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**Greenpeace Ban: Violation of Rights**

(The following are extracts from an open letter sent to the Minister of Home Affairs, Rajnath Singh, protesting against the decision to freeze Greenpeace India's accounts.)

The move by the central government to freeze Greenpeace India's bank accounts and block sources of funds, is a blatant violation of the constitutional rights to freedom of expression and association. It also seems to be an attempt to warn civil society that dissent regarding development policies and priorities will not be tolerated, even when these are proving to be ecologically unsustainable and socially unjust. These are dangerous signs for the future of democracy in India.

Specific allegations of legal violation contained in the Ministry of Home Affairs' notice are aspects Greenpeace India needs to respond to. However, the notice also charges the organisation with adversely affecting "public interest" and the "economic interest of the State." These charges give the impression that Greenpeace India is indulging in anti-national activities, using foreign funds. However, dissenting from the government's development policies, helping communities who are going to be displaced by these policies to mobilise themselves, and generating public opinion for the protection of the environment can by no stretch of imagination be considered anti-national, or against public interest.

Civil society organisations in India have a long and credible history of standing up for social justice, ecological sustainability, and the rights of the poor. When certain government policies threaten these causes, civil society has a justified ground to resist, and help affected communities fight for their rights. This is in fact part of the fundamental duties enjoined upon citizens by the Constitution of India.

In two recent court judgments involving previous attempts by the government to muzzle Greenpeace India, the democratic principle of dissent has been upheld. In January 2015, the Delhi High Court observed:

Non-Governmental Organizations often take positions, which are contrary to the policies formulated by the Government of the day. That by itself...cannot be used to portray

petitioner's action as being detrimental to national interest.

In March, the Delhi High Court observed that "contrarian views held by a section of people...cannot be used to describe such section or class of people as anti-national." The court also observed that there was nothing on record to suggest that Greenpeace India's activities "have the potentiality of degrading the economic interest of the country."

It is shocking that despite these clear judicial pronouncements, the government has for a third time acted against Greenpeace India. We cannot but conclude that this is an attempt to divert attention from the serious issues that Greenpeace India and many peoples' movements and NGOs are raising, regarding the need to respect the rights of Adivasis and others who depend on the forests, wetlands, coastal areas, and other ecosystems, and the need to move towards policies that are ecologically sustainable. These and other issues are highlighted by organisations such as Greenpeace India, which also generate significant information on the environment, crucial for taking the right decisions regarding sustainable well-being.

It is also shocking that while alleging violations regarding Foreign Contribution (Regulation) Act, the government ordered the blocking of even those accounts where Greenpeace India uses its domestic funding (and it is relevant here to note that the majority of its funds according to its audited accounts are from thousands of Indian individuals). It has even blocked its online donation facility.

The government should immediately take back these illegitimate, unfair, and repressive moves, and provide Greenpeace India a fair opportunity to respond.

The government's attempts to browbeat civil society will not make the issues of social and environmental injustice disappear.

**Achin Vanaik, A Vaidyanathan, Achyut Yagnik, Harsh Mander, Shripad Dharmadhikary, Aruna Roy, Nikhil Dey, Gautam Navlakha, Claude Alvares, Medha Patkar, Ashish Kothari, Meenal Tatpati, Madhuri Krishanaswami, Bittu Sahgal, Justice H Suresh, Rajeev Dhavan, Tapan Bose, Shabnam Hashmi, Sudha Bharadhwaj, Paranjay Guha Thakurta, Anand Patwardhan, Ravi Nair,** and many others from different parts of India

## Against Cow Slaughter Ban

On 16 March 2015, the Haryana Government unanimously passed the Haryana Gauvansh Sanrakshan and Gausamvardhan Bill with the main opposition parties supporting the bill. The new bill passed by the Haryana government bans cow slaughter and sale of beef, and imposes a punishment of rigorous imprisonment of not less than three years extending up to 10 years and fines ranging from Rs 30,000 to Rs 1,00,000. The Maharashtra Animal Preservation (Amendment) Bill 1995 not only banned beef but also extended the prohibition to slaughter of bulls and oxen.

