden, why were they grossly ill-treated?'

And what sort of non-violence is being practised? How many of the protagonists of 'cow-slaughter ban' are not killing bugs, mosquitoes, blisters and other injurious insects, scorpions, serpents, rats, ferocious animals? If killing of 'life' is the criterion, vegetables and fruits, too, have life. We not only inhale millions of bacteria but also intentionally 'rear' them for many of our vegetarian preparations. In the final analysis, drinking of milk itself is cruelty to animals. Nature has given milk-producing glands and teats to the females so that until the young ones grow up, they can have a nutritional feed. What right have we to keep them half-starved and extract the milk for human consumption and use? The counter-argument that the additional milk is the result of domesticating, rearing and feeding the dams can only lead the protagonists into a labyrinth of self-contradictions. Suffice it to say that Hinduism and vegetarianism have long

accepted milk as a balanced and wholesome food. And experience has shown that people dubbed as conservative have been surprisingly accommodative where they are convinced of their self-interest and are given a proper perspective of an issue.

Much fuss is being made of the related Directive Principles of State Policy (Article 48) in our Constitution. It has been argued that there is a sanctity behind it and its non-execution amounts to a gross dereliction of duty on the part of the Government. By now it has been proved that vested interests of all types try to use parts of the Constitution as a shield and means to achieve their narrow aims while disregarding or even flouting, the other ones. The nation has witnessed, on more than one occasion, fanatics burning the copies of our Constitution and our National Flags in public. The discipline of the nation's highest abodes of democracy—State Legislatures and the Parliament—has been broken in ugly ways on more than one occasion. Violent demonstrations, breaking of meetings and acts of rowdyism and hooliganism have besmeared the fair face of our motherland. Surreptitiously and openly, some of the leaders have advocated the creation of separate sovereign States which today are an integral part of India. Are these in consonance with the creed of the Constitution?

There is another aspect of the question. There is apparently a self-contradiction in the Directive Principle under reference. One part of it enjoins upon the State to endeavour to prohibit the slaughter of cows, calves and other milch and draught animals; the other makes it incumbent upon it to organize agriculture and animal husbandry on modern and scientific lines. The implementation of the former in terms of a complete ban on the slaughter of all cows and their progeny will inflict a permanent disability on the Government to carry out the other part of the same Directive Principle! It is not impossible that the Constitutional and economic gravity of the impact of the provision was only incorrectly realized when it was incorporated in the Constitution. Can irreconcilable conflicts be reconciled? Also, there are the other responsibilities of the state enshrined, as the resolve of the people of India, in the preamble to the Constitution and in the Articles pertaining to the Fundamental Rights and the other Directive Principles of State Policy. What happens if the implementation of a part of Article 48 chronically cripples the

state so that, for instance, it cannot secure for all its citizens social and economic justice and liberty of faith? 'Hindu sentiment, however strong and widespread, cannot be the sole determinant of national policy. India is inhabited by large masses of people belonging to other religions and sects and all of them have been guaranteed equality of treatment by the Constitution.' (*Radical Humanist*, November 27, 1966, p. 543). A secular state cannot entertain sectarianism of any sort. Similarly, if a step is going to weaken the very economic foundations on which the permanent advance of the nation rests, the only correct course will be to rectify immediately the self-defeating clause in the Constitution. Social existence and situations are never static. The Constitution of a state has to reflect the dynamicity of the will, the wishes and the aspirations of the people in the ever-changing techno-economic social framework, if only, to avoid obsolescence.

It is the economic expectations of the vast majority of the under-fed and half-clad people in the country that have to be the sole determinant of all national activity. Every one wants—and, rightly so—an ever-rising standard of living. Everyone wants to lead a comfortable life and reduce the drudgery of existence. Everyone in a welfare state wants the provision of all sorts of amenities and services at social cost. And, still, everyone dislikes rising taxes, heavy Governmental borrowing, deficit financing, inflationary prices, and the rest. I am sure, the protagonists of 'ban-the-cow-slaughter, etc.' movement are no exception to this.

The demand for a complete ban on the slaughter of cows and their progeny will lead the country to a perilous state. When we cannot feed our human beings, such a decision will mean an acceptance of chronic starvation and slowest rate—if at all—of economic growth. It will perpetuate primitivism. It may, in the course of years, result in grave destitution, frustration, bread revolutions and chaos everywhere. Democracy—the only way of life that must be preserved at any cost in India—will get destroyed.

