

Mohammed Haneef Quereshi and others Vs. State of Bihar (1959) and recommended that the Constitution should be amended to provide for total ban on cow slaughter. The proposed restriction would be unconstitutional. Total prohibition on the use of "beef" as defined in the Delhi Cow Protection Bill, amounting to imposition of undue restrictions would be ultra vires of Article 19(1)(g) of the Constitution.

The Government have decided to await the report of the Committee set up to examine the question of Cow protection in all its aspects (including constitutional, legal and economic), before taking further action on the Bill.

Committee On Cow Protection

*795. SHRI KANWAR LAL GUPTA : Will the Minister of FOOD AND AGRICULTURE be pleased to state :

(a) whether the Committee on Cow Protection is in doldrums and no meeting has been held for the last two years ;

(b) if so, the reasons therefor ;

(c) whether Government have given any direction to this Committee ;

(d) if so, when and what ;

(e) whether the Committee will give its report to the Government or not ; and

(f) the reasons for not accepting the objections raised by some members who have boycotted this Committee ?

THE DEPUTY MINISTER IN THE MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND CO-OPERATION (SHRI S. C. JAMIR) : (a) to (f). A statement is laid on the Table of the Sabha,

Statement

(a) The Committee on Cow Protection has not held any meeting since August, 1968.

(b) The Committee could not function due to withdrawal of the representatives of

the Sarvadaliya Goraksha Mahabhiyan Samiti.

(c) and (d). In Government's Resolution dated twenty-ninth June, 1967, constituting the Committee the following directions were given :

"The Committee will go into the question of cow protection in the light of all the proposals of Sarvadaliya Goraksha Mahabhiyan Samiti and others on the subject, including the one for total ban on the slaughter of cow and its progeny and having considered the matter in all its aspects, namely, constitutional, legal, economic and other relevant aspects, recommend to Government, for their consideration, appropriate practical steps for the protection of cows, calves, bulls and bullocks. The Committee will suggest ways and means for the effective implementation of the provisions of the Article 48 of the Constitution and also give full consideration to any suggestion that the Constitution should be amended to bring about a total ban on the slaughter of cow and its progeny.

"The Committee will decide the procedure for its work.

"The Committee will present its report to the Government within six months."

(e) The Committee has not yet given its report to the Government. However, the term of the Committee has been extended upto 31st March, 1971. The Govt. hope that it will be possible for the Committee to submit its report if the representatives of the Samiti cooperate with the Committee.

(f) At the first meeting of the Cow Protection Committee held on the 17th July, 1967, the Committee decided to seek clarification from Government as to whether Government 'desire that the Committee should consider only proposals for a total ban on the slaughter of the cow and its progeny, or it can also take into consideration other proposals like proposals of a partial ban or even no ban at all'. The clarification given in the Ministry's communication dated 10-8-67 to the Secretary, Cow Protection (copy attached Vide Annexure)

was accepted by the members and the Committee continued to function till the 27th May, 1968, that is for nearly a year. Then, the same question was again raised by the members representing the Sarvadaliya Goraksha Mahabhiyan Samiti. On the 2nd August, 1968, the honorary Secretary of the Sarvadaliya Goraksha Mahabhiyan Samiti wrote to the Chairman, Cow Protection Committee that Shri Jagatguru Shankarcharya, Shri M. S. Golvalkar and Shri Rama Prasad Mookerjee had decided to withdraw from the Committee. Government was very sorry to know this decision. The reasons for non acceptance of the objection of the Committee are indicated in the following extract from a letter dated the 5th October, 1968 written by Shri Jagjivan Ram, the then Minister of Food & Agriculture to Shri Jagatguru Shankarcharya :

"every Committee has the right to take a view on the terms of reference and the advice they propose to give on the terms of reference. There can be difference of opinion in the matter ; but the normal procedure is for members, who hold their own opinion to express their viewpoint in a suitable manner and where necessary in a note of dissent. As in this case, the matter of interpretation of the Government resolution is involved, and there is an Ex-Judge of high standing in the Samiti's representation, and the Chairman is an ex-Chief Justice of the Supreme Court, it is expected that a judicial view would finally prevail in the matter of interpretation. Government would stress that the Samiti having accepted the onerous task of advising Govt. in this matter, should now follow the normal procedure of Committee and if they feel that their point is right they should persuade their colleagues rather than take a stand that what they say must be accepted without examination and against the understanding that any other member may reach on the subject."

