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Note on Buffalo Meat

Should India strive to become the largest exporter of beef in the world?

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Summary

Yogi Adityanath began his term as the Chief Minister of Uttar Pradesh with an intense campaign against the illegal slaughterhouses running in the State. This has temporarily shut down the meat industry and hopefully would lead to the slaughterers of animals and traders of flesh to clean up their act, both legally and environmentally.

The campaign has drawn attention to both the scale of the slaughter of agricultural animals happening in the country and to the inadequacy of statutory and regulatory framework to control it. The industry of slaughter and export of buffalo meat is particularly entrenched in Uttar Pradesh. The State contributes nearly half of the production and exports. Unfortunately, the legal framework seems to be particularly weak there. Because of that weakness, the Allahabad High Court has been repeatedly ruling against the campaign to curb illegal slaughter and trade.

The campaign has drawn attention also to the official encouragement, patronage and financial accommodation that the industry has been receiving from agencies of the Union Government. It is a measure of the great interest that several past Governments at the Centre have bestowed upon the industry that, over the last about 15 years, India has emerged as the largest exporter of beef in the world. The term 'beef' is internationally used for the flesh of bovine animals, which include both cows and buffaloes. In this business of exporting beef, India has now left behind geographically much larger countries like Brazil, Australia and the United States of America.

We produce about 40 lakh tons of beef and export half of it. These numbers are in Carcass Weight Equivalent (CWE). Export volumes are generally given in deboned beef, which is about 65 percent of the carcass weight. Our exports now range between 13 to 15 lakh tons of deboned beef, specifically of deboned buffalo meat. To produce these quantities of beef, the industry has to slaughter nearly 3 crore buffaloes every year, amounting to about a lakh buffaloes per day.

Uttar Pradesh is the spearhead of the drive to make India a leading exporter of beef. Within Uttar Pradesh, western Uttar Pradesh is the hub of this industry. The large volume of slaughter and trade that the industry has generated has brought great prosperity to a section of the population of this region. Mostly Muslims are involved directly in the business of slaughter of animals and trade in flesh, though many Hindus may have financially invested in it and be sharing in the profits. Government of India seems to have effectively reserved the industry for Muslims by insisting that all slaughterhouses approved by APEDA, the agency involved in these operations, must produce only Halal meat and that every slaughter must be individually certified to be Halal by an onsite nominee of the All India Jamait Ulema-i-Hind.

On a rough estimate, the export of buffalo meat from Uttar Pradesh alone would be fetching around 2.5 billion dollars annually. This amounts to about 2 percent of the GDP of Uttar Pradesh getting concentrated in a small region within a small group. And, this takes into account only the revenue from exports. It is estimated that an equal amount of buffalo meat may be produced for domestic trade and consumption.

Nearly half of the 3 crore buffaloes slaughtered in India per year are slaughtered in Uttar Pradesh. To meet the requirements of slaughter, a large number of buffaloes have to be transported to the slaughterhouses of western Uttar Pradesh from within the State and also from the neighbouring States. Agricultural animals for the purpose of slaughter are being similarly transported in large numbers from all over the country to other slaughter hubs, especially in Kerala, Punjab, Andhra Pradesh, etc.



This large-scale, and often highly visible, movement of agricultural animals for the purposes of slaughter is leading to daily clashes on the roads between the animal traders and people intent on saving animals from slaughter. The cause of such clashes is this large-scale movement of animals and not the overzealousness of the so-called 'cow vigilantes'. Such movement of animals for slaughter has always been a law and order issue. But with the great growth in the beef industry in recent years, the movement has become much larger, leading to more frequent clashes.

It seems that the Governments at the Centre at some stage decided, as a matter of policy, to create the industry for export of buffalo meat. Uttar Pradesh became the hub of the industry perhaps to favour the relatively affluent classes of Muslims in western Uttar Pradesh.

This was further facilitated by the fact that Uttar Pradesh has one of the weakest laws for the protection of agricultural animals. Unlike the laws of several other States—including Chhattisgarh, which seems to have a model law in this respect—the Uttar Pradesh law places no restrictions on the killing of buffaloes, not even of young buffalo calves. And it leaves several loopholes even in the protection it offers for the cows. Its provisions regarding the transport of animals are also much weaker as compared to, for example, Chhattisgarh.

Large-scale killing of buffaloes in India and particularly in Uttar Pradesh has distorted the gender and age balance of the buffalo herd in India. Of 11 crore buffaloes counted in India in 2012, only 1.6 crore are males and of them 1.1 crore are calves of age less than 2 years. This is because nearly all buffalo males are slaughtered before or soon after they reach the age of 2 years. Herds with such skewed age and gender composition are generally not considered to be sustainable.

The privileging of buffaloes over cows has also distorted the usual ratio between cows and buffaloes. Livestock Census of 2012, counted only 19 crore cows (including bullocks) against 11 crore buffaloes in India. In 1992, there were more than 20 crore cows and only 8.4 crore buffaloes. In these two decades, the number of cows in India has declined both as a proportion of the number of buffaloes and in absolute terms. Cow to buffalo ratio is even worse in Uttar Pradesh. The State has 3 crore buffaloes and less than 2 crore cows.