Suggestions have been made from some corners that people would be prepared to pay extra earmarked taxes for the maintenance of useless cattle, that donations could be collected, and so on. The basic fact is, however, forgotten. It is not a monetary provision that is the rub. In a huge development Plan running into thousands of crores, it is not difficult to allocate money



resources for an acceptable aim. The Government has, in its plan armoury, more than one weapon—pruning of other items, additional taxation, extra borrowings, and, at long last, printing of more currency notes. But the unsolvable riddle is: Where are the real resources to feed the millions of decrepit cattle?

Again, one must know that personal goals and group goals of millions of our countrymen can never be synchronized always and in all respects. A corporate existence for the greatest good of the greatest number may cause a disharmony between the beliefs and expectations of individuals *vis-a-vis* the national requirements. Thus, for instance, there are staunch pacifists in the country and still we cannot but spend a large part of our annual budgets on defence. Similarly, wide disparities in properties, incomes and status still exist, and will probably continue to exist in one way or another as long as mankind lives on the Earth, irrespective of the political creeds of different nations. Vegetarianism cannot be made compulsory and *vice versa*. (A personal note may be excused: the author himself is a vegetarian by birth, belief and conviction.) In short, where a conflict occurs between personal beliefs and goals and national good, the latter must take a precedence over the former. Survival of the community and the best values of life must rule supreme. Emotion is to a certain extent good and necessary for progress. But when a clash of personal emotion and group interests occurs, the larger interests of the community must prevail.

The fundamental considerations that must guide any reasonable patriot in our country to-day are two: (i) The need for building up a progressively prospering and strong community of satisfied millions that will not need—nor succumb to—agitations ignited by some of the extremists seeking to take advantage of the conditions of mounting poverty and destitution that will certainly ensue from a wrong policy decision in regard to cattle slaughter. (ii) The need for building up a militarily strong and unconquerable democratic India to withstand any aggression and pin-pricks from Red China, Pakistan or any other country in the world. Religious people in our country should know that it is not cow-slaughter that would endanger our sovereignty, independence and religions, that it is the monster of Chinese Communism that is the gravest menace not only to the nation

but to all religions themselves. Do the pious people want their respective religions to be annihilated root and branch?

It would, therefore, be in the fitness of things if people who have the will and the wits to serve the dumb animals stop pampering and misusing religion, ignorant conservatism and misunderstood righteousness of the masses in our country and start helping actions—official and unofficial—by entertaining a rational and integrated view of life. Let us stop suffering from inhibitions and taboos. Let not compassion to animals continue to be maudlin any more.

If our country is to be saved from being a Sovereign Democratic Republic of Mongrel and Useless Cattle rather than that of enlightened citizens, simultaneous concrete steps for the phased slaughter of inferior cattle and the improvement of the better lots must be initiated without further delay.

# Cow-Slaughter: The Legal Aspect

S. P. SATHE

## I

WITH the end of the fast undertaken by the Shankaracharya of Puri for pressing the demand for a total ban on cow-slaughter, the third phase of the cow-slaughter controversy came to an end. The first phase was the debate in the Constituent Assembly and the second, the debate in the Supreme Court. Now that the Government has decided to refer this controversial question to an expert committee, its fourth and hopefully, the last, phase will soon begin. This controversy had resulted in bitter communal riots and had generated ill feeling between the Hindus and Muslims in the past. In spite of this, the protagonists as well as the opponents of the ban on cow-slaughter strictly adhered to constitutional methods in the first two phases in the pursuit of their objectives. Expressing his appreciation of the cool-headed and amicable approach adopted by the two parties, Chief Justice Das observed in *Hanif Quareesh v. State of Bihar*:<sup>1</sup>

The controversy concerning the slaughter of cows has been raging in this country for a number of years and in the past it generated considerable ill-will amongst the two major communities resulting even in riots and civil commotion in some places. We are, however, happy to note that the several contentions of the parties to these proceedings have been urged before us without importing into them the heat of communal passion and in a rational and objective way, as a matter involving constitutional issues should be.

Recent events, however, showed a departure from constitutional methods. It is hoped that the question of banning the slaughter of cows will be examined in an objective and dispassionate manner, taking into account the social, economic and legal implications of such a ban, and an attempt will be made to find a solution based on pragmatic considerations.

The provision for a total ban on the slaughter of cows was not included in the proposals made by the Advisory Committee on

<sup>1</sup> A.I.R. 1958, S.C. 731.

