

**THE ISSUE OF
TOTAL BAN ON SLAUGHTER
OF
ENTIRE COW PROGENY
PUT TO
TEST OF "REASONABLENESS"**

A CALL

- * TO REASON !**
- * OF REASON !!**
- * BY REASON !!!**

CONCEPT

LATE SHRI VENISHANKER MURARJI VASU

PUT IN WORDS BY

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PREFACE

In the Indian context agriculture and animal husbandry are inseparable. A prosperous animal husbandry is the foundation of a prosperous agriculture and that is why Article 48 of the Indian Constitution under the Chapter of Directive Principles of State Policy has combined these two.

Whereas a strong animal husbandry pre-supposes preservation and protection of the precious cattle wealth of the country, there is unfettered and large scale slaughter of cattle in our country. The Government is actively patronising meat export, permitting setting up of large mechanised slaughter houses in private sector and also modernising and upgrading the slaughter capacity of thousands of municipal and State run slaughter houses across the country. This has dealt a death blow to both animal husbandry and agriculture.

Agriculture and animal husbandry being a State subject there is no central law to prohibit slaughter of cattle in the country. Various State laws which create the illusion of trying to prevent slaughter are nothing but 'slaughter manuals'. There is total ban on slaughter of the female of the cow in almost entire country (except West Bengal and Kerala), the other cow progeny - bulls and bullocks are allowed to be slaughtered. Except for a few States like Punjab, Rajasthan, Haryana, Himachal Pradesh, Delhi there is no total ban on slaughter of entire cow progeny. Some of the States' laws enacted after independence to impose total ban on slaughter of entire cow progeny were challenged in the Supreme Court and the Supreme Court held way back in 1958 in the case of **Mohd. Hanief Qureshi V/s. State of Bihar** (A 1958 SC 731) that imposing total ban on entire cow progeny was not in the larger interest of the society. Reliance was placed in this judgement on Article 19(1)(g) to protect the fundamental right to carry on one's own trade and profession (by the butchers) and on Article 19(6) which deals with reasonableness of a restriction on this fundamental right.

After 1958 various States imposed total ban on slaughter of entire cow progeny like Madhya Pradesh, Gujarat and Maharashtra. The amendments in the Madhya Pradesh and Gujarat Laws were challenged before the Courts and while M.P. High Court upheld the M.P. amendment, the Supreme Court struck it down in appeal. The Gujarat amendment has been struck down by the Gujarat High Court and the matter is in appeal before the Supreme Court. In both cases, the judgement in 1958 case was followed. The amendments enacted by the State of Maharashtra has not received the assent of the President in view of the legal history of the matter.

It is worthwhile to note that in **Mohd. Habib and others V/s. State of U.P. and others (Civil Misc. Writ Petition No. 38469 of 1994)** decided by the Allahabad High Court on 1-8-1997 per **Hon'ble Ravi S. Dhavan J. and Hon'ble V.P. Goel J.** the Court has pronounced that there is no fundamental right in the activity of killing. The text of the Court's order is quoted hereunder:

"The issue raised in this writ petition is best summed up in the grounds to the writ petition. The petitioners, Messrs. Mohd. Habib, Mohd. Ismail and Nijamuddin, from Mathura, all three of them are butchers. They say so in their petition and add that they belong to the Qureshi community and from their ancestors they have taken to the family profession to slaughter buffaloes and sell the meat within and beyond Mathura.

They contend that the State and its local administration are putting impediments in their trade and vocation and attempting to regulate it, by curtailing

the number of buffaloes to be slaughtered, realising Rs.5/- for each animal put to slaughter and restricting the export of the slaughtered animals outside Mathura.

The petitioners contend that their vocation and profession is their fundamental right, that is to say, to slaughter buffaloes and make a business from the meat which they sell.

The Court has considered this matter very carefully and heard the submissions of learned counsel for the petitioners on the writ petition.

The Court is of the view that the Constitution of India does not permit any citizen to claim that it is his fundamental right to take life and kill animals. A butcher may have his profession but he cannot claim it as a fundamental right by the Constitution. Otherwise, it will be a negation of the tenets of our Constitution. The Constitution of India has a chapter on Fundamental Duties. This is Chapter IV-A, Article 51A(g) ordains "compassion for living creatures".

Thus, the Court is unable to persuade itself that butchery as a profession can be claimed as a fundamental right of a citizen. That a butcher may slaughter and make a business of it is one aspect of the matter, but, the State can regulate this business.

The writ petition is devoid of merit and dismissed."

The issue of total ban on slaughter of entire cow progeny is very vital for Indian animal husbandry, Indian agriculture and thereby for our entire economy. The only issue which needs to be carefully examined is the reasonableness of restrictions and whether the restrictions on slaughter of entire cow progeny stand the test of the reasonableness.

The following essay examines this issue in a very objective manner, putting to test this issue of 'reasonableness' from various angles which were enunciated by Hon'ble Supreme Court in various cases related to safeguarding of fundamental right under Article 19(1)(g). Article 19(1)(g) needs to be relied on to protect fundamental right of crores of farmers and artisans, whereas it is misused to protect the so-called fundamental right in the pernicious activity of killing — contrary to basic tenets of the Constitution — claimed by a few thousand butchers and a handful of meat traders. Judges, lawyers, agriculture experts, animal husbandry experts and the people at large need to pay attention to this subject and hence this essay is published. The contents are based on the writings of Late Shri Venishankar Murarji Vasu who was an eminent scholar of Indian economy. Shri Vasu established through his indepth analysis of various issues that cattle based economy has stood the test of time and is the only sustainable way of life for our country. The Western model of development based on exploitation and violence can never bring real peace and prosperity for people. The Western model in the first phase has unleashed violence on the precious cattle wealth of our nation and will gradually affect human population. In this scenario the spirit of our Constitution needs to be understood and implemented in the right sense.

— R.K. Joshi

TEST OF REASONABLENESS

applied to

RESTRICTIONS ON SLAUGHTER OF

ENTIRE COW PROGENY

The issue of reasonableness of the restrictions is a subjective matter and there are enough pronouncements dealing with the subject of reasonableness. The observations of the Supreme Court in some of the cases which deal with the reasonableness of restrictions are quoted hereunder.