It seems that the large-scale slaughter of buffaloes has created a situation where the sustainability of the buffalo herd has become doubtful and preservation and protection of even the cow is becoming almost impossible.

In this situation, the following needs to be done urgently:

1. Uttar Pradesh Prevention of Cow Slaughter Act, 1955 needs to be amended to extend its protection to all agricultural animals including buffaloes. Article 48, which forms the constitutional basis for such laws, does not differentiate between cows and buffaloes and directs the State to make endeavours for "prohibiting the slaughter of cows and calves and other milch and draught cattle". Cow protection laws of several States extend this protection to all agricultural animals. The amended law of Uttar Pradesh must also completely ban the movement and transport of animals for slaughter. The 'Chhattisgarh Agricultural Cattle Preservation Act, 2004' may be taken as the model while amending the Uttar Pradesh Act.

2. The artificial distinction between the cows and buffaloes that has been intentionally created by a technocracy intent on making India the hub of slaughter must be purged from all Government policy. There is simply no way to protect the cow in a country where buffaloes are being killed in large numbers.

3. Transport of agricultural animals must be restricted and controlled all across the country and transport for the purpose of slaughter must be completely prohibited. Such movement is turning out to be a major law and order problem on the roads. The restrictions can be imposed perhaps by appropriately amending the laws that govern the use of roads. The movement cannot be restricted by merely invoking coercive powers of the State to prevent disruption of law and order on the roads, as is being tried to today.

4. Policies of the Department of Animal Husbandry, the Ministry of Food Processing Industries and the Department of Commerce need to be reviewed. There is no justification for the Government of India to spend public resources in promoting, facilitating and subsidizing the business of slaughter of agricultural animals and trade in their flesh. After the review, it may be necessary to redraft the Agriculture and Processed Foods Export Development Authority (APEDA) Act of 1985 and also draft a new policy document on animal husbandry practices.

5. While the action at the Centre would perhaps take some time, the process of amending the Uttar Pradesh Act in consonance with the Constitutional provisions and the laws of many other States may be begun immediately. This would also be required to fend off the strong legal challenge that has been launched against the campaign to curb illegal slaughter in that State.

6. For action at the central level, it may be necessary to gather and collate more data. Unfortunately, the data on animal slaughter and on the number of slaughterhouses is very sketchy. Perhaps a Committee should be set up to collate all such data and information and produce a white paper on this business and the involvement of the government in it. The

Committee should preferably be outside the Government, but should have access to the data and information available with the government.

All of the above would be in consonance with not only Article 48 of the Constitution but also with our civilizational commitment to preserve and protect agricultural animals. This would also be in consonance with the public commitment that the Prime Minister of India has made to curb the so-called Pink Revolution.

In the following, we give details of some of the issue raised here.

Public policy of India has been geared towards promotion of slaughter and export of beef

Scale of Slaughter in India

Indian exports of buffalo meat are estimated to have reached 20 lakh tons of Carcass Weigh Equivalent (CWE) per year. Total domestic production is estimated to be around 40 lakh tons. This requires the slaughter of around 3 crore buffaloes annually. Nearly a quarter of our currently estimated buffalo population is thus slaughtered every year. This is very high level of butchering for a herd that is the mainstay of the milk economy, at least in North India. On the average, nearly 1 lakh buffaloes are slaughtered in India every day to sustain the fast growing buffalo meat industry. Experts agree that this level of slaughter is unsustainable and would soon lead to severe depletion of the herd.

This large-scale butchering has been encouraged and assisted by the Department of Animal Husbandry and its export promotion arm known as the Agriculture and Processed Foods Export Development Authority (APEDA) about which we shall have more to say below.

Of around 40 lakh tons of buffalo meat produced in India, about one-half comes from what are referred to as municipal slaughterhouses and goes towards mainly domestic consumption. The number of such slaughterhouses is not available reliably. In a recent response to an RTI application, the Department of Animal Husbandry, Dairy and Fisheries gave the number of registered slaughterhouses in the country to be 1,624. It is generally believed that there are tens of thousands of unregistered slaughterhouses in the country. There is a need to undertake an extensive survey to establish the number of slaughterhouses, both legal and illegal, operating in the country and particularly in Uttar Pradesh.

The other half of the buffalo meat is produced in mechanical slaughterhouses that are approved by APEDA and almost all of this production is exported. As of now, there are 79 APEDA approved abattoirs in the country. Of these, 5 are approved for the slaughter of only sheep and goat, the remaining 74 carry out slaughter of buffaloes.

Uttar Pradesh has emerged as the hub of slaughter

Of the 74 abattoirs approved for the slaughter of buffaloes, 42 are in Uttar Pradesh, nearly all of them in the western part of the State. There are 13 such slaughterhouses in Maharashtra, 5 in Punjab, 5 in Telangana, 3 in Andhra Pradesh and one each in Haryana (Mewat), West Bengal (Kolkata) and Nagaland (Dimapur).