Fundamental Rights of the Constituent Assembly.<sup>2</sup> It was introduced as an amendment. The matter was first discussed in the Congress party meeting. The proposal had the unanimous support of the party. In the Constituent Assembly, Pandit Thakur Das Bhargawa argued for its inclusion from the standpoint of utility.<sup>3</sup> He urged that the slaughter of useful cattle should be banned. Seth Govind Das felt that the prohibition should extend to the slaughter of bulls, bullocks and the young stock of the genus cow irrespective of their usefulness and moved an amendment to that effect to the proposal of Pandit Thakurdas Bhargawa.<sup>4</sup> The difference between Mr Bhargawa's and Mr Govind Das's proposals was that while the former wanted to ban the slaughter of useful cattle only, the latter wanted to ban the slaughter of cows, bulls, bullocks and other cattle, irrespective of their usefulness. In respect of the cow, however, both agreed that the slaughter should be banned irrespective of the usefulness.<sup>5</sup> The following article emerged by way of a compromise.<sup>6</sup>

The State shall endeavour to organize agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds of cattle and prohibit the slaughter of cows and other useful cattle, specially milch and draught cattle and their young stock.

The Drafting Committee changed it to read as follows:<sup>7</sup>

The State shall endeavour to organize 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.

The earlier draft was more explicit than the final one. It enjoined the state to prohibit the slaughter of cows. In the altered draft, the emphasis was on the improvement of agriculture and animal husbandry. The prohibition of the slaughter of animals was embodied only as ancillary to the above objective. In spite of the

<sup>2</sup> Constituent Assembly Debates (C.A.D.), Vol. 5, pp. 406-407.

<sup>3</sup> C.A.D. Vol. 7, p. 278.

<sup>4</sup> C.A.D. Vol. 7, p. 222

<sup>5</sup> See Bhargawa in C.A.D., Vol. 11, pp. 471-472. Although Thakur Das Bhargawa based his argument on utilitarian grounds, he still reminded the House that it was a measure 'in which the religious sentiments of the people are involved'. *Ibid.*, p. 472.

<sup>6</sup> *Ibid.*, p. 470.

<sup>7</sup> Art. 48.

objections taken to this change by various members,<sup>8</sup> the changed draft was passed.

## II

In pursuance of the provisions under Art 48 of the Constitution, the legislatures of Bihar, U.P. and Madhya Pradesh enacted laws banning the slaughter of certain animals. The Bihar Act prohibited the slaughter of cows, calves, bulls or bullocks. According to the definitions contained in the Act, a bull meant an uncastrated male above the age of three years belonging to the species of bovine cattle, a bullock meant a castrated male above the age of three years belonging to the species of bovine cattle, and a calf meant a female or a castrated or uncastrated male of the age of three years and below belonging to the species of bovine cattle. The expression 'bovine cattle' was wide enough to include buffaloes, male or female, adults or calves. Therefore, the corresponding categories of buffaloes, namely, buffalo bulls, buffalo bullocks, buffalo calves and she buffaloes were included in the four categories of the species of bovine cattle and as such were within the prohibition of the Act.

The U.P. Act prohibited the slaughter of cows in any place in U.P. The Act defined 'cow' as a bull, bullock, heifer or calf. The Act made exceptions in respect of cows which suffered from contagious or infectious diseases or which were subjected to experimentation in the interest of medical or public health research.

The C.P. & Berar Act prohibited the slaughter of cows, which included a male or female calf of a cow, bull, bullock, or heifer. The other animals such as the male and female buffaloes and buffalo calves could still be slaughtered on obtaining a certificate from the proper authorities.

The Constitutional validity of these laws was challenged by the petitioners, who were Muslims and butchers or hide merchants by profession, on three grounds: (i) that they unconstitutionally restricted their right to freedom of religion, (ii) that they violated their right to equal protection of the law, and (iii) that they constituted unreasonable restrictions on their fundamental right to carry on their occupation.

<sup>8</sup> Professor Shibani Lal Saksena took objection to the alteration made by the Drafting Committee, *C.A.D.* Vol. 11, p. 470. Also see Bhargawa, *Ibid.*, 472.

The Constitution guarantees to the individual and to the corporate individual, freedom to profess, practise and propagate religion.<sup>9</sup> This right is, however, subject to public order, morality and health and to the state's power to regulate or restrict any economic, financial, political or other secular activity which may be associated with religious practice,<sup>10</sup> or to provide for social welfare and reform.<sup>11</sup> It has been held that while the secular practices associated with a religion can be restricted or regulated, practices which are essential part of a religion cannot be restricted or regulated.<sup>12</sup> Whether a particular practice is an essential part of a religion is to be decided by the courts by applying the qualitative test of essentiality.<sup>13</sup> A practice is an essential part of a religion if it is enjoined by the religion. In this case, it was contended that according to the Muslim religion, the petitioners were required to offer the sacrifice of a cow on the day of *Bakr Id*, and if a law interfered with their compliance with this requirement, it was unconstitutional. The Supreme Court, therefore, examined whether the sacrifice of a cow was enjoined by the Islamic religion. The Court noted that according to the Holy Book of the Muslims, it was the duty of every Muslim to pray unto the Lord and make sacrifice on the *Bakr Id* day. Hamittan's translation of *Hedaya* laid down that the sacrifice established for one person was a goat and for seven persons a cow or a camel. The Court, therefore, observed that since an option had been provided, there was not an obligatory duty to sacrifice a cow. It was therefore, held that since the sacrifice of a cow was not enjoined by the religion, it did not come within the protection of religious freedom. The constitutionality of the impugned statutes could not therefore be assailed on the ground of their alleged inconstitency with the fundamental right of freedom of religion.