“It follows that the reasonableness of a restriction has to be determined in an objective manner and from the stand point of the interest of the General Public and not from the point of view of the persons upon whom the restrictions are imposed or upon abstract considerations (Mohd. Hanif Qureshi V/s. State of Bihar, 1958 SC 731).

“In other words, a law cannot be said to be unreasonable merely because in a given case, it operates harshly, (State of Gujarat V/s. Shantilal A 1969 SC 634 para 53) even if the persons affected be petty traders (State of Karnataka V/s. Hansa Corpn. A 1981 SC 463)”

In view of the above observations in various cases by the Supreme Court, one conclusion can be drawn that the interest of the public at large or the Society must prevail over the interest of an individual or a group of individuals.

The restrictions imposed by the amendment Acts imposing total ban on slaughter of entire cow progeny results in saving the precious cattle wealth of the nation as a whole. It can be said without any doubt whatsoever that the restrictions imposing total ban on slaughter of bulls and bullocks are in the larger interest of the Society and hence cannot be termed as unreasonable.

Further, the subject of restrictions in the interest of the general public has come up for adjudication before the Supreme Court in various cases and it has been laid down by the Supreme Court that by and large the ambit of restrictions which are in the interest of the general public have to be decided as under:

Restrictions in the interest of the general public, “is a wide expression and would comprise within its ambit the interest of

- (A) Public health and morals¹
- (B) Economic stability of the country²

- (C) Equitable distribution of essential commodities at fair prices³
- (D) Maintenance of purity in public life⁴
- (E) Prevention of fraud⁵
- (F) Amelioration of the conditions of farmers or workmen⁶
- (G) Implementation of the Directive Principles in Part IV⁷

1. *State of Maharashtra V/s. Himmatbhai, A. 1970 S.C. 1157*
2. *State of Assam V/s. Sristikar, A. 1957 S.C. 414 & Glass Chatons V/s. Union of India, A. 1961 S.C. 1514*
3. *Narendra V/s. Union of India, (1960)2 S.C.R. 375; Union of India V/s. Bhanmal, (1960) 2 S.C.R. 627*
4. *Sakhawant V/s. State of Orissa, A. 1954 S.C. 166*
5. *Fedco V/s. Bilgrami, A. 1960 S.C. 415*
6. *Jan Md. V/s. State of Gujarat, (1966) 1 S.C.R. 505 (515) Ramdhandas V/s. State of Punjab, A.1961 S.C. 1559*
7. *Municipal Corpn. V/s. Jan Md., A. 1986 S.C. 1205 (paras 19-20)*

The restrictions imposed by the amendment Acts of various States need to be put to test on the above criteria and each one is dealt with separately in the following pages:

PUBLIC HEALTH AND MORALS

Let us consider as to how the restrictions imposed would be in the interest of general public as regards the subject of public health.

The situation prevailing in the area of public health in our country is very disappointing. The level of public health is deteriorating day by day and the ever growing production of medicines and the import of medicines as also the growing need for hospitals is a proof of this state of affairs.

Various Govt. publications which are brought out year after year have put forth one conclusion that the basic reason behind growing deterioration of health and growing instances of various diseases is malnutrition.

The 6th Planning commission had made certain observations, few of which are given hereunder:

- a) 2% of the population suffers from Tuberculosis. The efforts to control T.B. have not been successful so far and the number of T.B. patients is increasing.
- b) As per the findings of the Indian Council of Medical Research, our country has 90 lakh blinds and this number is increasing every year by an addition of 10 lakh blinds. (this means that a very large number of individuals are born blind). The main reason for blindness is the lack of proper nutrition. (Vitamin

A)

The Planning Commission further says:

“An investment on health is an investment on man and on improving the quality of his life. It is therefore well recognized that health has to be viewed in its totality, as part of the strategy of Human Resource Development”.

(VIth Five Year Plan 1980-85 page 367)

Public health has to be viewed from humanitarian angle and not from economic angle. A prosperous yet cheap agriculture and a prosperous healthy cattle wealth are the lifeline of the public health of a nation.

The Planning commission further states on page 378 of the plan documents as under:

“In the 4th Plan an integrated nutrition programme with an outlay of Rs. 45.18 crores was introduced. It was observed that more food production was needed to solve the problem of malnutrition and to improve the nutritional status of the population. Stress was laid on the development of agriculture along with animal husbandry and fisheries as the base of all efforts for the improvement of nutrition.”

Such and various other observations from various sources point to one conclusion that the calorie intake of the people is less resulting from less intake of foodgrain. However, India has no scarcity of foodgrain as claimed by the Government. The problem is that foodgrains are not available at affordable prices to the masses and hence on one hand, we have people who do not get sufficient foodgrains, and on the other, we have large stocks of foodgrains rotting in public warehouses as they are unsaleable at the prevailing rates. The foodgrain prices are higher because the inputs which go into foodgrain production have become costlier year after year. The main input for foodgrains production is chemical fertilizer which has to be used due to lack of farmyard manure. On one hand, this increases the cost of production of foodgrains, without any actual increase in foodgrain production and on the other, it results in production of poisonous, inferior and polluted foodgrains and at the same time it damages the fertility of the soil. The use of chemical fertilizers necessitate the use of pesticides which also result in poisoning the foodgrains and increase the instances of sickness and diseases amongst the people. If a total ban is imposed on slaughter of cattle, the availability of farmyard manure can be increased which will help in reducing the cost of production of foodgrains making them available to the masses within their affordable reach and at the same time it will reduce the instances of sickness. Thus the restriction on slaughter of cattle is in the interest of public health.

As the situation stands today, in some states bulls and bullocks below the age of 15/16 years are protected animals. The purpose of the amendment

Acts is to bring the bulls and bullocks within the protective umbrella irrespective of their age. Thus if we consider the average life of a bull or a bullock to be 20 years, for the additional 4/5 years that it lives beyond the age of 15/16 years, a bull or bullock would yield 20 tons of dung in those 5 years. This 20 tons of dung can help in producing 40 tons of farmyard manure. However, if such bull or bullock is slaughtered on attaining the age of 15/16 years, it may yield about 100 kg. meat worth around Rs. 2000/-. We have to consider what is more beneficial to the Society; an income of Rs. 2000/- for the meat trader or availability of 40 tons of farmyard manure for the nation? The answer is obvious and will convince anyone that the preservation of cattle is in larger interest of the society rather than its slaughter.