*Annexure to Part (f) of the
Statement*

DEPARTMENT OF AGRICULTURE

Secretary, Cow Protection Committee,
may please refer to his note dated 19-7-67
with which was forwarded a copy of the

minutes of the first meeting of the Committee on Cow Protection held on 17th July, 1967.

2. The Resolution dated the 29th June, 1967 setting up the Committee closely follows the wording of the public statement made by Government of India on the 5th January, 1967, and the statement of the 1st February, 1967, which was sent to the Sarvadaliya Goraksha Mahabhiyan Samiti. On the 21st May, 1967; before the draft of the resolution was finalised, the Minister, Food, Agriculture, Community Development and Cooperation discussed it at his residence with the representatives of the Samiti, who suggested some changes which were accepted. The terms of reference are strictly in line with the assurance in the statement dated the 1st February, 1967, to the Sarvadaliya Goraksha Mahabhiyan Samiti.

3. Paragraph 2, which is the operative part of the Resolution says that the Committee will go into the question of cow protection, including proposals for total ban on the slaughter of cows and its progeny, and will also give full consideration to any suggestion that the Constitution should be amended to bring about a total ban on the slaughter of cows and its progeny. Paragraph 2 also provides, inter alia, that the Committee will consider proposals emanating from 'others' than the Sarvadaliya Goraksha Mahabhiyan Samiti. In making its recommendation on cow protection the Committee will consider all aspects of the problem, viz. Constitutional, legal, economic and other relevant aspects.

Sd/—(V.D. GANGAL)
Deputy Secretary (AH)
10-8-67.

SECRETARY, COW PROTECTION COMMITTEE (SHRI SARKAR. DS) Deptt. of Agri. U.O. No. 25-5/67-LDI dated 10-8-67.

श्री राम स्वरूप विद्यार्थी : 16 दिसम्बर, 1967 को दिल्ली प्रशासन ने एक विधेयक पाम करके भेजा था, लेकिन आज तक सरकार ने उस पर कोई विचार नहीं किया। उन्होंने कहा है कि जो कमेटी बैठी है जब उसका फैसला होगा तब उस पर विचार करेंगे। मैं मंत्री महोदय से जानना चाहता हूँ कि उस कमेटी

की कितनी मीटिंगें हुई हैं और आखिरी मीटिंग कब हुई थी, तथा कब तक वह अपना काम खत्म कर देगी ?

THE MINISTER OF STATE IN THE MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND COOPERATION (SHRI ANNASAHIB SHINDE) : The hon. Member himself may be aware that though the Delhi Administration passed the Bill in 1966-67, they themselves knew that this had some constitutional objections. In the covering letter which was addressed to the Central Government, they themselves said that the Constitution would have to be amended in order to bring it within the constitutional framework. Thereafter, as the House is well aware, the Government appointed a high level committee, the Cow Protection Committee, to go into this problem. But unfortunately, the representatives of the Goraksha Mahabhiyan Samiti withdrew from the Committee. We have been repeatedly making requests to them to cooperate with this Committee. This Committee is presided over by Justice Sarkar. I do not know why they are not cooperating. We are as anxious as the hon. Member to see that the deliberations of the Committee are finished as early as possible.

श्री राम स्वरूप बिद्यार्थी : मैंने सवाल किया था कि कितनी मीटिंगें हुई हैं, आखिरी मीटिंग कब हुई और कब तक वह रिपोर्ट सबमिट कर देगी ? रिपोर्ट सबमिट करने का समय बतलाने में शायद मंत्री महोदय को दिक्कत हो सकती है, लेकिन कितनी मीटिंगें हुई और आखिरी मीटिंग कब हुई यह तो वह स्पेसिफिकली बतला ही सकते हैं।

SHRI ANNASAHIB SHINDE : During the last one year, there has been practically no meeting. It is because one section of the Committee withdrew from it. We have extended the time upto March, 1971.