It seems to me that the Court should have examined how far the option given to a Muslim was real in the context of the prevailing social and economic conditions. A camel is not easily available in India. Also, it is less expensive to offer a cow on behalf of seven persons than to offer seven goats. If the sacrifice of a cow was eliminated altogether, a poor Muslim family would

<sup>9</sup> Art 25 (1).

<sup>10</sup> Art 25(2)(a).

<sup>11</sup> Art 25(2)(b).

<sup>12</sup> *Commissioner of Hindu Religious Endowments v. Laxmindra*, A.I.R. 1954, S.C. 282.

<sup>13</sup> *Ibid.*

be required to go without performing the religious duty. The Court should have taken this into account. Although this point was argued on behalf of the petitioners, the Court did not consider it important. Moreover, even if the Supreme Court were to concede that the impugned statutes interfered with the religious freedom of the petitioners, the validity of the impugned laws could still have been upheld. Freedom of religion being subject to the State's power to regulate an economic activity associated with religious practice, the laws could have been saved insofar as they prohibited the slaughter of cows, calves, bulls or bullocks on economic grounds.

The petitioners further contended that the impugned statutes prejudicially affected only the Muslim *kasais* (butchers) who killed and sold cattle but not those who killed and sold goats and sheep. They therefore said that the Muslim *kasais* had been singled out for hostile and discriminatory treatment. The statutes therefore denied them the equal protection of the law.<sup>14</sup> The Court noted that the object of the enactments was the preservation, protection, and improvement of livestock. Cows, bulls, bullocks and calves of cows were no doubt most important for the agricultural economy of the country. These animals being susceptible of classification into separate groups on the basis of their usefulness to society, the butchers who killed such animals could be validly classified into a separate group. The differential treatment given to these *kasais* was based on reasonable classification<sup>15</sup> and the statutes were therefore constitutional.

The third objection to the constitutionality of the statutes was that they unconstitutionally restricted the petitioner's fundamental right to practise any profession or to carry on any occupation, trade or business.<sup>16</sup> The Constitution permits the state to impose 'reasonable' restrictions on the exercise of this fundamental right if such restrictions are 'in the interest of the general public'.<sup>17</sup> The reasonableness of restrictions is justiciable.<sup>18</sup> It

<sup>14</sup> Art 15.

<sup>15</sup> In *Charanjit Lal v. Union of India*, A.I.R. 1951 S.C. 41, the Supreme Court laid down two tests of reasonable classification: (i) it must be founded on an intelligible differentia which distinguishes those persons or things that are grouped together from others left out of the group, and (ii) the difference must have rational relation to the object sought to be achieved by the statute in question. *Ibid.*, 58.

<sup>16</sup> Art 19(1)(g).

<sup>17</sup> Art 19(6).

<sup>18</sup> *Chintaman Rao v. State of M.P.*, A.I.R. 1951, S.C. 118, 120.

was contended by the petitioners that the laws prohibiting the slaughter of cows were not in the interest of the general public and were unreasonable. In determining constitutional questions of this nature, the Court has inevitably got to assess the social and economic implications of the law with a view to deciding whether the restrictions imposed by it are in the interest of the general public. Although usually the Court tends to accept the legislative judgment regarding the necessity and desirability of the restrictions from the standpoint of their being in the interest of the general public,<sup>19</sup> where competing social interests appear to be involved, their ultimate balancing with a view to seeking a harmonious compromise must be done by the court.<sup>20</sup> While deciding the reasonableness of the restrictions, 'the nature of the right alleged to have been infringed, the underlying purpose of the restriction imposed, the extent and urgency of the evil sought to be remedied thereby, the disproportion of the imposition, the prevailing conditions at the time, should all enter into the judicial verdict.'<sup>21</sup> The Court therefore carefully gauged the social and economic implications of the ban on the slaughter of cows with a view to assessing the social interest that would be promoted by such a ban. It also carefully examined the effect of the ban on the fundamental rights of the petitioners. After making the appraisal of the competing social interests involved, it did the balancing of the competing interests with a view to striking a compromise that might do the least injury.