Further, the availability of 40 tonnes of farmyard manure will enable the farmer to cultivate about 16 acres of land. The yield from 16 acres of land for the foodgrains will be approx. 8 tons and applying the foodgrain to fodder ratio of 1:3, the fodder availability will be 24 M.T.

This additional foodgrain production can feed about 80 people for one year or 20 people for 4 years. In addition, it can feed 2 additional cattle besides the bullock or bull itself for the additional four years of their life. These figures are based on an assumption that a human being consumes 300 gms. of foodgrains per day and the cattle consumes 6 kg. of dry fodder per day.

Thus the cattle becomes self sustaining without any burden on the farmer for the entire natural span of its life and at the same time yields additional foodgrains for mankind. Thus from economic angle also it is more beneficial to let the cattle live rather than slaughter it. Incidentally in view of the availability of the farmyard manure at almost nil cost, the cost of production of foodgrain from such farmyard manure will be very low as compared to the cost of production of foodgrain with costly inputs of chemical fertilizers.

Thus by imposing total ban on slaughter of bulls and bullocks (above the age of 15/16 years), the availability of farmyard manure will increase, the costs in agricultural sector will come down, more and more people will be able to afford the foodgrains, the level of nourishment will improve and the level of sickness and disease will be lower. Thus the restriction will prove to be reasonable on the grounds of public health.

Let us now consider the criteria of morals.

The condition of morals in the life of our people in general, as also in relation to the people holding public offices such as Ministers, politicians, bureaucrats etc. in particular is at a very low level. If deeply analyzed the root cause of this degraded morality can also be traced back to the slaughter of cattle.

An activity which adversely affects the morals of people cannot be recognized as a fundamental right and given protection under Article 19(1)(g)

of the Constitution. Violence is the most immoral activity and violence against cattle i.e. the slaughter of cattle creates a situation which leads to degradation of morals. Adulteration in various items of food and eatables is an index of degradation of moral. Let us consider the specific instances as to how the slaughter of cattle leads to various forms of immoral activities and behaviour.

- (i) Due to scarcity of farmyard or organic manure resulting from slaughter of cattle, the farmers are compelled to use chemical fertilizers. The import, production and distribution of chemical fertilizers involve so many agencies, traders, businessmen, transporters etc. unlike the farmyard manure which is available at the door step of the farmer. In view of involvement of so many agencies and human beings, there are opportunities for the immoral persons to indulge in adulteration as well as to play mischief with the weight of the fertilizers while filling up in smaller bags. The traders have become so much used to this form of malpractices that it has become a routine and the farmers have also accepted this as part of life.
- (ii) The adulteration of foodgrains with stone has become very common thing. With the growing prices of foodgrains, the instances of mixing stones in foodgrains also have become a routine. The adulteration of inferior quality of foodgrains with the superior quality of foodgrains has also become a common thing. The sole reason behind this phenomena is increase in foodgrain prices by leaps and bounds. Wheat was available at 50 paise per kg. in 1965 whereas today good quality wheat is available for Rs. 8 to Rs. 9 per kg. Thus by mixing 2 kg. of stones in one quintal bag of wheat, the trader can benefit by Rs. 16 to 18 per bag. The increase in prices of foodgrains is only due to slaughter of animals which created scarcity of farmyard manure and which compelled the entire structure of our agriculture to be changed. The traders have taken such adulteration to be a routine thing and the people have also accepted this injustice and exploitation as a routine thing. Thus the morals of the trader community is getting degraded and the insistence of the people for justice as also the power of resisting injustice is getting destroyed. With ever-growing prices of foodgrains the greed of the traders also grows and they get tempted to manipulate the weight and contents. Thus the weighing scale which is the symbol of love for justice, is now becoming a tool of immoral activities for the trading community.
- (iii) As a result of cattle slaughter there is an acute shortage of dung cake fuel. The dung cakes are replaced by gas and kerosene. Kerosene is often mixed with water, diesel is often mixed with kerosene and petrol is often mixed with diesel. This is a common experience for each one of us. Thus the poor villagers get kerosene mixed with water. There have been instances when less gas is filled in the gas cylinders and such instances are often reported from all over the country. Thus in the sector of fuel also the level of morality is fast depleting.

- (iv) People have got so much used to such adulteration and accepted the situation helplessly, that there is widespread adulteration in edible oil, medicines, cement etc. The increased cost of production in agricultural sector has led to increased cost of production in the industrial sector and thus it has set in motion a vicious circle of inflation, providing temptation for adulteration.
- (v) It appears that large scale adulteration in meat also must be taking place because the then Food Minister Shri Surjit Singh Barnala in the Janata Party Govt. at Centre had once made a statement that "we are constructing modern slaughter houses so that people can get unadulterated meat".

The growing menace of corruption in the State administration is also due to inflation triggered by all-round increase in prices resulting from the slaughter of cattle. The Public servants and officers resort to corruption to meet the growing cost of living. Trade and industry which have prospered as a result of inflation have amassed so much of wealth that they bribe the Ministers also, and if a minister is corrupt how can one blame the peon in the Govt. offices? Thus from peon to the Minister the entire administration of the Govt. has become corrupt. People now despise the word 'moral' or 'morality'.

Thus it will be seen that permitting slaughter of cattle is not in the interest of maintaining morality in public life and the morals of people in general.

The total ban on slaughter of bulls and bullocks will ensure increased availability of farmyard manure, which will check corruption and mal-practises in the chemical fertilizer trade and also in the trade of foodgrains (because the prices will come down as a result of increased availability of almost cost free farmyard manure).

ECONOMIC STABILITY OF THE COUNTRY

Let us now consider the criteria of economic stability of the country to evaluate the reasonableness of restrictions on slaughter of cattle.

There are basically two weapons with which the economic stability of any nation can be destroyed and those weapons are (1) inflation and (2) external debt.

Inflation always breeds from scarcity of foodgrains and the resultant high prices. When the cost of production in the foodgrain sector increases, the prices of farm products also increase. This leads to price rise and increased cost of production in the industrial sector also. This gives rise to the demand for more wages and more dearness allowances. This burden gets loaded in the prices of the finished products in the industrial sector also.

The vicious circle of inflation compels the Govt. employees also to demand more salaries, dearness allowances and various other financial benefits. To meet these expenses the burden of tax on people has to be increased. With growing taxation the evil of tax evasion raises its head and ultimately results in a general tendency of evading taxes which opens up a new sphere for corruption.