Uttar Pradesh thus has emerged as the hub of production and export of buffalo meat. The State has the largest buffalo population in the country. According to Livestock Census 2012, there were 2.93 crore buffaloes in UP. But buffaloes from neighbouring Rajasthan, which has a buffalo population of 1.26 crore, and some other States also probably end up in the slaughterhouses of Uttar Pradesh.

Punjab with a buffalo population of 49 lakhs in 2012 has developed a slaughter hub of its own at Dera Bassi near Chandigarh. All the five slaughterhouses in Punjab are located in the non-descript small town of Dera Bassi.

Of 74 slaughterhouses approved for buffalo slaughter by APEDA, 66 are licensed to persons with Muslim names, 7 carry Hindu names and 1 appears to be a Christian.

There seems to have been considerable consolidation in this business. As many as 13 of the slaughterhouses spread across the country are in the name of Afzal Latif and his several companies. There are many others owning more than one slaughterhouse.

Role of APEDA in developing the industry

The so-called 'Pink Revolution' raging through India, particularly through Uttar Pradesh, has been seeded, midwived and nurtured by the Agriculture and Processed Foods Export Development Authority (APEDA) of the Ministry of Commerce and Industry, Government of India.

The authority was created through the APEDA Act of 1985 to promote export of 14 groups of commodities listed in the First Schedule of the Act. Of these 14, APEDA seems to have prioritized the export of Meat and Meat Products over all others. The list in the Act begins

with "Fruits, Vegetables and their Products". In the Red Meat Manual of APEDA, the list is modified and it begins with "Meat and Meat Products".

Extract from the "Red Meat Manual" of APEDA

As per the APEDA Act, the Authority is responsible for the development and promotion of the export of following 14 products mentioned in the first schedule to the APEDA Act.

The First Schedule

- Meat and Meat Products
- Poultry and Poultry Products
- Dairy Products
- Fruits & Vegetables and their products

Extract from the APEDA Act 1985

FIRST SCHEDULE [See section 2(i)]

1. Fruits, vegetables and their products,
2. Meat and meat products,
3. Poultry and poultry products,
4. Dairy products.

Within the category of Meat and Meat Products, APEDA has prioritized bovine meat, meat of cows and buffaloes, which now forms 62 percent of all meat (including poultry) produced in India and nearly 100 percent of all meat exported from India.

This has been achieved through intensive support and handholding of the buffalo-meat abattoirs by APEDA and deep subsidies by the Ministry of Food Processing Industries (MoFPI).

APEDA makes HALAL mandatory

As parts of its efforts at handholding of the slaughterhouses, APEDA has issued a "Red Meat Manual". It offers detailed instructions on the process of slaughter, including how and for how long the animal must be bled and how the carcass should be cut.

A surprising part of the instructions is the injunction that all animals must be "slaughtered by HALAL method in the presence of Holymen assigned by All India Jamait Ulema-e-Hind as per Islamic Shariyat, for certification".

APEDA, an arm of the Government of India, partners with one particular Deobandi Islamic organization to ensure that all slaughter in APEDA-approved slaughterhouses is carried out in a specified Islamic manner.

This insistence on Halal is odd. Islamic countries are not the only, or even the larger, buyers of Indian Buffalo Meat. Of 13 lakh tons of deboned meat exported from India in 2015-16, more than 6 lakh tons went to Vietnam, which has no Muslims at all in its population of about 9 crore. Among the top 10 importers of Indian Buffalo Meat, there are also Thailand and Philippines, which have only 5 to 6 percent Muslims in their population. Incidentally, 13 lakh tons of deboned meat that was exported in 2015-16 is equivalent to around 20 lakh tons of Carcass Weight (CWE).

APEDA's insistence that all slaughter in India must be carried out in a Halal manner in the presence of Holymen from a Deobandi organization is thus not at the insistence of the buyers, but enforced as an internal discipline. In its promotional literature, APEDA regularly emphasizes that one of the many positive characteristics of Indian Buffalo Meat is that "The animals are slaughtered strictly according to Halal method; hence the meat is genuinely Halal."

The insistence and posture of APEDA in favour of Halal unnecessarily stigmatizes the Muslims as the only butchers and buyers of beef in the world. This in the face of the fact that the larger part of Indian Buffalo meat is bought by non-Islamic nations.

MoFPI offers subsidies for setting-up slaughterhouses

While APEDA extends handholding, guidance, direction and approval to the slaughterhouses for producing certified Halal buffalo meat, another arm of the Government of India, the Ministry of Food Processing Industries (MoFPI), offers a substantial subsidy for setting up and modernization of abattoirs. The subsidy covers 50 percent of the cost of machinery and civil works in general areas and 75 percent of the cost in difficult areas including the Northeast, Sikkim, Jammu & Kashmir, Himachal Pradesh, Uttarakhand and some other States.