On behalf of the petitioners, it was contended that a total ban on the slaughter of all animals belonging to the species of bovine cattle would bring about a total closure of the business of the butchers and hide merchants. Taking into account the fact that seven goats were the equivalent of one cow or one buffalo in flesh, the butchers who killed 25,02,000 cattle in a year would have to find seven times that number of goats or sheep. Such a large number was not available in India. The impugned statutes, if they were upheld, would have completely imperilled the occupation and source of livelihood of the people, who were engaged in the occupation of butchery. The Court further noted

<sup>19</sup> The Court usually presumes that the legislature understands and appreciates the need of the people, and that 'the laws that it makes are directed to problems which are made manifest by experience'. See *Hamdard Dawakhana v. Union of India*, A.I.R. 1960, S.C. 554, 560.

<sup>20</sup> Stone Jullus, *The Province and Function of Law*, 487.

<sup>21</sup> *State of Madras v. V. G. Row*, A.I.R. 1952, S.C. 196, 200.



that beef was the food of a considerable section of the Indian population. It was cheaper than mutton or goat's meat and consequently could come within the reach of the poorer people. This food was also useful from the nutritional point of view. The *Memorandum on Human Nutrition in India* recommended that one ounce of meat daily per adult must be consumed. The available quantity of meat was much less and the attainable quantity under the new plan might be 1/3 ounce or a little more per adult. Poorer people, who could hardly afford fruit or milk or ghee were likely to suffer from malnutrition if they were deprived of even one ounce of beef or buffalo flesh which might sometimes be within their reach.

The impugned laws had been enacted in pursuance of the Directive Principle embodied in Art. 48 of the Constitution. The Court is generally willing to uphold restrictions on fundamental rights if they are imposed in pursuance of any Directive Principle.<sup>22</sup> However, where a Directive Principle conflicts with a fundamental right, the Court tries to resolve such conflict by giving a harmonious interpretation to these conflicting provisions..<sup>23</sup>

### III

The country was in short supply of milk. Although our cattle population was in number the highest in the world, our milk production was perhaps the lowest. The average yield of milk per cow in India was 413 pounds as against 8,000 pounds in the Netherlands, 7,000 pounds in Australia, 6,000 pounds in Sweden and 5,000 pounds in the U.S.A. According to the figures given in the second Five Year Plan, at the beginning of the first Five Year Plan, the milk output was over 18 million tons.<sup>24</sup> Out of the total yield, buffaloes gave 54%, while cows gave only 42%. Buffalo milk was richer in fat, 6 to 7% as compared to 4.5% of fat in cow's milk. Cow's milk is, however, richer in other important contents and is more easily digestible. According to the table of the human food requirement recommended by the Nutrition Advisory Com-

<sup>22</sup> For an analysis of the judicial attitude, see G. S. Sharma, "Concept of Leadership Implicit in the Directive Principles of State Policy", *Journal of Indian Law Institute*, Delhi, Vol. 7, 1965, pp. 173-188.

<sup>23</sup> *Supra* n. 1 at 738.

<sup>24</sup> *Second Five Year Plan*. The Planning Commission, p, 285. See Hanif Quareesh, *supra* n. 1 at 746.

mittee of the Indian Council of Medical Research, 10 ounces of milk per adult per day was necessary to make up a balanced diet. Treating children below 10 years of age as 0.83 of adult value, the total adult population according to 1951 census was 31,30,00,000. At the rate of 10 ounces of milk per adult per day we would require 323,00,000 tons of milk per annum. In view of this, cows and other milch cattle were of great value to the society.

However, the milk yielding capacity was not the only consideration for banning the slaughter of these animals. Bullocks took the largest share in meeting the power requirements for our agricultural production. The Indian farmer preferred a cow bullock to a buffalo bullock. There was shortage of bullocks including buffaloes, as compared to their demand for agricultural work. The use of tractors, although it had started, had not made significant progress yet. For many years, India would have to depend on animal power for agricultural operations.

The country was in short supply of breeding bulls. Although the practice of artificial insemination had been introduced in some centres, for many years to come Indian husbandry would have to depend upon the ordinary breeding bulls. Another utility of the animals (cattle and buffaloes) was the dung. Dung was used as fuel as well as manure. Cattle urine was also useful for the nitrogen phosphates and potash that it contained.