With depleting purchasing power of people at large, more money is needed by every one. The volume of investment in the industrial sector also goes up proportionately. The capital requirement for traders also increases by many hundred folds. Thus there is growing need for money everywhere. However, all this does not result in increased production and thus the increased circulation of currency to meet the expenses in the Govt. Sector as well as to meet the needs of trade, industries and agriculture creates a vicious circle which is born out of the policy of slaughter of cattle.

To meet the situation resulting out of slaughter of cattle, the country is compelled to import chemical fertilizers on a large scale. It has also to establish giant plants for manufacturing chemical fertilizers within the country. It has to spend huge sums on import of milk powder and butter oil. In the transport sector, due to slaughter of bullocks and non-availability of sufficient bullock carts, the country has to turn to railways and motor lorries to meet the transport needs and for that purpose it has to import diesel and petrol. To meet the fuel needs the country has to import kerosene. Due to polluted foodgrains grown with the help of chemical fertilizers, there is mal-nutrition and hunger everywhere because the common man is unable to afford the foodgrains at prevailing high prices. Thus the standard of public health has deteriorated and to meet this situation the country has to import medicines worth billions of rupees every year.

For adulteration of milk, which is given the attractive name of 'milk processing', the country has to import processing plants worth hundreds of crores of rupees.

The slaughter of animals has resulted in destruction of forests. With destruction of forests soil erosion has taken place which has filled up the water reservoirs and made them dry and thus the scarcity of water is created. To meet this scarcity of water, the country has embarked on the path of constructing large dams at the cost of thousands of crores of rupees.

By mischievous propoganda about protein and other nutrients to encourage the production of meat, the country is importing latest and most modern abattoir machineries at the cost of crores of rupees. For ensuring supply of animals to these slaughter houses large schemes are made for rearing of sheep and pigs and to make these animals yield good amount of meat, a huge portion of our foodgrain production is diverted to feed these animals and we are forced to import large quantity of foodgrains for feeding these animals.

All the above activities result in increasing external debt burden on the country. Today, India is one of the largest debtor countries in the world and this position of external debt has created a grave danger for the sovereignty of our nation.

The total ban on slaughter of cattle can prevent the above situation, safeguard the economic stability of the nation and hence the restrictions are reasonable.

EQUITABLE DISTRIBUTION OF ESSENTIAL COMMODITIES AT FAIR PRICES

Let us now consider the criteria of equitable distribution of essential commodities at fair prices to evaluate the reasonableness of restrictions on slaughter of cattle.

Essential commodities would mainly consist of drinking water, nutritious foodgrains, fresh milk, pure ghee and various other unadulterated items of consumption such as edible oil, sugar, jaggery, salt, spices, cereals etc.

Our nation had been bestowed with a beautiful arrangement for water and the kings and the leaders of trading communities had also made beautiful arrangements for preservation and maintenance of water supply. Probably no other country in the world was so fortunate as regards the availability of fresh and pure water.

However, the greed of the exploitative forces of the world imposed the policy of animal slaughter in this country and have converted this great nation into a nation suffering from acute shortage of water. This country had never experienced shortage of water in its thousands of years old history. However, with increase in animal slaughter during the British Regime, the number of cattle slaughtered and the number of villages facing acute shortage of water has kept on increasing year after year. According to a survey by the World Bank some years ago there was drinking water shortage in 33% of Indian villages. Today, of the 6 lakhs villages, 3 lakhs villages face acute shortage of drinking water, leave alone other types of water.

According to the advice tendered by the Western countries and the Western lending agencies, the poor population of this nation is being burdened with taxes running in thousands of crores of rupees for implementation of various water schemes. Large cities have rationed supply of water in terms of timings as well as quantum. Water has been converted into a commercial item and the government collects huge sums in the name of water tax from the residents of cities. Water which is a free gift of the nature is sold at exorbitant prices at some places.

The foreign lending agencies will recover their debts for these water schemes with interest. However, who will refund the taxes paid by the poor population of this country. Whether water is available or not available they have to continue to pay the water taxes.

In all the schemes for water supply the large industries and large cities have been kept at the centre. There is discrimination in the distribution arrangement as well as imposition of water taxes between the industrial consumers and the common consumers. There is discrimination between the consumers from urban areas and rural areas also.

The entire population of the country including Hindus, Muslims and others has God gifted right to obtain water for drinking, for sanitary needs, for cooking, for cleaning utensils, clothes etc. This God gifted right is greater than the right gifted by the Constitution. Both the Hindu and the Muslim communities have religious right to obtain pure and free water for performing their religious rituals. However, when lakhs of villages do not have adequate supply of drinking water, when crores of Hindus & Muslims living in villages face acute shortage of water and have lost the God gifted right, how can they perform their religious rites? As a result of the policy of slaughter of animals, the God gifted right of the population to obtain free and adequate supply of water and the constitutionally guaranteed religious rights have been snatched away. This has happened for the first time in the thousands of years old history of our nation.

Overlooking the commands of the Constitution, discrimination is practiced in the distribution of water between the urban and the rural population. The system of equitable distribution of water has totally collapsed. The members of the Planning Commission of the 6th Five Year Plan had also expressed their dissatisfaction about the situation in the water sector. Ensuring the availability of free and adequate supply of water to the entire population irrespective of its religion can only restore the God gifted right, the constitutional rights and the religious rights.

The Parliament may have the authority to formulate the economic policy for the nation. However, such an authority must be subject to certain limitation. The parliament has no right to formulate policies which create pitiable conditions for the nation and to crush it under the unbearable burden of foreign debt.

The policy of slaughter of animals or the policy of building large dams or water reservoirs is not the part of the economic policy. This issue relates to the religious, cultural, humanitarian aspects and involves the subjects of agriculture and animal rearing. The policy of animal slaughter as well as the policy in the sphere of water, obstruct the citizens in performing their fundamental duties under Article 51(A) and one of the fundamental duty is to preserve the rich heritage and culture of this nation.

Let us now consider the direct effects of the policy of animal slaughter as regards availability and distribution of water. The acute and unprecedented water famine which has resulted from large scale animal slaughter has snatched away the fundamental rights of the masses. It has pushed the entire population in physical, mental and economic torture and has severely damaged the morals of the people.