During his election speeches in April 2014, Prime Minister Narendra Modi strongly spoke against such subsidies that are designed to promote 'Pink Revolution'. While speaking at a rally in Nawada on April 2, 2014, he is reported to have said:

"This country wants a Green Revolution... But those at the Centre want a 'Pink Revolution'. Do you know what it means? When animals are slaughtered, the colour of their flesh is pink. Animals are being slaughtered and taken out of the country. The government in Delhi is giving subsidies to those who are carrying out this slaughter. ...The government is not willing to provide subsidy to a person who keeps a cow but if a person wants to set up a slaughterhouse, he gets assistance..."

The subsidy on slaughterhouses, however, has continued. According to a press-note of the MoFPI issued on March 1, 2016, the Ministry had disbursed 26 crores towards subsidy on setting up or modernization of abattoirs in 2015-16 (up to 25.02.2016) compared to 10.3 crores in 2014-15 and 25.8 crores in 2013-14. It seems that, in deference to the expressed wishes of the Prime Minister, the bureaucracy desisted for a while, thus lowering the amount of subsidy during 2014-15, but began running the scheme with full strength soon afterwards.

There was another scheme to provide transportation subsidy for export of buffalo meat to West African countries. But that was discontinued in January 2014 as stated by Sadhvi Niranjay Jyoti in a written reply in the Lok Sabha on March 1, 2016.

Ministry of Commerce lobbies for export of beef

Various agencies of the Government of India not only license, subsidize, handhold and guide the slaughter of buffaloes, but also engage in intense commercial diplomacy to promote Indian buffalo meat.

A recent example of such diplomacy is the vigorous lobbying undertaken by the Government of India to make China agree to buy buffalo meat from India. Large quantities of buffalo meat bought by Vietnam, it seems, are partly destined for China. According to a high officer of the Commerce Ministry quoted in a recent report:

"Making China agree for direct import of bovine meat from India has been a top priority for Indian Government... We have been lobbying hard to make China agree on importing buffalo meat directly from India. Chinese traders were using Vietnam for channelling their meat trade and Vietnam's buffalo meat import has gone up more than its consumption."

The Chinese now, in January 2017, are reported to have agreed to source buffalo meat directly from 14 Indian abattoirs that they have inspected.

India becomes the largest exporter of Beef

Handholding of the butcheries by APEDA, subsidies offered by the MoFPI and exertions of the Ministry of Commerce have had their impact. India today is the world's largest exporter of beef. According to the data released by US Department of Agriculture, India exported 2.4 million tons (CWE) of beef and veal compared to 2.0 million tons by Brazil and 1.5 million tons by Australia in FY2015. India now accounts for 23.5 percent of global beef exports.

Since October 2014, beef has also become the largest exported agricultural commodity from India ahead of Basmati rice, according to the Federation of Indian Export Organizations set up by the Ministry of Commerce, Government of India.

Beef by international convention refers to both cow and buffalo meat. Cow beef export from India is banned. Export of 2.4 million tons of beef and veal would amount to the killing of 20 million (2 crore) buffaloes and calves.

In this weird competition for a larger share of the international beef market, we have beaten Australia, Brazil and United States. All these three countries have 2 to 3 times the area and half to one-sixth the population of India. Therefore, they have vast open lands to rear animal herds for consumption and export. Why would India want to indulge in competition with these differently endowed nations in this gory business?

India sells its animals—unfortunately, like its people—cheap. India is the largest exporter of beef, but we realize the least per unit of export. Beef from India sells for around Rs.200 or about \$3 per kilogram. Australia and Brazil realize between \$4 and \$5 per kilogram and USA gets more than \$6 per kg, which is double the Indian price.

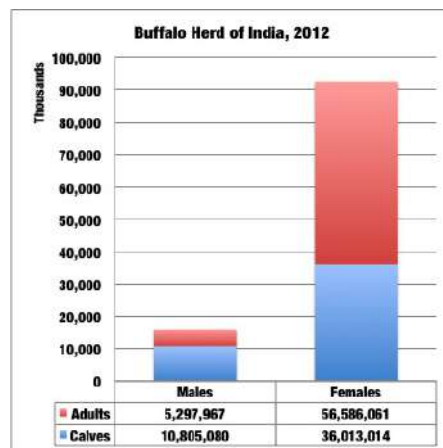
Large-scale slaughter has compromised the balance and growth of the Cattle Wealth of India

Slaughter has distorted the composition of buffalo herd

Livestock Census of 2012 counted 11 crore buffaloes in India. The number of cows and bullocks is 19 crore. The rising ratio of buffaloes in the bovine stock is itself worrisome; we discuss this issue later.

What is more worrisome is the composition of the buffalo herd of India. Of the 11 crore buffaloes counted in 2012, 9.2 crore are females and only 1.6 crore males. Composition of the male herd is further distorted by the highly skewed ratio of calves to adults. Of 1.6 crore male buffaloes, 1.1 crore are young calves of age less than 2 years. The ratio indicates that

large numbers of male calves are either allowed to die young or are slaughtered soon after they cross the age of 2 years.



