

ted as public prosecutors and additional prosecutors.

In many cases, even where they know that there is no case for prosecution, they hesitate to concede this before the court. It is an established fact that conviction in TADA cases is less than 1 per cent. Yet, no prosecutor in a TADA case would dare to tell the government or the police that there is no merit in the prosecution case. This is his regard for the personal right and liberty of any citizen! In many states, prosecutors are cadre-based. Such prosecutors think of their cadre first before they think of anything else. It is a known fact that in the high court of Maharashtra, vigilance is kept over the performance of these prosecutors.

As regards the lawyers, very few lawyers are aware of human rights concept. Lawyers' general approach to litigation is that of mercenaries. And the adversarial procedure which is prevalent in all trials makes them more mercenary than ever before, the goal being to win the case even if justice becomes a casualty.

As far as the judges are concerned, most of the judges have no deep commitment to human rights or to justice. They think that theirs is a routine job just like any other. The NHRC has recommended the establishment of human rights courts in every state. Assam and Sikkim have established separate human rights courts. The question is not one of setting up separate courts for human rights violations. Assuming such courts are set up, without the appropriate personnel trained to deal with cases of human rights violations, the courts will become a routine affair, as in the case of family courts.

Lastly, may I appeal to all the officers who have attended this workshop, to develop an attitude of positive approach to recognise the efforts made by several human rights activists and civil liberties groups to expose human rights violations by government agencies. These organisations are the eyes and ears of the people of India. The NHRC annual report (1994-95) says: "For the Commission, it is not just a statutory obligation under Section 12(i) of the Act, 'to encourage the efforts of non-governmental organisations and institutions working in the field of human rights, but a necessity to do so, if its own efforts are to be well-informed and in tune with the deeper aspirations of the country – aspirations that find expression in the courage and idealism of many non-governmental organisations. As the commission noted in its first report, the cause of human rights has much to gain both from the practical help and from the constructive criticism that the NGOs and the commission can bring to bear in their mutual interaction and growing relationship. To this end, the commission has, from time to time, invited leading human rights activists and

NGO representatives over for discussion and advice and sought their help in practical ways. In addition, in every visit to a state, the commission has made it a point to benefit from the experience and knowledge of NGOs, whose contacts at the 'grass roots' level give strength and meaning to the human rights movement where it matters most.

Ours being a republic – which means people's power – the above observations must equally apply to all functionaries who are concerned with the justice system. Several TADA detenus have been released. But not one has been paid any compensation. They have suffered the worst tragedies of their lives, when they were all detained and tortured without there being any case against them. No court has ever thought of compensating for the loss of liberty and unjust detention they have suffered.

So also, in the last riots, thousands of persons lost their lives, their property, and their homes. In the *People's Verdict*, we

have recommended early prosecution of all the aggressors. We found that large number of aggressors are still free. We found out that several police officers had committed atrocities on several innocent persons. We sought to name them – not all, but only those whose names were mentioned by the witnesses. We thought that the government would at least investigate. On the contrary, the government promoted them. R D Tyagi was one of the persons whose name appears in our list. Today he has become the commissioner of police. We identified Shiv Sena and BJP groups as responsible for several killings and for destruction of houses and property of victims of the riot. Today, we have a government of these very aggressors. I wonder, what accountability, what human rights, what justice can we ever hope to have, in this situation!

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Beef, BJP and Food Rights of People

Kancha Ilaiah

On one hand the BJP defines SC, BC castes as Hindus, and on the other by banning beef, denies them their age-old food habits. If beef is banned it will be the beginning of the end of the country's multiculturalism.