The 6th Five Year Planning Commission had noted that public health has suffered gravely as a result of polluted and dirty water. However, the Planning Commission failed to take note of the acute shortage of water. The Planning Commission did not deem it fit to take note of the deteriorating cultural and economic status of the population as a result of water famine.

When water supply is rationed, it is not possible for the people to get sufficient water for taking bath, for washing clothes, for cleaning utensils, for cleaning their houses etc. As a result, people get used to unclean environment. In some remote areas of the country, children born during last 10 years probably may not be knowing what bath means or what washing of clothes means. Such a situation naturally results in total destruction of culture of this nation besides being a grave health hazard.

The so called industrialization and the giant machinery based industries set up under the industrialization plan can provide employment to hardly 2 crore workers. The remaining bulk of the working population in villages consists of artisans who manufacture various items of daily needs. These artisans consist of blacksmiths, carpenters, potters, cattle breeders, Harijans weavers, tailors, cobblers etc.

Today large Metropolitan cities, medium sized towns as also 3 lakhs small villages in the country do not have adequate supply of drinking water. In such a situation how could they provide drinking water to their cattle. In a situation of water scarcity the capacity of cattle to work as draught animals as well as their milk yielding capacity suffers a set back. This affects adversely the income of the cattle breeders dependent on cattle. As a result of water scarcity, the cattle are sold to the slaughter houses and thus the wealth of the nation gets destroyed. The cattle breeders dependent on these cattle lose their livelihood for ever. As a result of slaughter of cattle there is scarcity of pure fresh milk and pure ghee, resulting in their price rise. This situation adversely affects the health of the people as also their religious rights, because the use of milk and ghee has predominance in performance of various religious rites of Hindus.

In villages the need for water is maximum in the craft of potters. They construct houses using mixture of cow dung and soil. They also manufacture various items of household needs, utensils, pots etc. They also make the roof tiles in crores of numbers. However in a situation where drinking water also is available in rationed quantities, how can the potters get water for preparing their mortar for making houses and various utensils and other items. This situation has dealt a severe economic blow to the vocation of potters. By extending the protection under Article 19(1)(g) to protect the activities of a few hundreds butchers, crores of potters of this country have become totally unemployed.

When a potter is unable to construct a house, naturally the vocations of blacksmiths and carpenters also are adversely affected. This is so because the carpenter prepares the windows, doors and other wooden fixtures for the house and the blacksmith makes the nails, bars and such other items used as fixtures in constructing a house.

Thus on one hand the activity of construction of new houses or their repairs has almost totally stopped, on the other hand there is rapid increase in population. Thus people are getting dumped as human scrap in slums and

shanties cropping up around large cities. In Mumbai alone practically half the population of the City lives in sub-human conditions as human scrap in its sprawling slums.

Next to the need of the potter for water there is need of the weavers for use of water for their vocation. From the 6th Plan onwards Khadi and Handloom has been given some place in the cloth sector. This sector can provide employment to lakhs of women involved in spinning. However, when there is shortage of even drinking water, from where can these women get water for sprinkling on the bundles of yarn. For weaving of cloth also the yarn has to be starched. Without water this cannot be done. Thus in the absence of adequate water supply the plans about promoting Khadi sector are bound to remain on paper only.

The large textile mills need many times more water compared to the need of water for Khadi Sector. However, all the facilities for making available water to the mills in cities are extended to the mill owners. Similar facilities are not given to the spinners or weavers in villages. Thus this is a discrimination between 2 sets of manufacturers in the same sector. This vicious circle of discriminatory policies-snatching away the fundamental rights of carrying on trade and business of the artisans of this nation, snatching away of the religious rights, degradation of culture and human health and the resultant violation of various commands of the constitution, can stop only if restrictions are imposed on slaughter of cattle.

At present crores of gallons of water is provided every day to the fertilizer plants. The chemical fertilizer plants are against the economic interest of the country, are unscientific and are a dangerous tool of exploitation of the entire population. They are provided water at the cost of drinking water needs of crores of people living in rural areas, at the cost of snatching away the vocation of lakhs of potters and lakhs of weavers in rural areas. This situation indicates that the system of equal distribution of essential commodities has totally collapsed.

Let us now consider another essential commodity, the distribution arrangements for which has totally failed; and that item is foodgrains. Never before in the thousands of years of history of this nation there was any need to think about an arrangements for distribution of foodgrains. If there is abundant production of foodgrains and it is available at fairly cheap rates, the distribution of foodgrains takes care of itself.

The distribution of foodgrains i.e. rationing was first thought about in the 3rd year of the Second World War i.e. in the year 1942. This was so because enormous quantum of foodgrains were exported from India for the British and millions of allied soldiers spread all over the world. To prevent any upsurge from the people arising out of shortage of foodgrains, rationing was introduced in all the large cities in India. However, the villagers were totally ignored.

After the conclusion of the world war, the export of foodgrains from India also stopped. However, the nation which once provided best quality of foodgrains to the entire world could never regain self-reliance in the foodgrain sector. On the contrary the scarcity of foodgrains kept on increasing.

Incidentally the statistics published by the Govt. and the tall claims made by the agricultural Ministry that India is now self-sufficient in its foodgrain requirements are false claims. These claims have been proved wrong by the recent massive import of wheat. The cropping pattern has been changed which might have created a surplus or sufficiency situation as regards a particular foodgrain, but that has been at the cost of scarcity of some other item of foodgrains. To cater to the vested interests in various fields we have resorted to change in the structure of our agriculture and have been growing most of such varieties which are unaffordable by the masses. Cash crops, edible oils, etc. are gaining precedence over the coarse foodgrains which are consumed by the masses. Even if it is considered that the foodgrain production is increased, the exorbitant prices have made them unavailable for the masses. Self-sufficiency does not mean mere foodgrain figures, but reaching of this increased production to the feeding bowls of the masses.

Despite stopping the export of foodgrains after conclusion of the Second World War, the shortage of foodgrains continued due to unfettered slaughter of cattle wealth of the nation. During the Second World War 36,000 young calves and thousands of young cows were slaughtered every day to meet the beef requirement of the soldiers of Western armies stationed in India. As a result of this slaughter, the scarcity of farmyard manure, bullocks, milk and ghee spread like a flood in the entire country. Due to the scarcity of farmyard manure and bullocks, our agriculture suffered a set back and the soil lost its fertility.