An analysis of the dynamics of the Indian buffalo herd by the US Department of Agriculture, based on historical data from Livestock Censuses, offers the following estimates:

1. As many as 55 percent of the buffalo male calves born are left to die.
2. In addition, 45 percent of the available male buffalo stock is slaughtered annually.
3. Of the much larger female stock, 11.5 percent is slaughtered every year.
4. Of 2.4 crore buffaloes estimated to have been slaughtered in 2012, 1.1 crore were males and 1.3 crore females. The number of buffaloes slaughtered is estimated to have increased to more than 3 crores in 2015.

Thus nearly half of the buffaloes slaughtered are males, most of whom are necessarily young calves. There is hardly any market for the sinewy meat of an adult male buffalo used for heavy draught. The other half comprises female buffaloes that are slaughtered after bestowing us with bountiful milk for several years.

India exports meat of even young calves

Half of the buffalo meat produced in India comes from young calves. The meat of young calves is referred to as 'veal'. A Google search on 'veal meat exporters in India' throws up a long list of manufacturers and exporters advertising their wares with disgusting details and pictures. They also offer 'Bobby Veal', which is defined as meat of calves younger than 3 months. Often the calves are slaughtered when just a few weeks old.

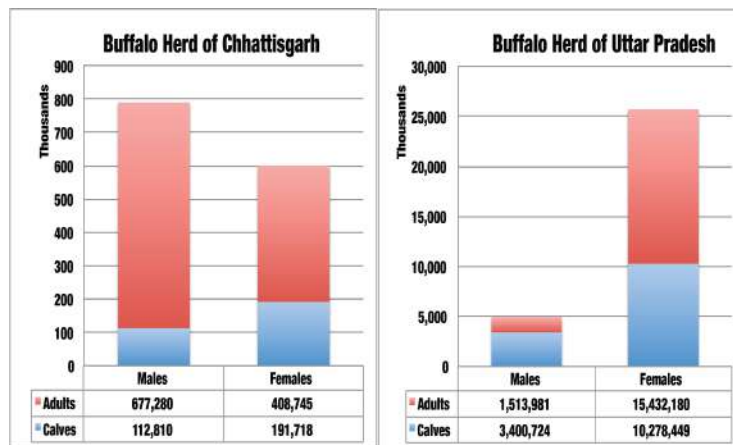
This business of killing young calves for export has become big in recent years, even though many States have imposed a ban on the killing of calves of all bovine animals, including buffalo calves. Some States also have a blanket ban on the killing of all bovine animals including buffaloes.

Unfortunately, Uttar Pradesh, though it bans the killing of cows, puts no restrictions on the killing of buffaloes, not even on the killing of their young calves.

Chhattisgarh is able to save its buffaloes

Unlike Uttar Pradesh, Chhattisgarh is able to save all its buffaloes including males, females and the young calves, because it has a law to ensure that.

There is an entrenched liberal view that legal bans on slaughter (or even alcohol) fail to achieve the intended purpose and only push the slaughter (and drinking) underground. The relative composition of the buffalo herd in Chhattisgarh and Uttar Pradesh, depicted in the Figure below, shows how efficacious properly drafted and diligently implemented laws can be.



Chhattisgarh has an Agricultural Cattle Preservation Act 2004 (Act 28 of 2006) that imposes a complete ban on the killing of all agricultural animals including cows, bullocks, bulls and male and female buffaloes of all ages. It also prohibits the sale and transport of agricultural animals for the purpose of slaughter or with the knowledge that it is likely to be so slaughtered.

The consequences of the two differing Acts are that in UP almost all male buffaloes get slaughtered by the age of two or shortly afterwards. In Chhattisgarh, nearly all male calves survive to generate healthy cohorts of adult males. In UP, there are only 19 males per hundred males; in Chhattisgarh, there are 131 males for 100 females.

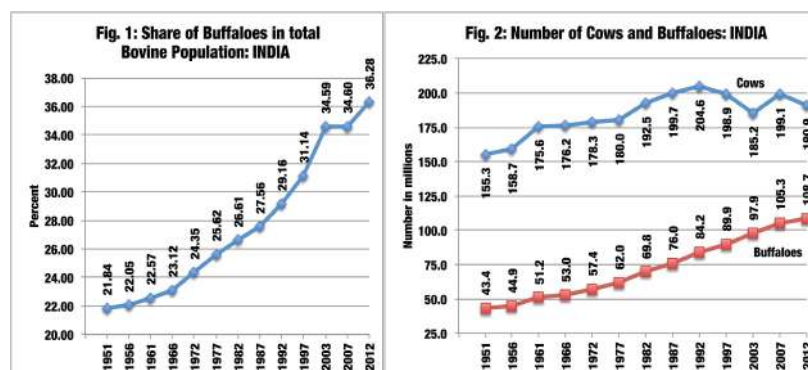
Part of the reason for the healthy male to female and calves to adults ratios of the buffalo herd of Chhattisgarh is that the male buffaloes and bullocks work in unison in the paddy fields of Chhattisgarh and its neighbourhood. But the law prohibiting the slaughter of buffaloes and the Chief Minister's often stated commitment to the cause have obviously played a role in saving the buffaloes and their calves in that State.