श्री राम स्वरूप बिद्यार्थी : मंत्री महोदय ने अभी बतलाया कि कुछ मेम्बरों ने उस से इस्तीफा दे दिया या इससे कोभापरेट नहीं

किया। मैं जानना चाहता हूँ कि उसके क्या कारण हैं ? आर्टिकल 43 जब यह निर्देश देता है सरकार को कि उसको कम से कम कुछ स्टेप उठाने चाहियें, तो मैं जानना चाहता हूँ कि जब से यह कानून लागू हुआ है तब से लेकर काऊ प्रोटेक्शन कमेटी बनाने के पहले तक सरकार ने क्या स्टेप उठाए हैं उस आर्टिकल को इम्प्लिमेंट करने के लिए ?

SHRI ANNASAHIB SHINDE : Some members of the Committee who withdrew from the Committee want that the Committee should go into one aspect of the problem. Naturally, the terms of reference were drafted in consultation with the representatives of the Goraksha Mahabhiyan Samiti themselves. When the former Minister Shri Jagjivan Ram was in charge of the portfolio, he himself discussed it with the representatives of the Goraksha Mahabhiyan Samiti. The terms of reference were drawn after getting their agreement.

Now the Members have withdrawn. They do not want that the Committee should function on the basis of the terms of reference. Now, the Committee is free to adopt its own method and we are not trying to interfere. It is for the Members who had withdrawn to tell the people of India why they have withdrawn from the Committee.

श्री राम स्वरूप बिद्यार्थी : मेरे सवाल का एक हिस्सा यह था कि जब आर्टिकल 48 आप को यह निर्देश देता है और डाइरेक्टिव प्रिंसिपल में आता है तो सरकार को ऐसी पालिसी ऐडाप्ट करना चाहिये। मैं पूछना चाहता हूँ कि काऊ स्लाटर पर बैन लगाने के लिए काऊ प्रोटेक्शन कमेटी बनने से पहले और जब से कांस्टिट्यूशन लागू हुआ है, इस दौरान सरकार ने कौन से ऐसे स्टेप लिये जिन से वह डाइरेक्टिव प्रिंसिपल को इम्प्लिमेंट कर सकें ?

SHRI ANNASAHIB SHINDE : As far as the Directive Principles are concerned, we stand by the Directive Principles and Art 48 of the Constitution as interpreted by the Supreme Court and not as being inter-

preted by the hon Member. We would be prepared to be guided by the interpretation of the Supreme Court and we are proceeding on that basis.

SHRI RAM SWARUP VIDYARTHI
rose :

MR. SPEAKER : No more question, please.

SHRI RAM SWARUP VIDYARTHI :
Minc was a specific question...

MR. SPEAKER : No question of argument.

श्री राम स्वरूप विद्यार्थी : जो लोग शोर मचाने हैं, उन की वान मुन ली जाती है। मैं आप से निवेदन करना चाहता हूँ कि मैंने एक स्पेसिफिक वान कही थी कि आर्टिकल 48 के लिए, जो डाइरेक्टिव प्रिंसिपल है, काऊ प्रोटेक्शन कमेटी बनाने से पहले सरकार ने क्या किया ?

MR. SPEAKER : I am not going to allow you like this. You have put it twice and the question was very clearly replied to. Why don't you sit down ?

SHRI RAM SWARUP VIDYARTHI :
The question was very specific but he did not say a single word about it. I asked what steps Government took in pursuance of the Directive Principle.

MR. SPEAKER : I am not going to ask the Minister to reply if you go on like this.

श्री कंबर लाल गुप्त : मंत्री महोदय ने यह माना है कि इस कमेटी की बैठक पिछले ढाई सालों से नहीं हुई। इसके लिए जो डेडलाक है उसके लिए सरकार जिम्मेदार है क्योंकि रिप्लाय में उन्होंने कहा है कि टर्म्स रिफरेंस यह है :

“The Committee will go into the question of cow protection in the light of all the proposals of Sarvadaliya Goraksha Mahabhiyan Samiti...”

अब महाभियान समिति ने एक ही बात कही थी...

SHRI ANNASAHIB SHINDE : Why don't you read further—'Samiti and others.'

SHRI KANWAR LAL GUPTA : “and others on the subject.”

