Indian court exhorts Modi to “protect Hindu rights” with further communalist “cow protection” legislation

Kranti Kumara
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A High Court judge in Allahabad in the north Indian state of Uttar Pradesh issued a reactionary ruling dripping with Hindu-supremacism earlier this month when denying bail to Javed, a 59-year-old Muslim man. In March, more than six months ago, Javed was arrested by the Uttar Pradesh police for the “crime” of cow-slaughter under the state’s draconian anti-cow-slaughter law, and he has been languishing in jail ever since.

Justice Shekhar Kumar Yadav included numerous strident Hindu-communalist observations in his 12-page bail judgment. He called on India’s Bharatiya Janata Party (BJP) national government, led by Prime Minister Narendra Modi, himself an arch-Hindu communalist, to make “cow protection” a “fundamental right of Hindus” and push legislation through the Indian parliament proclaiming the cow a “national animal.”

Justice Kumar’s comments were breathtaking for their openly Hindu-communalist outlook, medieval backwardness and contempt for basic judicial principles. Invoking ancient Indian religious texts, the judge wrote, “The cow has been shown as an important part in India's ancient texts like the Vedas and the Mahabharata that define Indian culture and for which India is known.”

Needless to say, he failed to mention the Taj Mahal, arguably an even more world-renowned product of Indian culture, which was built for the Mughal emperor Shah Jahan and fuses traditional Indian, Persian, and Ottoman Turkish elements. Nor, in his skewed diatribe on Indian culture, did the High Court judge acknowledge how it has been enriched and transformed over well over a millennium by the culture of Arab, Persian, Turkish, and Central Asian Muslims, including by helping giving rise to Hindustani music, Mughal cuisine and the Urdu language itself.

According to Judge Yadav, “Cow protection and promotion is not just about one religion but it is the culture of the country. It is responsibility of every citizen to save the culture irrespective of the religion.”

Piling on more stupid comments, he declared, “[Whenever] we forgot our culture, foreigners attacked us and enslaved us and if we are not warned, we should not forget the unbridled attack on and capture of Afghanistan by Taliban.”

Absurdly pitting “beef eaters” against those who raise cows for a living, the judge argued that “The right to life is above the right to kill and the right to eat beef can never be considered a fundamental right.” Spewing the pseudo-scientific nonsense that is the stock-and-trade of the Hindu right, he also asserted, “Scientists believe that the cow is the only animal that inhales and exhales oxygen.”

This judgment from the Allahabad High Court, one of India’s oldest and most respected high courts, is emblematic of the extent to which the vile Hindu communalism promoted by the BJP, which has led India’s national government since 2014 and for 13 of the past 23 years, has become firmly entrenched in India’s supposedly secular judiciary, and at all levels. In 2019, India’s Supreme Court, ceding to a decades-long Hindu right agitation, ordered the Indian government to build a Hindu temple on the site of the razed 16th Century *Babri Masjid* mosque, which was illegally demolished by Hindu fanatics mobilized and incited by top BJP leaders in December 1992 in express violation of an order from India’s highest court.

Justice Kumar’s remarks are of a piece with the poisonous Hindu-supremacist agenda (Hindutva) being pushed relentlessly by the Modi government with the aim of channeling mounting social anger over mass joblessness, poverty and social inequality along reactionary lines and splitting the working class. Since coming to power in 2014, the Modi government has staged one vile communal provocation after another, including stripping Jammu and Kashmir, hitherto India’s lone Muslim-majority state, of both statehood and its special semi-autonomous constitutional status. In the name of “cow protection,” it has encouraged and protected Hindu-vigilante groups that have terrorized and killed poor Muslims. Critics of Hindutva and the Modi government’s communalist policies, including a noted journalist and several prominent intellectuals, have been killed by Hindu extremist terrorists with impunity.

Nowhere is the BJP’s Hindutva extremist agenda being implemented more forcefully than in Uttar Pradesh, which is both India’s most populous state, with an estimated 227 million people in 2018, and home to its largest Muslim population,

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totaling 34 million.