Slaughter of buffaloes has made rearing of cows unsustainable

Technocrats and bureaucrats running the animal husbandry policies of India have decided to privilege the rearing of buffaloes over cows in order to bypass the Indian injunction against the killing of cows. This, of course, is a misunderstanding of the injunction. Non-killing of cow implies, at the very least, non-killing of all agricultural animals, as the Constitution and the Chhattisgarh law have correctly defined.

The privileging of the rearing of buffaloes over cows and encouragement of the killing of buffaloes for export of beef has distorted not only the composition of the buffalo herd of India, it has distorted the traditional balance between the number of cows and buffaloes.

As seen in Fig. 1 below, buffaloes constituted about 20 percent of our bovine herd—cows and buffaloes together—in 1951. That ratio increased to about a quarter by 1977 and has sharply risen to more than a third now as a consequence of the official privileging of buffaloes over cows under the erroneous assumption that only the latter are sacrosanct and former may be killed.

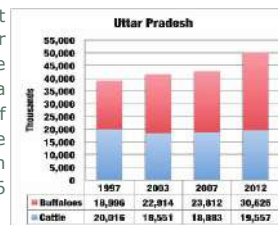


Between 1951 and 2012, the number of cows (including bullocks) in India has increased from 15.5 to about 20 crores (Fig. 2). The number of buffaloes, on the other hand, has multiplied from 4.3 crore to nearly 11 crores. Increase in the buffalo herd has been particularly high since 1992. This is also the period when slaughter of buffaloes has been established as an export-oriented industry through official patronage. The number of cows has in fact declined after 1992.

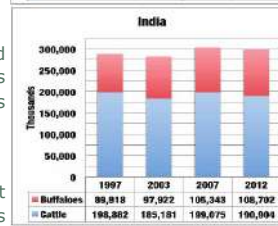
Encouraging buffalo-slaughter thus leads to the destruction of both buffaloes and cows, of the former through slaughter and of the latter through neglect.

States that kill buffaloes have fewer cows

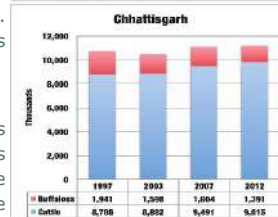
The relative numbers of cows and buffaloes in different States seem to be determined by the legality of slaughter or otherwise in different States. Thus in Uttar Pradesh, where slaughter of buffaloes is legally permitted and has become a big business in the last about two decades, the number of buffaloes has outstripped that of cows. In 1997, there were 19 million buffaloes and 20 million cows in the State. In 2010, the number of buffaloes has increased sharply to 30.6 million, while that of cows has declined to 19.6 million.



In Chhattisgarh, where the killing of both cows and buffaloes is prohibited, the number of buffaloes has declined from 1.9 to 1.4 million, while that of the cows has increased from 8.8 to 9.8 million.



The slaughter of buffaloes, it seems, creates an environment where preservation of even the cows becomes difficult. Cows may not be killed, but their numbers are allowed to diminish. Where the slaughter of both cows and buffaloes is prohibited, there the cows tend to flourish.



To save the cow, it is important that the cow protection laws must provide for the protection of all agricultural animals, as it is done in Chhattisgarh. The situation is the most perverse in UP, where buffaloes are being slaughtered in large numbers and cows are dwindling. It is not possible to kill the buffalo and yet save the cow.

Public policy to promote slaughter has led to large-scale transport of Cows and Buffaloes

Large numbers are imported into UP for slaughter

Uttar Pradesh kills not only its own buffaloes but also many that are brought into UP from other States.

Uttar Pradesh contributes nearly half of the buffalo-meat produced in India. But, buffalo herd of Uttar Pradesh forms only 28 percent of the total buffaloes in India. To achieve its high level of production, Uttar Pradesh has to either kill a much larger proportion of its buffalo stock or obtain buffaloes from outside for killing. The former is impossible, because on the average India slaughters nearly 44 percent of all available males and 12 percent of all available females. These rates cannot be exceeded without quickly depleting the whole buffalo herd.

A calculation on the basis of Livestock Census of 2012 and production and export figures of 2012-13 indicates that India would have slaughtered 112 lakh buffalo males and 129 lakh females in that year. Half of that slaughter would have occurred in UP for it to produce half of the meat. This means the killing of 56 lakh buffalo males and 64 lakh females in UP alone.

Taking into account the availability of buffalo males and females, calculated on the basis of the stock at the beginning of that year and the deaths and births during the year, UP could have slaughtered no more than 33 lakh buffalo males and 36 lakh females. The remaining 23 lakh males and nearly 29 lakh females were brought into the state from elsewhere to be slaughtered here!

Similarly large numbers are imported into Kerala

Kerala is another state, besides UP, that slaughters many more buffaloes than the size of its buffalo herd allows. According to the data of the Department of Animal Husbandry and Dairying & Fisheries (DAHD), the State slaughtered 7.8 lakh buffaloes in 2013-14, while its total buffalo population counted in the Livestock Census of 2012 is only about 1 lakh.