After regaining independence if our country had imposed a total ban on slaughter of cattle, the situation would have been cured in a period of 3 to 5 years and we would have become self-reliant in all the spheres.

However, unfortunately the agriculture and the Animal Husbandry policy of this nation were formed as per the advice of the Food & Agriculture Organisations (FAO) — a wing of U.N.O. and with the help of Western loans under the garb of assistance and aid. The advice of an Indian expert in the field of cattle rearing or in the agricultural field was not taken to formulate the Animal Husbandry and agricultural policy of this country which had in the past taught the science of cattle rearing to the entire world. Instead, advice was taken from countries which were only interested in destroying our rich cattle wealth and thereby capture the second largest market in the world for milk, pure ghee, foodgrains and medicines. The animal husbandry policy of our country was formulated under the advice of such foreigners and their Indian stooges.

Cattle rearing means improving the breeds of cows, buffaloes, sheep and goats according to Indian science of animal rearing. However, the policy

framed under guidance of the foreigners aimed at more and more slaughter of animals (instead of improving their breeds) and the export of cattle feed. The policy formulated by them meant change in cropping pattern whereby coarse foodgrains which could provide enough fodder in the form of their stalk to the cattle were substituted by such foodgrains which do not provide any fodder for the cattle. The increased cultivation of wheat in place of coarse foodgrains like jowar, Bajra, or Maize is an instance of such policy. The West- inspired animal rearing policy largely consisted of rearing of poultry birds, pigs and fish instead of improving the breeds of cattle.

Poultry birds and fish are not cattle, they are birds or aquatic creatures. The funds allocated for animal husbandry were diverted to the poultry sector and to the fisheries and the cattle were allowed to be slaughtered. Funds were diverted for rearing of pigs which have no use for Indian people. This is a great fraud against the people of this country. Pig is not a useful animal like cow, buffalo, sheep or goat. It is a wild animal and should be put in the category of lion, tiger, deer, stag etc.

However, the West dictated agricultural policy makes us export our cattle feed and makes us feed the foodgrains meant for humans to pigs. This has added to scarcity of foodgrains. Pig is a wild animal and is a food for tigers, panthers etc. By shifting pigs from the jungles to the cities and their rearing for meat (pork) we have snatched away the food of tigers, panthers etc. and thus invited the grave danger for the cattle in villages from these wild animals.

As a result of shortage of farmyard manure and bullocks, fertilizers and tractors entered the agricultural sector and more and more land was brought under cultivation. This resulted in destruction of forests and grazing lands, soil erosion, floods and scarcity of water.

Besides spending huge sums on chemical fertilizers, tractors and other costly inputs, the country had to spend billions of rupees on construction of large dams and irrigation projects. The financial outlays on irrigation projects is Rs. 61,402 crores between 1951 to 1998 (Source: India 1999 pp. 342) All these factors impose an unbearable burden on the agricultural sector increasing the cost of production. If at all any increase in production was achieved it was set off by the increased cost of production and the resultant position of non-availability of foodgrains at affordable rates remained unchanged.

The ration shops in cities and town and the fair price shops in villages are without stocks most of the time. Thus unless the per acre production of foodgrain increases at stable and fairly low cost, the object of achieving equitable distribution of essential commodities cannot be achieved. Though the people continue to pay the cost of distribution of foodgrain throughout the country, they do not get regular supply of foodgrains through the so called fair price shops.

While on the subject of increased cost of production due to use of chemical fertiliser the following figures will throw some light on the growing burden on production cost.

Year	Ferti. consum. lakh tn	Fertili. price Rs/tn	Ferti. subsidy Rs mln	Ferti. import Rs mln	Total burden Rs mln	Burden on food Rs/tn	Wholesale Food price Index
50-51	0.69	740			51	1.00	20.1
60-61	2.92	773		130	356	4.34	20.5
70-71	22.60	1000	410	860	3,530	32.56	42.5
80-81	55.20	2350	5,050	8,180	26,202	202.21	88.4
90-91	125.70	3500	43,890	17,660	105,545	599.62	200.6
91-92	127.00	3500	62,190	23,520	130,160	778.93	241.1
92-93	135.00	Decont.	65,770	45,000	151,720	858.63	270.0
% incr	19465%	373%	15941%	34515%	297041%	85376%	1243%

The above table indicates that the burden of fertilizer alone in the production cost is 86 paise per kg. in 1992-93. It would have gone up still higher in subsequent years. Thus the policy of slaughter of cattle has resulted in production of very costly foodgrains which can be consumed by only rich people. It would appear that the failure of equitable distribution of foodgrains is not due to scarcity of foodgrains but because of the high price of foodgrains.

Another important essential commodity is fuel. Even if the foodgrains are available abundantly they cannot be consumed raw and hence the availability of sufficient fuel again at affordable cost is a must. Due to policy of animal slaughter and the resultant scarcity of dung which is so far the cheapest and most easily available source of fuel, people have to resort to alternate means of fuel such as wood, kerosene or LPG. Resorting to wood as fuel destroys our forest wealth. Resorting to kerosene and LPG imposes a severe burden on the poor families and thus in the area of equitable distribution of fuel also we have miserably failed due to the policy of animal slaughter.

The growing prices of foodgrains have already deprived about 50% of the population of this country of one meal a day. Similarly, the growing prices of the alternate means of fuel such as kerosene and LPG as also their non-availability to meet the entire needs will force the people to forgo cooking at home and depend on readily cooked food available as food packets in the market, thereby providing a vast market for food processing industry catering to the vested interests of a few people.

Further, the scarcity of the alternate means of fuel in the absence of dung fuel has thrown the entire population at the mercy of a few producers of the alternate means of fuel such as refineries, oil companies, bottling plants for LPG, the transport sector etc. The corruption in the sector of LPG, the

long queues of poor people for hours together in front of dealers of kerosene and LPG throughout the country are sufficient indication of such a situation.

Potential value of dung as fuel would be clear from a small calculation. India has a population of about 96 crores; 70% of this population i.e. 67 crore people live in rural areas. Considering 5 persons to a family, it means 13.4 crore families. Dung fuel, if available, can be used by these rural families as was being done only a few decades ago. Due to non-availability of dung cakes for fuel, other types of fuel are used. For valuation purpose let us take value of LPG to assess the fuel cost. The LPG cylinder is on an average priced at Rs. 150/- (after a large subsidy) and for a family of 5, one cylinder lasts for about a month. Thus each family has to spend Rs. 1800/- per annum on cooking fuel. Thus for 13.4 crore families the fuel cost comes to 13.4 crore x Rs.1800/- i.e. Rs.24,120 crore. Thus theoretically speaking, if the entire rural population reverts to dung cake fuel it will save the nation a whopping burden of Rs. 24,120 crores p.a. which is spent on one or the other form of fuel today. This is the unlimited potential of dung in its utility as fuel !