THE BHARATIYA JANATA PARTY in its election manifesto told the nation that if it is voted to power it would impose a "complete ban on the slaughter of cows, calves, bulls and bullocks". In other words, it told the nation that it would impose a total ban on beef food of Indian people. Such a position of the BJP emanates from its self-constructed notion that beef is the food of Muslims and Christians only, and beef food culture is an imposition of Islamic-Christian culture on the Indian people. The BJP realised that it can no longer brow-beat the minorities by setting up agendas of demolition of religious shrines, as such agendas were becoming counter-productive. It seems to have worked out a new agenda in banning beef food to brow-beat the minorities. Incidentally, what is not realised is that this agenda will boomerang much more than the other agendas the BJP earlier set – because this agenda is going to affect the food rights of about 45-50 per cent of Indians who are either occasional or regular beef eaters. Even a commonsense observation would indicate that in India the non-Muslim, non-Christian beef eaters outnumber even in simple arithmetic terms. The anti-beef ideology of BJP emerges out of its brahminical hindutva consciousness. Blind to the ground-level social reality, the BJP leadership is creating

a notional myth that beef-eating – by killing 'sacred' cows and bulls – is a non-Indian cultural practice. It wants to sell the idea that pre-Muslim India did not have a beef-eating cultural practice at all. The BJP ideologues earlier attempted to sell a similar theory for caste system also – that caste is post-Mughal rule social structure. But it did not work. Its anti-beef agenda is going to face resistance from SCs and STs because as on today the SCs, STs and some castes among OBCs depend on beef food more than the minorities do. Of course, the very notion of beef food being a Muslim-Christian contribution is a myth because even the BJP top leaders know that in pre-Buddhist India beef was an integral food of all Indians, including brahmins.

The BJP may take up a campaign by constructing a theory that banning of beef is part of its 'true secularist' ideology. Its notion of 'true secularism' foregrounds certain animals – cows and bulls – as being sacred animals, glossing over the fact that the notion is not shared by very many dalit bahunjan castes at all. Yet the BJP wants to project the notion as an all-India non-Muslim, non-Christian notion and thus, impose it on all castes which do not share the cultural ethos of brahminism at all. SCs, STs and several OBCs have been historically beef-eaters, and never believed the theory that

cow is a sacred animal. That does not mean that they do not care for bovine animals. Brahminical consciousness makes us forget that the beef-eating castes are also the cattle-rearing castes, and their love and affection towards these animals is more intimate than those castes which do not involve themselves in rearing cattle and yet construct a theory, of sacred bovine animals. Love towards animals and eating their meat for survival is not a contradiction but a dialectical process. The essence of this process has been that human life is more important than animal life. The culture of consuming flesh of certain animals got gradually internalised. How come a political party that aspires to rule a multi-cultural country like India does not understand that food habits which are part of our cultural practice cannot be changed by state agencies. Unlike drinking alcohol or playing cards, which continue in spite of social taboos against it, food habits are different. When a family or a social group eats certain food like beef there is no notion of taboo around it. It exists as a full cultural process. It also acquires the character of socio-political rights of people – the food rights of people. A political party or a government cannot suspend food rights of people simply because the leadership of a ruling party does not like the taste of a particular food, or because it considers some animals sacred.

Over centuries, even before the Muslim rulers came to India, the beef-eating SC castes, other sudra castes and the pure vegetarian brahminical castes lived side by side. The brahminical dislike to beef food did not extend to the state banning beef or meat foods. In an era of advanced capitalism and universalisation of democracy if a party sets an agenda that it would ban a particular food on religious grounds, such a move is going to send signals that fascism of the worst kind is on the cards. Leave alone Muslims and Christians, for millions of SCs beef alone is the most proteinous food that they can afford. Veena Shatrugna of National Institute of Nutrition says, "beef contains 21 per cent proteins whereas rice contains only 6-8 per cent proteins". No vegetable protein content goes beyond 10 per cent. This was one of the reasons why the poorest of the poor continued to eat beef in spite of the ritualistic Hindu society condemning it.

Medically, it is a known fact that consuming high protein food is the best check for chronic diseases like tuberculosis. Tuberculosis is the most common disease that attacks human beings who are undernourished. Thus among the SCs and STs, the beef food was singularly responsible for preventing tuberculosis, and also where cases of tuberculosis prevailed, the cheaply available cure has only been beef. What alternative does the BJP provide to such a

proteinous food that is easily available to the poorest of the poor, who in caste terms happen to be SCs and STs.

