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**Cow Protection sans Minority Welfare:**  
**Why the Beef Ban only Succeeds Where it**  
**Shouldn't**

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**Abstract**

*The Beef Ban laws have acted as a vehicle of marginalisation for Indian minorities. The paper argues against the core argument - the utility of the Beef Ban for animal welfare - that is made by proponents of the law. The paper uses PESTLE analysis to posit that the only way to improve the well-being of cows is to ameliorate the material reality of the workers in the livestock industry. Animal welfare can help farmers improve the quality of their end product, access welfare-conscious western markets, and reduce medication costs. Methods like stunning and shielding can provide animals with a painless death and can also prove to be cost-effective. However, the first step towards meaningful and inclusive animal welfare policies is the depoliticisation of the issue.*

**Keywords:** *Beef Ban, Animal Welfare, Cattle Industry*

**1.0 Introduction**

The beef ban has proved to be a highly decisive issue in contemporary India. With the Bharatiya Janata Party (BJP) coming to power at the centre and across many states in the Hindi Heartland, the beef ban symbolises Hindutva majoritarianism. Like the Indian National Congress, opposition parties have also hopped on the ‘Hindu Sentiments’ train and have banned beef in the states they rule. The central argument used by these parties is how the ‘Beef Ban’ is meant to protect the well-being of cows, an animal considered sacred within Hinduism. There has been ample research on how the Beef Ban has marginalised and alienated minorities, specifically the Muslim and Dalit minorities in the Hindi Heartland. However, there is a dearth of research on how the Beef Ban contributes to the well-being of cows themselves. This research aims to understand the deficiencies in the Beef Ban policy and propose steps for minority empowerment in conjunction with animal welfare. The paper argues that minority empowerment is essential for animal welfare. We seek to show that introducing the Beef Ban laws has not significantly impacted cows’ well-being and is a very short-sighted and economically sterile method of fostering animal welfare.

The paper will also discuss the effects the Beef Ban laws have on Indian minorities. Cow vigilantism has presented itself as a problem in the Hindi Heartland since the Beef Ban laws were promulgated. Vigilante groups have been operating as an organised mob, seeking to harass Muslim and Dalit farmers involved with cattle trading, and there have been many instances of

minorities being lynched for rumours of consuming beef. The deaths of Pehlu Khan and Mohammad Akhlaq are a result of the epidemic of mob lynching, which the Beef Ban laws have ignited.

To understand the Beef Ban laws in the modern political context, this paper would discuss the impact mob lynching have on marginalising minorities in the name of *animal welfare*. Animal welfare policies in India are exceedingly lacklustre. Being a developing country, India has not adopted the kind of stringent animal welfare programs as western nations. India has a different attitude towards animal welfare due to socio-religious considerations and the politics around them. The paper will seek to provide alternative animal welfare methods (specifically for cows) that are economically viable and socio-politically inclusive.

## **2.0 History of the Beef Ban**

### **2.1. Prohibition on Cow Slaughter and its Centrality in Hinduism**

The centrality of the prohibition on cow slaughter within Hinduism is quite uncertain. Scholars have repeatedly pointed out that the sacredness of the cow, and even vegetarianism itself, were tenets that appeared in Vedic practice only around the tenth century AD. In his paper *Appropriating the Cow: Beef and Identity Politics in Contemporary India*, James Staples has pointed out how the Rig Veda itself documents cow sacrifice and the consumption of sacrificial beef by Brahmins (Staples, 2018, p. 62). Prohibitions on meat started to show up in the *Dharma Sutra*, such as the *Manu Smriti*. However, since the Vedas themselves do not feature such bans, it is safe to label them as an *aberration*, or at best, an *addition* to Vedic thought. Staples contextualises the shift to cow protectionism by showing us how the *Manu Smriti* qualifies the slaying of bovines as a lesser sin than alcohol consumption (2018, p. 62). The prohibitions on cow slaughter are not a necessary outcome of the sacredness of the cow; Staples also shows us how they might be a result of economic considerations since the killing of a productive bovine might undermine their utility as a milch and draught animal (2018, p. 62). Thus, the prohibition on cow slaughter is undoubtedly not a time-tested feature implicit in the Hindu belief system.

Furthermore, the prohibitions on meat consumption (or even the consumption of cow meat) never applied to everyone within the Hindu fold. Vegetarianism, construed as a ‘pure’ practice, was observed more strictly within Brahmins and other Upper Castes. However, through *Sanskritisation*, “a process by which lower castes adopted the practices and ideologies” (Staples, p. 61) of the upper castes to theoretically enhance their status within the caste hierarchies of the

Hindu fold, many castes adopted the practice of vegetarianism (and more specifically, not consuming beef). Such mobility within the Hindu fold was not available to everyone since many groups could not afford to let go of beef consumption or cattle trading.