MAINTENANCE OF PURITY IN PUBLIC LIFE

Let us now consider the criteria of maintaining purity in public life to evaluate the reasonableness of restrictions imposed upon the activity of slaughter.

The slaughter of uneconomical cattle and cattle above the age of 15/16 years is permitted under the existing laws. This provision has resulted in indulgence in malpractices and corruption. Wrong representation are made before the competent authorities about the age and physical condition of the cattle. Wrong certificates are demanded and are issued for extraneous considerations and healthy, young and economical cattle are also permitted to be slaughtered. This situation is indicative of lack of purity in public life.

As a result of slaughter of cattle, the vicious circle of inflation and price rise has overtaken the entire population and the people who are under compulsion to make both ends meet, indulge in all sorts of unfair and corrupt behaviour. Not only the trading community but also the people at large believe in impure conduct as the only means of survival. The great Aryan race which has a very rich and respectable culture wherein purity in public and private life was put on a high pedestal is now compelled to accept corruption as a way of life. What a pathetic degradation of noble virtues of the civilized race!

PREVENTION OF FRAUD

Let us now consider the criteria about the prevention of fraud to test the reasonableness of the restrictions imposed.

The policy of promoting slaughter of cattle has resulted in frauds in various ways some of which are as under: -

- 1) Young bulls and bullocks or even cows and young calves are taken to the slaughter houses and fitness certificate for their slaughter is obtained by bribing the competent authority. If such wrong certificates are not issued, the slaughter house will get less animals for slaughter and thus will become unviable economically and hence to keep the slaughter houses economically viable the activity of slaughter has to depend on fraud.
- 2) The Government is well aware that Animal Preservation Acts are complied only in their breach and young animals are slaughtered in the slaughter houses. However, to appease the public opinion they declare from time to time that only old and disabled animals are slaughtered in the slaughter houses. Such wrong representation is another instance of fraud.

Incidentally the rampant corruption in the abattoir where animals are slaughtered by flouting all the laws, is well known. Even in the 1958 judgement the Supreme Court has observed as under:

“It has been found to be extremely difficult to enforce the regulation for inadequacy of staff and veterinary inspectors, little or no check on the veterinary inspectors who succumb to the pressure or inducements of the butchers and pass animals not really useless as and for useless and aged animals. A large percentage of the animals not fit for slaughter are slaughtered surreptitiously outside the municipal limits.”

When the regulation relating to total ban on cow slaughter cannot be enforced, the partial ban (in the form of age limit of 15/16 years for slaughter of bulls and bullocks) is very difficult or almost impossible to enforce. The loophole of age-limit is used to the utmost advantage of the butchers in connivance with the competent authority and thus the total ban imposed by the amendment acts is a step forward in so much that it takes away the discretion of the competent authority and to that extent attempts to prevent the fraud. Thus the restriction imposed is reasonable on the ground of prevention of fraud.

- 3) As a result of scarcity of farmyard manure due to cutting off the supply of dung by slaughtering the cattle, the country has to resort to use of chemical fertilizers. Chemical fertilizers are harmful for agriculture in the long run and they destroy fertility of the soil. They impose unbearable burden on farmers and increase the cost of production.

They result in production of polluted foodgrains and in imposition of unbearable external and internal debts on the country. Despite these disadvantages, the Government indulges in propaganda projecting the advantages of chemical fertilizers and have converted the farmers and the people at large into chemical fertilizer minded people. The entire sector of chemical fertilizer is a colossal scandal and fraud against the nation, the roots of which are in the slaughter of cattle.

- 4) It is made out that fertilizer subsidy is granted in the interest of the farmers. This again is a fraud and if the govt. stops giving fertilizer subsidy, the production cost of foodgrain will be still more than the present level. In this situation, the farmers will not be able to use chemical fertilizers and if they stop using chemical fertilizer it will result in closure of fertilizer plants in which the government itself has vested interest, as many fertilizer plants are in public sector or joint sector. To prevent this situation the Government propaganda machinery indulges in a propaganda saying that Govt. is giving subsidy to the poor farmers so that they can afford to purchase chemical fertilizers for their agricultural activity. However, this argument is baseless and a fraud because the subsidy in fact goes to the fertilizer industry and not to the farmers. Even this subsidy is paid for by the people at large through taxation.

If the Government indulges in such fraudulent activities, how can one expect the purity on the part of the common man?

AMELIORATION OF THE CONDITIONS OF FARMERS AND WORKERS

Let us now consider the criteria of amelioration of the conditions of farmers and workers to evaluate the reasonableness of restrictions imposed upon the activity of slaughter.

The condition of farmers has suffered a grievous set back as a result of the policy of slaughter of cattle. Majority of the farmers have become indebted to private money lenders as well as to banks. The farmers have lost the position of self-reliance in the agricultural sector and they are thrown at the mercy of industries and oil producing nations. A farmer, who once enjoyed the status of the father of the entire mankind (due to his function of feeding the entire living world) has now become the slave of the exploiting class and the large farmer has been converted into a profiteer.

The condition of a farmer can improve only if the per acre production of foodgrain increases and the cost of production decreases. If the cost of production is to decrease, the bullocks employed in the fields should be strong and young. They should be fed fully with quality feed and for that it is necessary to plan the cropping pattern in such a way that the same crop yields foodgrains for humans and fodder for bullocks. The production cost in the farm sector can be kept at low level only if various activities connected with farming are done with the help of bullocks. These activities are like ploughing, sowing, thrashing of foodgrains, transporting the foodgrains from the farms to warehouses, irrigation etc. This can save the production cost because for each separate activity the bullock is not required to be fed separately. Even the fodder consumed by the bullock is grown with the help of his labour only and in the same farm where foodgrains for humans are grown. If all these activities are to be carried out with the help of machines, different machines will be required for different activities and different feed (diesel/electricity) will have to be fed to each such machine.