जो आपके पास रिपोर्ट आई है उसमें यह मांग की गई कि गौ-वध पूरी तरह से बंद होना चाहिए। मैं मंत्री महोदय से पूछना चाहता हूँ कि जो उन्होंने यह कहा कि 31 मार्च, 1971 तक उसका टर्म बढ़ा दिया गया है और उम्मीद है कि वह अब उम के साथ कोआपरेट करेंगे, इसका क्या आधार है। श्री जगजीवन राम ने पत्र लिखा, कई और पत्र भी उन मदम्यों को लिखे गये जिन्होंने वायकाट किया है। मैं जानना चाहता हूँ कि उनके क्या डिटेल्स हैं और उन लोगों ने क्या जवाब दिया ? आया अब वह उसके साथ कोआपरेट करेंगे या नहीं, और अगर नहीं कर रहे हैं तो आपने कैसे कहा कि 31 मार्च, 1971 तक रिपोर्ट आ जायेगी। आपके यह कहने का आधार क्या है ?

दूसरी वान यह कि आज बंगाल में आप की हुकूमत है। इंटेरिम स्टेप लेने के लिए जिम तरह से यू० पी० और दूसरी जगहों पर गोवध के बारे में कानून बनाये गये हैं उसी तरह से क्या आप बंगाल के लिए भी कानून बनायेंगे क्योंकि वह आज आप के नीचे है ?

SHRI ANNASAHIB SHINDE : First of all I would like to submit that the terms of reference to which the hon Member referred are very clear, viz., “The Committee will go into the question of cow protection in the light of all the proposals of Sarvadaliya Goraksha Mahabhiyan Samiti and others on the subject including the one for total ban on slaughter of cow and its progeny and having considered the matter in all its aspects, namely, constitutional, legal, economic and other relevant aspects...”. These terms of reference are not such as are narrowly interpreted by the hon Member.

They are very comprehensive and some of the Members objected to the Committee proceeding on the basis of the terms of reference.

As far as the letters we have addressed are concerned, I am prepared to lay them on the Table of the House.

SHRI KANWAR LAL GUPTA : Lay them on the Table.

SHRI ANNASAHIB SHINDE : The letters which we have addressed to the Members of the Committee after they have withdrawn and the replies they have sent, if any, that also, I am prepared to lay on the Table of the House.

As far as the West Bengal Government is concerned, we had in the past referred this matter to the West Bengal Government when a representative government was in charge and the West Bengal Government have expressed that they are not in agreement with the total ban on cow slaughter.

SHRI KANWAR LAL GUPTA : At present, you are handling West Bengal.

SHRI ANNASAHIB SHINDE : Naturally, the views which are given by the representative Government there will have to be given due weight.

SHRI KANWAR LAL GUPTA : Now West Bengal is under the Central Government.

SHRI ANNASAHIB SHINDE : When the matter is being examined by this Committee, naturally, the Government would be taking a view after the recommendations of the Committee are received and not earlier.

श्री कंवर लाल गुप्त : 31 मार्च 1971 तक क्या रिपोर्ट आ जाएगी ? अगर इन मेम्बर ने कोओप्रेट नहीं किया क्या फिर भी रिपोर्ट देने के लिए आपने चेयरमैन को कहा है ? ये मेम्बरों कोओप्रेट करें इसके लिए आप और क्या कदम उठाएंगे ? क्या दृष्टी तरह से चलते रह कर आप इस मामले को टालते रहेंगे ? आप

इसको जानबूझ कर टालना चाहते हैं। इसको फेस करना नहीं चाहते, देश की भावनाओं की इज्जत नहीं करना चाहते, रद्दी की टोकरी में डालना चाहते हैं इसको।

SHRI ANNASAHIB SHINDE : I would like hon Members to use their good offices to persuade the Members who have withdrawn and to cooperate with the Committee. As far as Government is concerned, we would like the Committee to finalise its recommendation as early as possible. When the Members are not cooperating the work of the Committee is being hampered.

SHRI KANWAR LAL GUPTA : What steps are you taking ?

SHRI ANNASAHIB SHINDE : We will be taking steps after the recommendations of the Committee are received. This Committee is appointed with comprehensive terms of reference and it has far-reaching effects on our economic and other aspects. Naturally, the Government would await the recommendations of the Committee, and see what further steps are to be taken in this regard.