Uttar Pradesh's BJP-led state government is headed by Yogi Adityanath, a Hindu *mahant* (high priest) and notorious Hindu supremacist. Modi and his chief henchman, Amit Shah, personally recruited Adityanath to the BJP and made him its candidate for state Chief Minister in the 2017 Uttar Pradesh assembly elections.

Before he took the helm of the state government, Adityanath had founded his own Hindu-extremist organization, the Hindu Yuva Vahini. Over the previous decade-and-a-half, the organization mounted numerous murderous attacks, lynching impoverished Muslims for the crime of "eating beef" and sometimes burning down their dwellings. The Hindu Yuva Vahini have also attacked Christian churches and pastors.

Adityanath, who rules state with an iron fist, is now using the state administration, especially the notoriously violent state police, to hound and harass innocent Muslims and Dalits (the former untouchables) charging them with concocted legal transgressions, especially cow-slaughter or "illegal" religious conversion.

The Chief Minister has issued two ordinances explicitly directed against Muslims. Although cow-slaughter was banned in Uttar Pradesh in 1955 by a Congress Party state government, Adityanath's Cow Slaughter Prevention (Amendment) Ordinance, 2020 now makes it punishable by up to 10 years imprisonment and a draconian fine. Beef happens to be a cheaper meat in India and is often availed by the poor, especially Muslims and Dalits, to supplement their nutrition-starved diet.

The second ordinance, termed the "love-Jihad" ordinance, is based on the vile communalist canard that Muslims are seducing Hindu women in order to convert them to Islam, and that this constitutes another front of the Muslim holy war (jihad). In reality, the ordinance is used to criminalize intimate relationships between Muslims and Hindus. Roving bands of Hindu-vigilantes have violently assaulted such couples and the state has brought criminal charges against numerous innocent young Muslim men.

The roots of these reactionary contemporary developments lie in the 1947 communal Partition of the subcontinent into an expressly Muslim Pakistan and an ostensibly secular India. The Congress Party of Mahatma Gandhi and Jawaharlal Nehru bear the primary political responsibility for Partition as it was unable and organically incapable of unifying the Muslim and Hindu toilers in opposition to the intrigues of India's departing British colonial overlords, the "two-nation" demand of the Muslim League, and the communal provocations of the Hindu Mahasabha and the BJP's mentor to this day, the RSS. Fearing the growing movement of the working class and the increasingly radical temper of the anti-imperialist struggle, the Congress betrayed its own program for a united secular India, reached a deal with London under which it inherited the colonial state machine, and implemented partition.

The post-independent "secular" Indian constitution drafted from 1947 onwards and adopted in 1950 includes an explicit "directive" clause, Article 48, that directs the Indian state to formulate legislation to "[prohibit] the slaughter, of cows and calves and other milch and draught cattle." This was a blatant concession by the Congress Party-dominated Constituent Assembly that drafted the post-colonial Indian constitution to the Hindu-extremist "cow-lobby," one of a slew of concessions and accommodations the post-independence Congress government made to the Hindu right, although it was politically marginalized and discredited due to the Hindu Mahasabha's and RSS's opposition to the anti-colonial struggle and outright collaboration with the British colonial regime.

The Congress Party, which included in its leadership a sizeable faction of Hindu communalists, fertilized the Hindu right during the subsequent three decades, when it continued to dominate Indian politics and continuously held power at the center. It did this first and foremost by making this once fringe movement a legitimate part of the Indian bourgeois establishment. As part of its ever more elaborate attempts to defuse rising social opposition from India's workers and rural toilers by fanning caste and communal divisions, the Congress subsequently catered to and made concessions to the BJP's reactionary Hindu supremacist agenda. This eventually led to the brazen and illegal demolition of the *Babri Masjid* in 1992, and helped create the conditions for the BJP to emerge, first as a party of national government, and now the premier party of the Indian bourgeoisie.

The only way out of this poisoned historic legacy lies through the building of a working-class led anti-capitalist movement that unifies the toilers of all the countries of South Asia including India, Pakistan, Bangladesh and Sri Lanka in the fight for the United Socialist States of South Asia.

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