Neither the BJP nor the intellectuals who hold the view that draught animals are sacred, seem to have realised the implications of their argument. Such view, if extended to its logical end, can lead to a disaster. If they extend their argument that the cows and bulls should not be forced to pull the plough or bullock cart – as there is bound to be coercion and torture in the process – Indian agriculture will collapse. The post-Buddhist brahminism went to the extent that 'the plough with its iron point would injure the earth and the creatures living in it'; therefore, human beings should not resort to tilling (Irfan Habib, *Essays in Indian History*, 1995). Should we then stop using bulls in agrarian operations? The madness of some members of the Sangh parivar has gone to the extent of saying "that India should import the mad cows of Britain" in order to save them from slaughter in Britain. India has so many beggars, lepers and destitutes living on the pavements. The Sangh parivar never bothered about them, but are bothered about mad cows getting slaughtered in Britain. Is it patriotism and humanism?

The food rights of people form part of their civil and democratic rights. No religious community can ban the food of another religious community until and unless a particular community turns cannibal. So also no caste can ban the food of another caste. The discourse that vegetarian food is morally superior has no validity for those who are historically habituated to eat meat and beef. Among many castes and communities in India, for example, a festival cannot be imagined without meat. Vegetarian food in such communities is treated as inferior food. If a guest is served with vegetarian food, it is considered a humiliation. Among many castes and communities there are jokes that ridicule vegetarianism. Indian society has been co-existing with all these practices and must be allowed to do so.

On the one hand, the BJP is trying to define SCs, BCs as Hindus; on the other, their food habits are not treated as part of Hindu ethos. It expects the SCs to give up their culture, get brahmanised by converting themselves into vegetarian Hindus. In spite of massive propaganda against meat by priests and pandits, the dalit bahujan castes continue to eat meat. What does the BJP aim to do? Will it label all beef-eaters as non-Hindus? In which case, what about lamb meat-eaters or chicken-eaters? If it says that all meat, chicken, and beef-eaters are not Hindus, many brahmins by that definition are also out of Hinduism – because the brahmins who went abroad cannot escape beef, and we know many brahmins who are addicted beef-eaters.

If beef is banned in India that will be the beginning of the end of our multi-culturalism. Cultural plurality has been the essence of Indian society. Cultural plurality has not emerged with the Muslim invasion nor did it emerge with Christian colonisers. The very caste system synthesised multi-culturality in India right from ancient days. The attempt to homogenise India's cultural and legal practices is a dangerous trend.

The notion of uniform civil code (UCC) is also based on homogenisation of marriage, divorce and other family related practices. Even here, the diversity is not confined to the Hindu, Muslim and Christian practices. Each caste has its own customary practice of marriage, divorce and property distribution. Homogenisation of such practices by hegemonising a particular religious or caste practice will only lead to social friction.

The BJP seems to think that including such cultural issues in its election manifesto will give it a moral authority to take legal steps by projecting the election victory as a referendum on such issues. Previous elections have shown that even with 31-35 per cent votes a party can come to power. On an issue like beef-eating, even if all the beef-eaters vote against the BJP, the BJP can come to power. How can such a mandate give moral authority to the BJP to ban beef? Even on an issue like the UCC, the same thing can happen. The issues which counterpose one section of people against another, would find, both supporters and opponents emotionally charged. It only generates a war of nerves – and that may become an instrument for aggrandising votes but does not provide democratic space for articulating informed opinion. Such issues are not like economic issues. Economic issues allow a space of debate even in rural areas. If a party offers land to the landless, house to the homeless, education to the illiterate, there is a possibility of forcing even the rich to think about such issues. In other words, even if a confrontation develops among sections of people on such issues, the confrontation will contribute towards a positive transformation. How does stopping a section of people from eating what they have been eating for generations help the economic situation to improve.

Culture is a historical continuum of psychic likes and dislikes. Food habits form part of that cultural continuum. Political parties cannot set agendas attacking cultural habits of people. That itself forms the core of communalism. The BJP today says it would impose a ban on beef, tomorrow it may say that it would ban meat; then it would extend the logic and say that wearing trouser and bush-shirt is anti-Hindu and impose ban on trousers and bush-shirts. What does this mean? Where does India go from here? How can a nation progress with such agendas?