## **2.2 Ambedkar's Take On Vegetarianism**

The notion of purity attached with vegetarianism might even be a result of Brahminism adapting to the changing socio-religious tunes of the 6th Century BC. In his revolutionary work, 'Untouchable: who were they and why they became untouchables', Ambedkar makes a robust case for the Brahmanical origins of vegetarianism. He points out how the influx of Buddhism and its rising popularity among the masses forced Brahmins to appropriate Buddhist tenets to maintain their religious influence. One of these tenets was non-violence against animals. Thus, Brahmins gave up meat consumption and banned the slaughter of cows (which was considered the dearest amongst livestock). However, the untouchables continued consuming cows since they primarily ate cows that died a natural death (Ambedkar, 1948, p. 341). The practice of beef-eating and the lower castes were linked together with the chain of 'impurity', a chain which certain caste groups would try to lose through the process mentioned above of Sanskritization (by adopting vegetarianism). Thus, the claim that the prohibition on cow slaughter is a central tenet of Hinduism falls apart on closer examination; firstly, because it was developed in response to Brahmanical hegemony by Buddhism, and secondly since it has always existed as a marker of difference (in the 'purity') of the upper castes and the Dalits.

## **3.0 Politics of the Beef Ban**

### **3.1 Beef Ban and the Brahmanical State**

Does the rise of 'Beef Ban' legislation in India translate to a strengthening of the Brahmanical control over the Indian state? Different parties and organisations have different answers to this question due to contrasting socio-political positioning within the Indian state. Parties with close ties to Hindu revivalist organisations (like the BJP) have argued for the Beef Ban by defending the centrality of cow protection in Hindu culture and its sentimentality. Other parties which call themselves liberal (like the Congress) have questioned the Beef Ban by criticising it as a majoritarian imposition. Shashi Tharoor, a member of the Indian National Congress and MP from Thiruvananthapuram, has mocked the Ban by quipping that it is "safer to be a cow than a Muslim" in many parts of India. The Ban has come under even more substantial

criticism from Dalit and Muslim groups. Understanding the debate over the current Beef Ban laws would allow us to analyse whether the rules are a project of marginalisation of Indian minorities or merely in place to protect the well-being of cows.

### **3.2 Beef Ban: A Modern Politico-Religious Project**

Radha and Amar Sarkar, in their paper *Sacred slaughter: An analysis of historical, communal, and constitutional aspects of beef bans in India*, have located the beef ban among rising Hindu chauvinist trends in India. The authors point out that the “prohibition of beef consumption” did not arise from “an unambiguous textual injunction, but rather from a modern, politico-religious project” (2016, p. 13). Such an argument is bolstered by the fact that prohibition of beef consumption has never been as central to Hinduism as its proponents claim, and thus textual evidence alone cannot defend the Ban. For example, the Upanishadic sage Yagnavalkya, when told that eating beef was sinful, has been noted to respond, “that may well be, but I shall eat of it nevertheless if the flesh is tender” (Staples, 2018, p. 62) by the Upanishads. This Upanishadic anecdote strengthens Sarkar’s argument that the beef ban is a modern politico-religious project.

Nevertheless, *even if* the Ban against cow consumption was a central tenet of Hinduism, Sarkar argues that the imposition of the Beef Ban on *all* Indian violates the notion of “equal liberties’ for ‘equal citizens’. Since non-Hindu religious denominations do not have any religious obligation to follow a Hindu doctrine, subjecting them to a Beef Ban denies them their liberty. Many groups within the Hindu fold have also been historically engaged with cattle slaughter and beef consumption. As Staples points out, beef is not only a cheap source of protein but also a ‘positive symbol’ of identity for many Dalits (2018, p. 66) (Hindu Dalits and those who have converted to other religions like Christianity). Beef consumption acts as a “socially cohesive act” which binds together Dalits against their common oppressor (Staples, 2018, p. 64). Therefore, the Beef Ban also violates the rights of Dalits to assert themselves in opposition to the Brahmanical identity, enabling the latter to perpetuate itself.