To kill so many buffaloes in a year, Kerala would need to get buffaloes from far off parts of the country, because even the neighbouring state of Tamil Nadu has a buffalo herd of only 7.8 lakh, equal to the number that is slaughtered in Kerala annually.

Not only buffaloes, but also large number of cows are being imported, more probably illegally smuggled, into Kerala for the purposes of slaughter.

Several other States, including Punjab and Andhra Pradesh, also need to import large number of animals to keep their slaughterhouses engaged.

The numbers show large-scale movement of animals for slaughter

The numbers for Uttar Pradesh and Kerala numerically prove that there is large-scale and often long distance movement of buffaloes for slaughter going on in the country despite several States having laws against such movement.

The widespread concern about transport and smuggling of cows and buffaloes for the purposes of slaughter is thus not a figment of the imagination of so-called 'cow vigilantes'. The data itself speaks loudly about the large-scale movement of cows and buffaloes into the States that have emerged as the hubs of slaughter.

This massive movement of cows and buffaloes across the country for killing is leading to serious law and order problems everywhere. Such visible movement and public killing of animals has been a cause of social and communal tensions in India for centuries.

Appropriate legal framework for the protection of Agricultural Animals

Chhattisgarh Agricultural Cattle Preservation Act, 2004

The data indicates that Chhattisgarh is indeed able to save all its cattle, both cows and buffaloes, and buffalo herd of the State has a healthier, more normal, gender and age composition.

This is largely because of the clarity with which the 'Chhattisgarh Agricultural Cattle Preservation Act, 2004' is drafted and the commitment with which it is being implemented. The Act was passed in 2004 to replace the much weaker Act of 1959 and was brought into force in 2006.

The Chhattisgarh Act runs into just 2 printed pages and has been drafted with precision without introducing confusing exceptions and provisos.

That clarity and precision begins with the definitions, which state that

"In this Act, unless the context otherwise requires, —

- (a) 'Beef' means flesh of Agricultural cattle;
- (b) 'Agricultural cattle' means an animal specified in the Schedule; ...'

And the Schedule lists Agricultural Cattle as:

1. Cows of all ages.
2. Calves of cows and of she buffaloes.
3. Bulls.
4. Bullocks.
5. Male and Female buffaloes.

The operative sections of the Act prohibit slaughter of all agricultural cattle; possession of the beef of any agricultural cattle; and, transport of agricultural cattle 'for the purpose of its slaughter... or with the knowledge that it will be or is likely to be, so slaughtered'.

In all of this, the Act introduces no exceptions, no provisos, no loopholes.

Inadequacy of the Uttar Pradesh Prevention of Cow Slaughter Act 1955

The corresponding "Uttar Pradesh Prevention of Cow Slaughter Act, 1955", on the other hand, begins obfuscating in its very title. Unlike the Chhattisgarh Act, the title mentions 'Cow' and not 'Agricultural Cattle' in general. This old Act has been made much stronger through various amendments, particularly by the latest amendment of 2002. Yet, it fails to have the precision and clarity of the Chhattisgarh Act.

The exceptions and provisos begin with the definitions. The Act defines 'beef' to mean 'flesh of cow but does not include such flesh contained in sealed containers and imported as such into Uttar Pradesh'. Why flesh of cow alone and not 'all agricultural cattle'? And why that exception for flesh contained in sealed containers?

Later in Section 5, the Act introduces ridiculous exceptions to the prohibition of the sale of beef. Prohibition on transport of cows is 'except under a permit issued by an officer authorised by the State Government', thus making it no prohibition at all.

The Uttar Pradesh Act needs to be amended in the light of the experience of the State and taking the Chhattisgarh Act as the model. There is no reason to make invidious distinctions between agricultural cattle of one species and the other. There is no reason to protect the cow and allow the buffalo to be killed. And there is no reason to make exceptions to the prohibition on possession and selling of beef or to the transport of cattle for the purpose of slaughter.

These exceptions not only weaken the efforts to protect agricultural cattle, but also lead to endless litigation and social tensions. Public conflicts over the issue of consumption of beef and transportation of animals that have been reported in recent times have their roots in these various exceptions written into the UP Act.

Amending the "Uttar Pradesh Prevention of Cow Slaughter Act, 1955" thus has become essential for the maintenance of public order in the State.

Cow protection laws cannot exclude Buffaloes

It is well known that the cow in India is a symbol of the whole non-human world; to worship and protect the cow is to empathise with and protect all living universe. Mahatma Gandhi asserted this beautifully, saying:

"Cow protection to me is one of the most wonderful phenomena in human evolution. It takes the human being beyond this species. The cow to me means the entire sub-human world. Man through the cow is enjoined to realize his identity with all that lives."