SHRI TENNETI VISWANATHAM : As the Minister has said, not merely the samiti, but there are others also who are equally interested for ban on cow slaughter. He said for 2½ years or so the Committee had not deliberated. How is he hopeful of getting a recommendation from the Committee which is not functioning ? If he agrees with me, will he constitute another Committee so that the question can be thrashed out ? It is not merely the samiti alone ; but there are other people also who are equally interested in the matter.

SHRI ANNASAHIB SHINDE : If the House desires perhaps this matter can be considered. But this committee was a representative Committee and we are still exploring the possibilities and I will take opportunity today also. If the members who have withdrawn come and cooperate with the committee, the deliberations can be expedited but some Members are interested in creating some climate, some people are having in view the elections which may or may not come.

SHRI KANWAR LAL GUPTA : This is absolutely wrong. I challenge you. (*Interruption*) You are making political capital out of it.

ये पोलिटिकल कैपिटल बनाना चाहते हैं। इस चीज को ये जानबूझ कर टालना चाहते हैं, करना नहीं चाहते हैं।

SHRI ANNASAHIB SHINDE : Truth is always bitter. (*Interruption*). But I will make this appeal. Let us try to see what we can do : You use your good offices to see that the Members cooperate. Nobody, no party, should try to exploit it for political purposes. (*Interruption*)

श्री प० ल० बरूपाल : जहां तक गौ-वध बन्द करने की बात है, हम भी इससे सहमत हैं। लेकिन मैं आपके माध्यम से जानना चाहता हूँ कि जितने भी गौ भक्त हैं क्या सरकार उनसे अपील करेगी कि चमड़े की प्रत्येक वस्तु का बहिष्कार किया जाए, चाहे जूता हो, चपल हो, पर्स हो, डैड वैग हो या कुछ और हो ? यदि ऐसा किया गया तो गौ-वध को बन्द करने में यह चीज सहायक सिद्ध नहीं होगी ?

श्री गुरचरण सिंह : क्या सरकार को इस बात का पता है कि पंजाब में लाखों की तादाद में गायें आवारा फिरती हैं, उनका कोई मालिक नहीं है और ये लोग जो गौरक्षा चाहते हैं, ये न तो खेती करते हैं और न गाय पालते हैं ? गायों के आवारा फिरते रहने से लोगों को जो खेती-बाड़ी में नुकसान होना है, उसको मैं जानना चाहता हूँ कौन पूरा करेगा। पंजाब के लोग इन मवेशियों को पाकिस्तान के बोर्डर पर छोड़ आते हैं। क्या सरकार इस तरह की चीजों की ओर ध्यान देगी ?

SHRI ANNASAHIB SHINDE : I shall draw the attention of the Committee to the views expressed by the hon. Member.

श्री राम गोपाल शालवाले : जहां तक चमड़े की चीजों के प्रयोग की बात है मैं कोई चमड़े की चीज प्रयोग नहीं करता हूँ। मेरा

जूता कपड़े का है। मेरे पास कोई चीज चमड़े की नहीं है।

गौ-रक्षा महाभियान समिति के कहने पर ही इस समिति का निर्माण किया गया था। उस समय भी सरकार ईमानदार नहीं थी। सरकार ने वादा किया था कि छः महीने के अन्दर-अन्दर यह कमेटी अपनी रिपोर्ट दे देगी। यह रिपोर्ट कमेटी नहीं दे सकेगी क्योंकि आठ जो सरकारी मेम्बर हैं वे सरकारी इशारों पर काम करते हैं, सरकार के कहने पर चलते हैं। इस वातावरण में जिन तीन मेम्बरों ने त्यागपत्र दिया है वे नहीं आएंगे। ऐसी अवस्था में क्या आप जनता का विश्वास प्राप्त करने के लिए कोई नई कमेटी का निर्माण करेंगे जो इस विषय पर विचार करके अपनी रिपोर्ट दे सके ?