These bans on cow slaughter are not new; they have been in existence in many of the states for many years. For example, in Delhi, Bihar, Andhra Pradesh, slaughter of cows and calves is prohibited. In Goa and Andhra Pradesh, "cow" is defined to include heifer, or a male or female calf of a cow under the Goa, Daman and Diu Prevention of Cow Slaughter Act 1978 and Andhra Pradesh Prohibition of Cow Slaughter and Animal Preservation Act 1977, respectively. In some states like Karnataka, Andhra Pradesh, Goa and Madhya Pradesh slaughter of bulls, bullocks and adult buffaloes is permitted on "fit for slaughter" certificate if the cattle is over 12 or 15 years of age and is not economical for use for draught, breeding or milk. Meghalaya and Nagaland have no legislation to this effect.

What, however, is new is the increase in quantum of punishment and fines being imposed in the recent legislations passed against slaughter of cows and other animals.

What also needs to be underlined is that in Delhi, Madhya Pradesh, Maharashtra, Punjab and Rajasthan the burden of proof is on the accused. It shows how much importance has been attached to prevention of cow slaughter so as to have this extraordinary provision in the law. It is ironical that the women's movement had to struggle so hard to make this change in law in cases of rape to shift the burden of proof on the accused whereas it finds a place in these state's laws on cow slaughter without anyone even noticing them.

That prohibition of slaughter of cows, calves and other milch and draught animals finds a place in the Directive Principles of State Policy in our Constitution and that many states in India have a law banning cow slaughter and beef is indicative of a deep-seated majoritarian understanding of Indian culture. It shows that the state in India is heavily tilted in a selective understanding of Indian and even Hindu tradition. This questions the whole edifice of secularism and equal respect for all religions in India. The understanding that Hindus stand against cow slaughter or that Hinduism has always shunned and continues to shun beef is a proposition which is deeply contested.

Quite apart from the absurdity of imposing dietary preference of one privileged and powerful group over the rest, there are other compelling reasons to question the ban. The entire meat production industry, from the traditional to the modern, employs and meets livelihood needs of millions of Indians. India's meat production ranks fifth at 6.3 million tonnes in which share of bovine meat (cow, buffalo, bull) constitutes 62%. Of this, less than a million tonnes is exported. Thus, the rest of it goes to meet the dietary needs of millions of Indians. Thus in banning cow slaughter to appease a minority of Hindus, livelihood needs and therefore the right to life of millions of Indians have been put at risk. And in the bargain, it also simultaneously removes cheap high protein diet for hundreds of millions of Indians of every denomination.

These bans which are being extended to cover other cattle as well under an expansive definition of "beef" pose many kinds of problems, like for poor farmers who cannot take care of an old cow and because of these bans can no longer sell it to an abattoir. It has serious livelihood

ramifications for a large number of families directly and indirectly dependent on cattle trade and related industries like leather, gelatin, animal fat soap industry, pharmaceuticals and meat exports. It is worth noticing that more than 50% of people engaged in meat production and related trade of skin, hides, bones, etc, are Hindus. And they are beef consumers.

Rashtriya Swayamsevak Sangh-affiliated Hindu right-wing groups are clamouring now for an all-India ban on cow slaughter and for the strictest punishment for anyone indulging in it. This opens the door for fanatics to carry out raids, effect arrests and resort to organised violence against Muslims in particular. These laws provide a social and legal sanction to such groups to harass people who transport cattle for selling, export and other purposes.

The ban is an infringement of personal dietary choices with the state having assumed the power to criminalise some of these. It is indeed a cruel irony that the exercise of this basic freedom invites a greater prison term as punishment than a grave criminal offence like rape for which the term is seven years; or for deaths due to criminal negligence where the prison term is two years.

While it cannot be stressed enough that a democratic strategy is required to contest the upper caste Hindu bias which is reflected in the Constitution with regard to cow slaughter, we acknowledge that issues of cruelty to animals, animal shelters, maintenance of hygienic conditions in abattoirs and effective waste disposal do need attention. The ban is a reminder that we are being served a fait accompli leaving no room for debate/s or reasoned discussion.

**Megha Bahl, Sharmila Purkayastha**

PUDR,

DELHI

### Web Exclusives

The following articles have been published in the past week in the Web Exclusives section of the EPW website. They have not been published in the print edition.

- (1) Idealism and Collectivism Are Alive: Reports from Swaraj Samvad—*Meena Radhakrishna*
- (2) Maharashtra's Marathi Multiplex Story: Is the Gesture Tokenistic—*Nikhil Narkar, Ananya Parikh*
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