It is indeed odd for a State to pass laws banning the killing of cows while facilitating and promoting the killing of buffaloes and their young calves for export. A nation that reverses the cow cannot possibly be encouraging or profiting from the export of meat of other animals, much less of the meat of buffaloes and buffalo-calves that are no more than a few weeks old.

Judicial interventions necessitate amending the law

Delivering an interim judgment on a batch of Writ Petitions against the Uttar Pradesh Government's efforts to curb illegal and unlicensed slaughterhouses in the State, a division bench of the Allahabad High Court has, on May 12, 2017, made several observations. The crux of the judgment, however, is that the State has an obligation and duty to preserve and promote the business of slaughter of animals and trade in flesh. The Court derives this obligation from certain sections of the Municipal laws and from the past practices of the State of Uttar Pradesh.

The decision of the High Court can probably be contested in higher forums, but ultimately only an amendment of the Cow Protection law of Uttar Pradesh would fend off the legal challenges.

Slaughter of cattle violates the sanctity of Ganga and Yamuna

Uttar Pradesh is the land of the Ganga and Yamuna and also of Gomati and Sarayu. The blood and gore of the large number of buffaloes killed in the slaughterhouses of western Uttar Pradesh ultimately flows into these sacred rivers. Even if all other reasons mentioned above are considered inadequate, Uttar Pradesh needs to amend its anti-kine killing law to maintain the sanctity of the land and the rivers.



Besides the amendment of the Uttar Pradesh Prevention of Cow Slaughter Act, 1955, there are many other actions that need to be taken at different levels, which we have indicated in the Summary at the beginning. We repeat those recommendations below, but amendment of the Act cannot be delayed any further if the current campaign against illegal slaughter is to survive judicial interventions and succeed.

Recommendations

It seems that the large-scale slaughter of buffaloes has created a situation where the sustainability of the buffalo herd has become doubtful and preservation and protection of even the cow is becoming almost impossible.

Under the situation, the following needs to be done urgently:

1. Uttar Pradesh Prevention of Cow Slaughter Act, 1955 needs to be amended to extend its protection to all agricultural animals including buffaloes. Article 48, which forms the constitutional basis for such laws, does not differentiate between cows and buffaloes and directs the State to make endeavours for "prohibiting the slaughter of cows and calves and other milch and draught cattle". Cow protection laws of several States extend this protection

to all agricultural animals. The amended law of Uttar Pradesh must also completely ban the movement and transport of animals for slaughter. The 'Chhattisgarh Agricultural Cattle Preservation Act, 2004' may be taken as the model while amending the Uttar Pradesh Act.

2. The artificial distinction between the cows and buffaloes that has been intentionally created by a technocracy intent on making India the hub of slaughter must be purged from all Government policy. There is simply no way to protect the cow in a country where buffaloes are being killed in large numbers.

3. Transport of agricultural animals must be restricted and controlled all across the country and transport for the purpose of slaughter must be completely prohibited. Such movement is turning out to be a major law and order problem on the roads. The restrictions can be imposed perhaps by appropriately amending the laws that govern the use of roads. Until such amendments are put into place, the movement can be restricted by invoking appropriate powers of the State to prevent disruption of law and order on the roads.

4. Policies of the Department of Animal Husbandry, the Ministry of Food Processing Industries and the Department of Commerce need to be reviewed. There is no justification for the Government of India to spend public resources in promoting, facilitating and subsidizing the business of slaughter of agricultural animals and trade in their flesh. After the review, it may be necessary to redraft the Agriculture and Processed Foods Export Development Authority (APEDA) Act of 1985 and also draft a new policy document on animal husbandry practices.

5. While the action at the Centre would perhaps take some time, the process of amending the Uttar Pradesh Act in consonance with the Constitutional provisions and the laws of many other States may be begun immediately. This would also be required to fend off the strong legal challenge that has been launched against the campaign to curb illegal slaughter in that State.

6. For action at the central level, it may be necessary to gather and collate more data. Unfortunately, the data on animal slaughter and on the number of slaughterhouses is very sketchy. Perhaps a Committee should be set up to collate all such data and information and produce a white paper on this business and the involvement of the government in it. The Committee should preferably be outside the Government, but should have access to the data and information available with the government.

All of the above would be in consonance with not only Article 48 of the Constitution but also with our civilizational commitment to preserve and protect agricultural animals. This would also be in consonance with the public commitment that the Prime Minister of India has made to curb the so-called Pink Revolution.

i) See, for example, https://www.ers.usda.gov/webdocs/publications/37672/59707_ldpm-264-01.pdf?v=42543

ii) See, for example, https://www.telegraphindia.com/1140403/jsp/frontpage/story_18149409.jsp#.WOg4vIKB1E4

iii) See for example, <http://indianexpress.com/article/business/business-others/china-finally-agrees-to-import-buffalo-meat-from-india-4476301/>

iv) <http://www.thehindu.com/news/national/india-on-top-in-exporting-beef/article7519487.ece>

v) https://www.ers.usda.gov/webdocs/publications/37672/59707_ldpm-264-01.pdf?v=42543

vi) Young India, October 6, 1921

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Delhi, May 2015