For purchase of various machines such as tractors, diesel pump sets, thrasher and various other implements, as also for purchase of fertilizers and pesticides the farmer has to incur heavy debt and has to pay interest on such debt. For purchase of these implements and machines, the farmer becomes dependent on industry and banking sector. With growing price rise of such machines and implements, he has to increase the price of foodgrains to absorb the cost and thus the farmer has now become a pawn in the hands of exploitative industries.

To break this vicious circle of price rise, a total ban on slaughter of cattle is the only way out. By resorting to animal slaughter, neither agriculture nor farmer nor the consuming population have benefited. On the contrary all the three have suffered grave loss. The farmers are so deeply indebted that they can never come out of the debt trap and the Banks are faced with a situation where except for writing off the debts there is no other option.

The advantages of the changed agricultural policy have gone only to the fertilizer industry, the pesticide industry, the irrigation pump industry, the tractor industry and transporters as well as oil producing nations.

The chemical fertilizer industry is absolutely unscientific and economically unviable and hence to sustain it, the government has to give subsidy worth billions of rupees year after year. Subsidy should be given only to such an industry which is very essential, which is in the larger interest of the people and which qualifies for protection against competition from foreign industries. Chemical Fertilizer industry is not at all of any importance to Indian agriculture. India had been carrying on a very prosperous agriculture for ages with the help of cattle. India had not only met its own requirements of very high quality foodgrains, it had met the requirements of other countries of the world also at very cheap rates.

With growing use of chemical fertilizer, the farmer has become a debtor, the foodgrains have become costlier and there is scarcity of foodgrains for the poor people. Contrary to the government claim about the self sufficiency in food production, the 6th Planning Commission had observed that crores of people in our country are unable to get sufficient foodgrains for their needs.

When Emperor Babar invaded India, 10 monds of foodgrains were available for a rupee. However, ever since the slaughter of cattle started in this country during the British regime, the prices of foodgrain started increasing. Even as late as in 1910, 4 to 6 monds of foodgrains were available for a rupee. By 1940, One rupee could buy only 1/2 mond of foodgrains. Today when we use lakhs of tons of chemical fertilizer, one rupee can buy not even a 1/4 kg. of foodgrains and that too after standing for hours together in the ration queue. In the open market one rupee can buy hardly 100 gms. of foodgrains today. Despite such phenomenal rise in the prices of foodgrains the farmer is still a debtor. The pertinent question is, who is the beneficiary?

Let us now consider the condition of workers.

There are 3 types of workers - agricultural workers, industrial workers, and casual labourers. As a result of growing slaughter of cattle, the condition of all the 3 types of workers has worsened and it continues to deteriorate further with each passing day. The deterioration is in all the 3 spheres - economic, mental and moral.

By replacing the cattle with mechanized implements in the farm sector, the farm labourers started becoming unemployed. The use of 1.5 lakh tractors in the farm sector has replaced 9 lakh bullocks and sent them to the slaughter houses. (1 tractor replaces 3 pairs of bullocks). The removal of 9 lakh bullocks from the agricultural scene means snatching away of livelihood of about 50 thousand cattle breeders who would have otherwise engaged themselves in rearing of these bullocks. Further, the removal of these bullocks from the agricultural scene has rendered 2 lakh labourers jobless who were engaged in ploughing activity in the fields.

36 lakh motor pumps are used in the fields for irrigation purpose. To make place for these 36 lakh motor pumps, 36 lakhs water lifters have been rendered useless, which means 36 lakh farm labourers who used to operate these water lifters and 72 lakh bullock (@ a pair of bullocks for each) who used to pull these water lifters have become unemployed and the bullocks have found their way to the slaughter houses. The removal of these 72 lakh bullocks have rendered another 3 to 4 lakh cattle breeders jobless. If the butchers claim the killing of animals as their business or vocation, it is the vocation of these lakhs of cattle breeders to rear cows, bulls and bullocks. On one hand, a few hundred butchers are claiming the protection under the Constitution for their so called trade or business, and on the other hand, lakhs of farm workers and cattle breeders are becoming unemployed and losing their livelihood. In whose favour the balance of convenience should tilt?

Only if there is demand for good bullocks in the market, the profession of the cattle breeders can be revived. The tractors and motor pumps have replaced bullocks and the market for bullocks has shrunk, inflicting a serious blow to the profession of the cattle breeders.

Further, with each truck, 3 bullock carts become useless and six bullocks find their way to the slaughter houses. 3 drivers of the bullock carts also become jobless for each truck driver. This is the situation with one motor lorry and we have lacs of such motor lorries in the farm sector alone.

Thus in the agricultural field lakhs of workers have become jobless. Unemployment brings with it addiction of various kinds, diseases and decline in morality. One has to imagine the mental torture which the families of such farm workers would be undergoing. Their tragic condition is beyond the comprehension of the present day modern planners who sit in air conditioned offices planning large schemes of animal slaughter.

Let us now consider the condition of industrial workers.

As a result of the policy of cattle slaughter and the resultant mechanization of the farm and transport sector, the prices of foodgrains and other farm products keep on increasing. This affects the industrial workers also.

Improvement in the condition of industrial labourers means that they should be able to maintain themselves and their families in a reasonable way, out of the wages which they get. To attain such a situation either their wages should be increased or the price structure should be such that they are able to get all the items of essential nature at prices affordable within the wages which they get. Not only this, they should be able to save something from their wages. The second alternate is the only practical alternate because the first alternate i.e. increasing the wages is the seed for a vicious circle of never ending price rise. The second alternate can bring social peace and security.

The poverty of the industrial workers has increased their mental tension. It has created a situation where strikes and lock-outs become inevitable, which further damages their economic conditions. Instead of

cordial relations between workers and the industrialists/owners, there is hatred in their relationship, and this situation is responsible for class conflict which we see today.

Similar is the situation of casual workers or labourers because like the workers in the Industrial sector they do not have facilities such as dearness allowances, provident fund, gratuity etc. and hence they live in much more tense condition. Thus it would appear that the criteria of amelioration of the conditions of the farmers and workers would also suggest that the restrictions on slaughter of animals are not unreasonable.

Hence viewed from all the angles, putting to test on all the criteria, the restrictions on slaughter of cattle in the form of total ban on slaughter of entire cow progeny would be a reasonable restriction for the purpose of Article 19(6) of the Constitution of India.