धारा 48 पर आचरण करने की बार-बार घोषणा की गई है। आपने प्रान्तीय सरकारों को भी इसके लिए कहा है। आपने कहा है कि उनकी बात को आप स्वीकार करेंगे। दिल्ली प्रशासन ने इसको स्वीकार किया है और एक प्रस्ताव पारित करके आपके पास भेजा है। सरकार अगर ईमानदार है तो दिल्ली प्रशासन के प्रस्ताव पर अमल करते हुए संविधान में संशोधन अगर करना है तो संशोधन विधेयक को पार्लियमेंट में लाने के लिए तैयार क्यों नहीं होती है ? (*इंटरप्शन*) गुरु गोविन्द सिंह जी महाराज ने प्राण दिये थे—

MR. SPEAKER : May I request all hon. Members not to indulge in an attack on the sentiments of others ? They may have their own views, but it is not good to indulge in an attack on the sentiments of others. They have their own sentiments on it. Why should hon. Members annoy them ?

श्री महाराज सिंह भारती : दिल्ली में रोज भैंस काटी जाती है। सेंटिमेंट्स तो हमारे भी हैं।

श्री राम गोपाल शालवाले : भैंस का और गाय का दोनों का गौ-वध बन्द होना चाहिए ।

MR. SPEAKER : I am very sorry at this. I would again appeal to hon. Members. It was all right on the question of rats. But they have introduced the buffalo also into this. That is so bad.

SHRI ANNASAHIB SHINDE : It would be very unfair to say that the Members of the committee were under the pressure of the Government. They are very independent persons. The chairman himself is an ex-chief Justice of the Supreme Court. The other members represent the various State Governments and are experts. Moreover, Government have never tried to interfere in the work of the committee. We have given full freedom to the committee to follow any procedure they like and to examine any matter according to their choice.

As far as Delhi is concerned, I have explained the position. When the Bill was passed, the Delhi Administration itself made clear that it had some constitutional limitations, and they themselves in their covering letter suggested that the Constitution should be amended to that this Bill may be approved. When this entire matter including the question whether the Constitution requires an amendment has been referred to a high level committee, I do not know how the hon. Member expects the Government of India to take steps, before the report of that committee is available to us.

श्री मोलहू प्रसाद : अध्यक्ष महोदय मैं आप के माध्यम से खाद्य एवं कृषि मंत्री से जानना चाहता हूँ कि क्या कोई वैज्ञानिक पहलू भी इस सम्बन्ध में सोचा गया है ? क्योंकि यह जो गाय का दूध होता है जिस गाय के शरीर में खून नहीं होगा उसमें दूध कहां से होगा ? खून से ही दूध बनता है और हिन्दू धर्म में गाय को मां कहा गया है तो क्या हिन्दू धर्म की भावनाओं को ध्यान में रखते हुए सरकार तत्काल गाय का दूध दूहने और पीने पर प्रतिबन्ध लगाएगी ?

SHRI ANNASAHIB SHINDE : Government are not going to prohibit the use of milk.

श्री मोलहू प्रसाद : अध्यक्ष महोदय, हमारे प्रश्न का क्या हुआ ? मैं ने पूछा था कि हिन्दू धर्म की भावनाओं को ध्यान में रखते हुए क्या तत्काल गाय का दूध दूहने और पीने पर प्रतिबन्ध लगाएंगे ?

MR. SPEAKER : It is a suggestion for action.

श्री मोलहू प्रसाद : नहीं अध्यक्ष महोदय, प्रश्नों का उत्तर तो आप नहीं देंगे, मंत्री महोदय देंगे । आप तो व्यवस्था के प्रश्न का उत्तर देंगे । तो मंत्री महोदय से हमारे प्रश्न का उत्तर दिलवाइए ।

SHRI ANNASAHIB SHINDE : I have said no

Foreign Assistance for Dry Land Agriculture and Ground Water Survey

*787. SHRI CHENGALRAYA NAIDU:
SHRI R. BARUA :

Will the Minister of FOOD AND AGRICULTURE be pleased to state :

(a) whether Canada and some other countries have offered assistance for research in dry land agriculture and ground water survey in the country ;

(b) whether any agreement has been signed with any country in this regard ; and

(c) if so, details thereof and the names of places where work would be undertaken ?

THE DEPUTY MINISTER IN THE MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND COOPERATION (SHRI JAGANNATH PAHADIA) : (a) and (b). Yes, Sir, Canada has offered assistance for research in Dry land agriculture and for ground-water survey and agreements for these projects were signed with the Government of Canada in August 1970.