In view of the above needs of the society, the ban on the slaughter of cows, bulls, bullocks and their young stock, which were capable of yielding milk or were potentially capable of yielding milk or were fit for breeding or agricultural purposes, was justified. The Court therefore did not have any hesitation in upholding such a ban as constitutional. However, the ban envisaged by the impugned laws was not confined to such animals as were useful as milch cattle or fit for breeding or agricultural purposes. The First Five Year Plan pointed out that about 10% of the cattle population of India was unserviceable or unproductive.<sup>25</sup> There was deficiency of good milch cows and working bullocks and there existed a surplus of useless and inefficient animals. The presence of the large number of useless and inefficient cattle in the midst of the good ones affected the agricultural economy in two ways: (i) the surplus stock pressed upon the scanty fodder and feed resources

<sup>25</sup> *First Five Year Plan*, Planning Commission, New Delhi, p. 273.

of the country and posed an obstacle to making good the deficit; (ii) the large number of old and useless cattle also adversely affected the quality of the breed. There was a tendency for this population to multiply and bring into being the progeny of an inferior kind, which was bound to affect adversely the production of milch and useful cattle. It was therefore absolutely necessary to separate such useless cattle from the good and useful ones.

What was to be done in respect of such cattle? Should they have been allowed to be slaughtered or should they also have been preserved? The Cattle Preservation and Development Committee set up by Government of India in 1948 had recommended a scheme for the establishment of cattle concentration camps, known as *Gosadans*. Each such *Gosadan*, which could house 2,000 heads of cattle, would have to have 4,000 acres of land which would permit of a rotational and controlled grazing practice. Such *Gosadans* must provide for the preservation of the surplus grass during the rainy season for the scarcity months. The estimated cost of establishing such a *Gosadan* for 2,000 heads of cattle would be, non-recurring Rs 50,000 and recurring Rs 25,000 per year. U.P. alone would require 91 such *Gosadans*. These *Gosadans* would require 200,000 acres of land. Their non-recurring cost would be Rs 4,550,000 and recurring cost would be Rs. 2,275,000 per year. Thus for the preservation of the useless cattle, the country would have to pay Rs 19 or Rs 18 per head of such cattle per annum. The Supreme Court rightly pointed out that in the present conditions, where money was required for more urgent and more fruitful developmental projects, and the country was not able to spend on an important subject such as education as much as it ought to do, it would be extravagant to spend so much money for the preservation of useless cattle.<sup>26</sup> The Court pointed out that the country could spend only Rs 4.9 per capita on education, whereas the per capita expenditure on education in the U.K. was Rs 104.6 and in the U.S.A. it was Rs 223.7.

Neither the first Five Year Plan nor the second Five Year Plan accepted the idea of a total ban on the slaughter of cattle. The Planning Commission considered that it would be impossible to establish enough *Gosadans* and they came to the conclusion that in defining the ban on the slaughter of cattle, the states

<sup>26</sup> *supra* n. 1, p. 751.

should take a realistic view of the fodder resources available in the country and the extent to which they could get the cooperation of voluntary organizations to bear the main responsibility for maintaining unserviceable and unproductive cattle with a measure of assistance from the Government and general support from the public.<sup>27</sup> Moreover, a large concentration of useless animals within a restricted area might lead to considerable soil erosion due to over-grazing and there might be every possibility of contagious and parasitic diseases spreading from these animals to surrounding areas.

The Supreme Court conceded that cows, calves, heifers and young castrated bulls and buffaloes, which would supply milk presently or in future or be of use for breeding or agricultural work needed protection. The Court held that (i) a total ban on slaughter of she-buffaloes or breeding bulls or working bullocks (cattle as well as buffaloes) as long as they were milch or draught cattle was reasonable and valid, but (ii) a total ban on the slaughter of she-buffaloes, bulls and bullocks (cattle or buffalo) after they ceased to be capable of yielding milk or of breeding or working as draught animals could not be supported as reasonable in the interest of the general public. The Court, however, made an exception in case of cows. It held that a total ban on the slaughter of cows of all ages was valid. However, the Court has not given convincing reasons for making this exception. The Court had rightly concluded that the existence of useless cattle burdened our economy and therefore was unjustifiable. What made it say that the ban on the slaughter of old and useless cows was constitutionally valid?

#### IV

Let us examine the two grounds which the Court gave for making such an exception. One was that the cow was in greater need of protection than the she-buffalo. The Court pointed out that the per capita milk yield of a cow was much less than that of a she-buffalo. The maintenance of a cow was more expensive and less rewarding monetarily than that of a she-buffalo. A cow fetched a higher price in the slaughter market than a she-buffalo. There was therefore less attraction for maintaining a cow and greater

<sup>27</sup> *Second Five Year Plan, op. cit.*, p. 283.

incentive for selling it to a butcher. The Court was obviously concerned over the possibility of the sale of useful cows to the slaughter market. The Court observed:<sup>28</sup>

A large percentage of the animals not fit for slaughter are slaughtered surreptitiously outside the municipal limits. For reasons of economy, rapacious *gowalas* or callous agriculturists find it uneconomical to maintain the dry cow and even resort to cruel practices and maim the cow in order to get her passed for slaughter.