### **3.3 Material Reality of the Beef Ban**

However, moral and religious considerations are dwarfed by the economic and material reality of Indian minorities. The practice of cow slaughter and the activities that revolve around it economically sustain millions of Muslims and Dalits. Buffalo and cattle serve as a low price

meat source and makeup about 40 per cent of total meat consumed in India. Such beef also contributes significantly to the export economy (Nomani & Salman, p. 1). Since upper-caste Hindus consider dead cattle and beef impure, the workers in the meat and carabeef (carabeef being the meat of the buffalo) almost exclusively belong to Dalit and Muslim communities. The Beef Ban severely hampers the economic prospects of the traders, butchers, retailers and other workers in the industry, with the minority communities facing the brunt of this economic impact. The class identity of those affected by the Ban is also essential to keep in mind since most of these working-class minorities have next to no financial capacity to transition out into another industry. The Beef Ban also impacts the minority communities by denying them a cheap source of protein-rich meat. The result of this Ban, as Sarkar and Sarkar point out, is “the marginalisation and exclusion of the minorities from the public sphere as long as they retain their minority identity, as traders and consumers of cow-derived products” (2016, p. 8). Such marginalisation is not merely social and political; it also impacts the material well-being of Indian minorities.

### **3.4 Mob Lynching and Scapegoating**

The refusal to acquiesce to this majoritarian law can have deadly consequences. Many right-wing vigilante groups have taken to ‘policing’ minority communities in the name of cow protection. In his paper, *Social Marginalisation and Scapegoating: A Study of Mob Lynching in Pakistan and India*, Khurshid Ali Singay points out that there have been 66 incidents of mob lynching in India from 2010 to 2017 under the pretext of cow protection (2020, p. 2). The stories of Mohammad Akhlaq and Pehlu Khan have become all too common in India. Using Rene Girard’s theory of mob violence, Singay argues that mob lynching by right-wing groups in India acts as a process of marginalisation of minorities (2020, p. 4). This line of thought is further nuanced by Aparna Parikh in her paper, *Holy Cow! Beef Ban, Political Technologies, and Brahmanical Supremacy in Modi’s India*, where she uses Foucauldian analysis to argue that the “condoning of extra-legal activities by the state’ and the surveillance over cattle atomises minorities and subjects them to a form of ‘panoptic surveillance’ (2019, p. 18).

## **4.0. Animal Welfare**

### **4.1 The Well-Being of Cows**

Such surveillance does nothing to bolster the well-being of cows. Parikh points out that by “emphasising the sacredness of the cow, the cow loses its animal status” and ends up

becoming “a symbol of the nation”, and through this, the cow becomes objectified. Parikh goes on to argue that this objectification “obscures the violence done to the cow throughout its life and in death” (2019, p. 18). The well-being of cows, and cattle in general, is compromised on many different levels, not merely at the slaughterhouse. A paper *Prevention of Cruelty to Animals*, published in *The Indian Medical Gazette* in 1948 by J. M. Lall, pointed out that nutritional starvation and disease were the most significant causes of misery in cattle (*The Indian Medical Gazette*, 1948, p. 314). Right-wing groups often retort to this by arguing to establish *goshalas* to look after old and infirm cattle. Lall manages to pre-empt and counter-argue in his paper by characterising *goshalas* as “torture houses” (*The Indian Medical Gazette*, 1948, p. 3) where cows are forced to inhabit overcrowded and disease-ridden shelters. Lall argues that the high cattle population would inevitably lead to a decrease in the well-being of cattle, especially after they are past their productive years since farmers would no longer be able to spare the resources required to nourish them.

#### **4.2 Animal Welfare and the Market**

The pitiable condition and the lack of utility of *goshalas* have only increased with the passing of the decades. The nation is being burdened with the more unproductive head of cattle than ever before. Indians can often see these animals dotting the streets of Indian towns and cities, scavenging what little they can from garbage dumps. The solution to this problem remains what it was in 1948, the humane slaughter of “old and debilitated animals rather than to allow them to suffer or perhaps perish more miserably” (*The Indian Medical Gazette*, 1948, p. 4). How do we improve the well-being of cattle then? This question needs to be answered by situating the problem in actual world material conditions rather than interpreting scriptures. As the paper *The Benefits of Improving Animal Welfare from the Perspective of Livestock Stakeholders across Asia* points out, ethical arguments would not be compelling to the stakeholders involved in the cattle industry since “animal agriculture is not simply a theoretical interface between humans and other species, it is an economic endeavour” and it “functions as a business” (Sinclair et al, 2019, p. 2). Thus the most meaningful way to contribute to animal welfare in the industry would be to do so through economic incentives for the stakeholders who have the most power over cattle. Unfortunately, the livestock industry has mainly seen animal welfare and profit margins as being inimical to each other by the industry. However, this need not always be the case.