Now while the apprehensions expressed by the Court are well founded the remedy suggested may be worse than the disease. Instead, I would suggest that in order to prevent the slaughter of good and milch cows, more stringent administrative control over the slaughter of cows may be instituted. It may be required that every cow which is to be slaughtered must be certified by an appropriate authority as unfit for yielding milk. It is possible that administrative inefficiency or corruption may be given as grounds for not relying upon the administrative control. However, the remedy lies in ridding administration of inefficiency and corruption rather than in imposing a total ban on the slaughter of cows, which would definitely be uneconomical. Also, criminal sanctions may be prescribed against those who sell or buy useful cows for the purpose of slaughter.

Secondly, the Court relied upon the strict interpretation of Article 48 for upholding the total ban on the slaughter of cows. It was argued on behalf of the petitioners that the principal purpose of that article was to direct the State to endeavour to organize agriculture and animal husbandry on modern and scientific lines and that the prohibition of the slaughter of animals was only ancillary to this principal purpose. The Counsel for the respondents and Pandit Thakur Das Bhargawa, who appeared as *amicus curiae*, maintained that the article contained three separate and distinct directions; namely, the improvement of agriculture and animal husbandry on modern and scientific lines, the preservation and improvement of breeds, and the prohibition of the slaughter of cows and calves and other milch and draught cattle, each of which must be implemented independently and as a separate charge. The Court observed that 'the directive for taking steps for preventing the slaughter of animals (was) quite explicit and positive and

<sup>28</sup> *Supra*, n. 1, p. 255.

(contemplated) a total ban on the slaughter of the several categories of animals specified therein, namely, cows and calves and other cattle which (answered) the description of milch or draught cattle.<sup>29</sup> The Court held that the protection recommended by the article was confined only to cows and calves and to those animals which were presently or potentially capable of yielding milk or of doing work as draught cattle. It was therefore held that Article 48 enjoined the state to impose a total ban on the slaughter of cows and calves, irrespective of their usefulness.

The Court should have read the words in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter of cows and calves and other milch and draught cattle along with the principle purpose of the article, which was to organize agriculture and animal husbandry on modern and scientific lines. The proposed ban on the slaughter of animals merely illustrated one of the various steps which the state would have to take to implement the Directive Principle. This is implicit in the words in particular contained in Article 48. Moreover, if the word other in that article were to be read as controlling the whole clause, it would have meant that the state ought to prohibit the slaughter of milch and draught cattle such as cows, calves, etc. While interpreting the Constitution, the Court ought to go beyond the actual words to find what was intended.<sup>30</sup> In an oft-quoted passage which has relevance to the present subject, Mr Justice Holmes of the United States Supreme Court once said:<sup>31</sup>

The provisions of the Constitution are not mathematical formulas having their essence in their form; they are organic living institutions transplanted from English soil. Their significance is vital, not formal, it is to be gathered not simply by taking the words and a dictionary, but by considering their origin and the line of their growth.

## V

The Hindu sentiment on the issue of cow slaughter is no doubt very intense. Even the Supreme Court was not oblivious to this sentiment. Referring to it, the Court said:<sup>32</sup>

There can be no gainsaying the fact that the Hindus in general hold the

<sup>29</sup> *Ibid.*, p. 736 (The emphasis has been added).

<sup>30</sup> See Gajendragadkar J. (as he then was) in *Atiahari Tea Co. Ltd. v. State of Assam*, A.I.R. 1961, S.C. 232.

<sup>31</sup> *Gompers v. United States*, 233 U.S. 604, 610(1914).

<sup>32</sup> *supra* n. 1 at 745.

cow in great reverence and the idea of the slaughter of cows for food is repugnant to their notions and this sentiment has in the past even led to communal riots. . . . While we agree that the constitutional question before us cannot be decided on grounds of mere sentiment, however passionate it may be, we nevertheless think that it has to be taken into consideration, though only as one of many elements, in arriving at a judicial verdict, as to the reasonableness of the restrictions.