### **4.3 Profiting from Welfare**

Here are some of how animal welfare *contributes* towards profits rather than taking away from them. Firstly, improving the care given to cattle can increase the quality and quantity of the milk and meat produced. In the focus group discussions conducted by Sinclair, Fryer, and Phillip, as a part of the research presented in their paper, we find that many of the livestock stakeholders across Asia agree that “when psychological welfare is high, meat production is very high” (2019, p. 10). Similar parallels have also been observed for milk production for cattle. The stakeholders also point out that environments conducive to the well-being of livestock also produce better reproductive results. Secondly, increased animal welfare can reduce the recurring costs of keeping livestock. Preventing nutritional starvation in livestock increases efficiency and productivity while also keeping the livestock away from disease. This simple move drastically ameliorates the well-being of animals by tackling the two major issues raised by Lall, that of starvation and disease.

Furthermore, the lack of disease (thanks to better nutrition) can mitigate the “non-therapeutic use of antibiotics driving the emerging antimicrobial resistance crisis” (Sinclair et al, 2019, p. 3). Thirdly, improving the conditions in which cattle are kept can also increase the competitiveness of the end product, be it milk or meat. Such an increase in competitiveness is primarily due to the consumer trend in western countries to pay more for products that come from animals treated humanely. Though this trend does not exist in developing countries, where the top priority amongst consumers is to buy meat at a low price, Indian producers can leverage better treatment of their cattle by exporting animal products to markets offering a premium for the same. Animal welfare can be materially beneficial. The stakeholders need to be adequately informed of how they can engage in these activities. The state should focus on providing the stakeholders (especially the farmers) with better veterinary and nutritional support. Supply chains, especially the ones that export cattle products, need to be strengthened. As the paper by Sinclair points out, “the aim should be to introduce higher welfare systems which can provide financial benefits' ” (2019, p. 5) to the stakeholders in the livestock industry to allow them to offset any initial losses they might face due to implementing animal welfare practices. If employed correctly, animal welfare practices would improve the well-being of cattle and improve the material well-being of the stakeholders in the cattle industry.



#### **4.4 The Mercy of the Butcher**

The biggest problem with cattle in India is overpopulation. There are too many heads of cattle to provide them with even essential well-being. Humane slaughter with the animal “stunned or otherwise left unconscious” (*The Indian Medical Gazette*, 1948, p. 4) before the animal is killed is necessary. Practices that reduce the pain experienced by cattle during slaughter should be studied. These practices include stunning and more hygienic slaughterhouses.

Stunning is an electrocution procedure in which a device passes an electric shock through the animal’s brain, rendering the animal unconscious. Stunning allows the animal to experience a peaceful and painless death. Countries around the world, including developing countries, have used this technique to reduce animal suffering. Shielding animals from the sights and smells of the slaughterhouse helps in lowering their discomfort before death. India continues to use the traditional technique of bloodletting to kill animals. For practices like stunning and shielding to become commonplace, the state needs to closely cooperate with the cattle slaughter industry stakeholders and equip them with the resources and the information required for conducting humane slaughter. The well-being of the cattle traders belonging to the minority community and the cow is inherently linked. As Lall points out, “the masses need to view livestock problems realistically bereft of emotional, religious, or sentimental biases. Religious prejudices have to be cast-off in the greater interest of humanity and for the uplift of the down-trodden and dumb creatures”. These words continue to ring true today, where cow welfare is cast to the side in light of cow protectionism.

#### **5.0 Conclusion**

The Beef Ban laws have acted as a vehicle of marginalisation for Indian minorities. Right-wing vigilante groups have used cow protection as the pretext to scapegoat and lynch Muslims and Dalits. Minority groups involved with the cattle industry have faced the brunt of the economic impact of the laws. By banning all forms of slaughter, even humane slaughter, the ban has negatively impacted the well-being of cows. The paper argues that the only way to improve the well-being of cows meaningfully is to address the material problems faced by workers in the livestock industry. Animal welfare and profit margins need not be antagonistic to each other. Animal welfare can help farmers improve the quality of their end product, access welfare-conscious western markets, and reduce medication costs. Humane slaughter acts as mercy rather than a curse, allowing animals to experience a painless death compared to a

prolonged and miserable life. The first step towards meaningful and inclusive policies of animal welfare is to depoliticise the issue. As long as cows are objectified as a sacred symbol of the nation, there cannot be a rational discussion about cow welfare grounded in material reality.

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