However, the policy-makers must not hesitate to take unpopular decisions if they are in the interest of the society. The Indian leadership has twice before shown that reason prevails over sentiment. Thus, speaking on a private member's Bill in Parliament, Mr K. M. Munshi, then Minister for Food and Agriculture, conceded that there was a national sentiment which accepted the cow as the mother and that no higher *dharma* has been prescribed than her protection.<sup>33</sup> Mr Munshi however urged that there was a greater need to concentrate on big nationwide constructive effort for developing good breeds in our cattle. He pointed out the difficulties in maintaining the useless cattle which imposed a heavy burden on the economy. He emphasized the economic considerations that underscored the need for the preservation and protection of good cattle. In 1955, Seth Govind Das introduced The Indian Cattle Preservation Bill, which in effect sought to prohibit the slaughter of cows, calves and other milch and draught cattle.<sup>34</sup> The Attorney General, who was consulted by the House as to the competency of the House to pass such a legislation, opined that the subject matter of the Bill was in the exclusive sphere of the State Legislatures. Prime Minister Nehru urged the House to 'reject it completely and absolutely.'<sup>35</sup> Mr Nehru said:<sup>36</sup>

We all, I hope without any exception, desire the preservation of the cattle wealth of this country. We all, in fact, are alarmed at the deterioration of that wealth because, religion apart, emotion apart and sentiment apart, for economic reasons and for other substantial reasons, it is important for that to be preserved and for that to be improved. . . . But the approach to this question must be a constructive approach.

Replying to an annoying question from a Member, Mr Nehru bluntly said:<sup>36</sup>

<sup>33</sup> *Parliamentary Debates* (Lok Sabha), Vol. 8, Part II, 3521 (1951).

<sup>34</sup> Lok Sabha *Debates*, Vol. 3, Part II, 4116 (1955).

<sup>35</sup> *Ibid.*, p. 4148.

<sup>36</sup> *Ibid.*, p. 4149.

<sup>37</sup> *Ibid.*, p. 4152.

My advice to some people who do not understand economics or agriculture is not to take a step which will ruin our cattle wealth and do something which has often important constitutional consequences and is not therefore possible.

Mr Nehru declared that he was prepared to stake his Prime Ministership on this issue.<sup>38</sup> The House rejected the Bill by a vote of 95 to 12. Two Congressmen, Purushotam Das Tandan and Thakur Das Bhargawa ignored the Congress whip and voted in favour of the measure.

The Constitutional consequences to which Mr Nehru made a subtle reference must have been those pertaining to the compatibility of a religion-oriented approach on this issue with the secular state, which the Indian Constitution assures. The secular state has been defined as the state which guarantees individual and corporate freedom of religion and is not constitutionally connected to a particular religion nor does it seek either to promote or interfere with religion.<sup>39</sup> Why should the state enforce a doctrine of Hinduism against other religious groups? The Hindu is fully entitled to refrain from eating beef. However, why should he insist that Muslims and Christians also must not eat beef? Let us take a concrete example. The Sikhs have been permitted to carry a *kirpan* because their religion enjoins them to do so. However, the Sikhs do not insist that other communities also must carry *kirpans*. Roman Catholics condemn the use of contraceptives, but they do not say that other communities also must condemn their use. The ban on the slaughter of milch and draught cattle insofar as it is consistent with the purpose of organizing agriculture and animal husbandry on modern and scientific lines would come within the scope of the state's power to regulate the economic activity associated with religious practice and would therefore be constitutional. Such regulation would undoubtedly be in the interest of the general public, and would constitute a reasonable restriction upon the fundamental right to carry on any occupation. A ban on the slaughter of useless cattle including cows would not, however, come within the scope of this power and would therefore be unconstitutional.

<sup>38</sup> *Ibid.*, 4153.

<sup>39</sup> Smith, D. E., *India as a Secular State*, Oxford, Bombay 1962, p. 3.



## Contributors

A. B. SHAH has taught mathematics and statistics for about twenty years in the Universities of Poona and Bombay. He is at present Director of Programmes in India for the Congress for Cultural Freedom. He has published a number of books and is author of *Scientific Method* and *Planning for Democracy and Other Essays*.

MUKANDI LAL, an Oxford graduate and a Barrister-at-Law, was Deputy Speaker of U.P. Legislative Council during 1927-1930. Between 1930-1938, he practised at the Bar. Later, he was a High Court Judge in the Tehri State, till 1944. In 1956, he became a Buddhist. His book, *Garhwal School of Painting* is being published by the Government of India.

V. M. DANDEKAR, Director of Gokhale Institute of Politics and Economics, Poona is a leading economist. He has several publications to his credit.

MANUBHAI M. SHAH is Head of the Post Graduate Department of Commerce, Sardar Patel University, Vallabh Vidya Nagar, Gujarat. A leading economist, Professor Shah has contributed several articles to the *Economic Times* and other leading economic journals.

S. P. SATHE is Reader in the Department of Law of the University of Bombay. Dr Sathe specializes in Constitutional law and regularly contributes papers to a number of learned journals.



Library

IAS, Shimla



00030987