

## MIRZAPUR MOTI KURESHI CASE- A LANDMARK JUDGEMENT ON THE QUESTION OF BANNING COW SLAUGHTER

*by*

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### Abstract

In 2005, in the State of Gujarat vs Mirzapur Moti Kureshi Kassab Jamat<sup>1</sup> case, a seven-judge Supreme Court constitution bench heard a challenge of a complete ban of the slaughter of cow progeny in Gujarat. In a majority 6-1 ruling, the court held that such a ban is not a prohibition but only a restriction, because the slaughter of certain other animals is still legal and hence there is no infringement of a fundamental right to occupation, trade or business. The court had observed that the protection of cow progeny was “needed in the interest of the nation’s economy”.

This is the most important case with respect to the issue of banning cow slaughter. The petition was challenging the amendments in Section 5 of the Bombay Animal Preservation, which was also applicable to the state of Gujrat. The amendments changed the ban on slaughter of bulls and bullocks under the age of 16 to a complete ban.

The petition challenged the amendment because of the belief that bull and bullocks over the age of 16 tend to become economically unbeneficial. However, the court held that “The economy of the State of Gujarat is still predominantly agricultural. In the agricultural sector, use of animals for milch, draught, breeding or agricultural purposes has great importance. It has, therefore, become necessary to emphasize preservation and protection of agricultural animals like bulls and bullocks. With the growing adoption of non-conventional energy sources like biogas plants, even the waste material has come to assume considerable value. After the cattle cease to breed or are too old to do work, they still continue to give dung for fuel, manure and biogas, and therefore, they cannot be said to be useless. The backbone of Indian agriculture is the cow and her progeny in a way. The

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<sup>1</sup> State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat (2005) 8 SCC 534

whole structure of the Indian agriculture and its economic system is indirectly dependent on the cow.

In order to give effect to the policy of the State towards securing the principles laid down in Articles 47, 48 and clauses (b) and (c) of Article 39 of the Constitution, it was considered necessary also to impose total prohibition against slaughter of progeny of cow.”

The court also repelled all arguments on the grounds of fundamental rights under Article 14 and 19(1) (g) by stating that, “In the light of the material available in abundance before us, there is no escape from the conclusion that the protection conferred by the impugned enactment on cow progeny is needed in the interest of the nation’s economy. Merely because it may cause “inconvenience” or some “dislocation” to the butchers, restriction imposed by the impugned enactment does not cease to be in the interest of the general public. The former must yield to the latter.” When discussing the question of livelihood for the butchers whose business will get affected negatively because of the ban on cow slaughter, the court laid down a new principle, stating that the fundamental right to profession, occupation and business is not absolute and can be regulated/restricted by the state.

### **Issues**

1. Whether or not cows and buffaloes are economically viable after 16 years of age?
2. Whether or not it is unconstitutional to implement a complete ban on cow slaughter in the State of Gujarat?
3. Whether or not there is an important need of using buffalo over tractors in rural agriculture?
4. Whether or not the preservation of animal (cow, calves, bulls, buffalo and bullocks) come from an economic and scientific standpoint or preservation of a religious belief?

### **Rules Applied**

Constitution of India, 1947, Article 14, 16, 19(1) (g), 19(6), 39 (b) (c), 47, 48, 52

Bombay Animal Preservation Act, 1954

Bombay Animal Preservation (Gujarat Amendment Act), 1979 and 1994, Section 5(1-A) (c) (d)

### **Interpretation by the court to specified section**

The whole controversy arose in the writ petition filed in the Gujarat High Court challenging the validity of the Bombay Animal Preservation (Gujarat Amendment) Act, 1994 (hereinafter referred to Gujarat Act No. 4 of 1994). The Gujarat High Court after dealing with all aspects in detail held that amendment is ultra vires. The present petition along with the other petitions came up before this Court by Special Leave Petition. This amendment brought about to effect directive principles of the State Policy under Articles 47, 48 of the Constitution and Clause (b) and (c) of Article 39 of the Constitution.

**In Mohd. Hanif Qureshi's case this Court upheld a total prohibition of slaughter of the cows of all ages and calf of buffaloes (male and female) & she-buffaloes, breeding bulls and working bullocks, without prescribing any test of requirement as to their age.** But so far as bull & bullocks are concerned when they ceased to have draught ability prohibition of their slaughter was not upheld in public interest.

Hon'ble S.R. Das, CJ speaking for the Court exhaustively dealt with all the aspects, especially, the utility of the cow-dung for manure as well as the cow urine for its chemical qualities like Nitrogen Phosphates and Potash. His Lordship recognized that this enactment was made in discharge of State's obligation under Art. 48 of the Constitution to preserve our livestock.

In the case of Abdul Hakim vs. State of Bihar<sup>2</sup>, the ban was imposed by the States of Bihar, Madhya Pradesh and U.P. which came up for consideration before this Court and in this context it was observed as under:

**“The test of reasonableness should be applied to each individual statute disputed and no abstract standard, or general pattern, of reasonableness can be laid down as applicable to all cases.** The nature of the right alleged to have been infringed, the underlying purpose of the restrictions imposed, the extent and urgency of the evil sought to be remedied thereby, the disproportion of the imposition, the prevailing conditions at the time, should all enter into the judicial verdict.”

It was observed that the unanimous opinion of the experts is that after the age of 15, bulls, bullocks and buffaloes are no longer useful for breeding, draught, milch and other purpose and whatever

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<sup>2</sup> AIR 1961 SC 448

little use they may have then is greatly off set by the economic disadvantage of feeding and maintaining unserviceable cattle.

Section 3 of the Bihar Act in so far as it has increased the age limit to 25 in respect of bulls, bullocks and she-buffaloes, for the purpose of their slaughter imposes an unreasonable restriction on the fundamental right of the butchers to carry on their trade and profession. Moreover, the restriction cannot be said to be in the interests of the general public, and to that extent it is void.

Then again in the case of *Mohd. Faruk vs. State of Madhya Pradesh and Ors.*<sup>3</sup>, Constitution Bench was called upon to decide the validity of the notification issued by the Madhya Pradesh Government under Municipal Corporation Act. Earlier, a notification was issued by the Jabalpur Municipality permitting the slaughter of bulls and bullocks along with the other animals. Later on State Government issued notification cancelling the notification permitting the slaughter of bulls and bullocks. This came up for a challenge directly under Art. 32 of the constitution before this Court that this restriction amounts to breach of Art. 19(1)(g) of the constitution. In that context, their Lordship observed:

“That the sentiments of a section of the people may be hurt by permitting slaughter of bulls and bullocks in premises maintained by a local authority. But a prohibition imposed on the exercise of a fundamental right to carry on an occupation, trade or business will not be regarded as reasonable if it is imposed not in the interest of the general public but merely to respect the susceptibilities and sentiments of a section of the people whose way of life belief or thought is not the same as that of the claimant. The notification issued must, therefore, be declared ultra-virus as infringing Article 19(1)(g) of the Constitution.

Then again in the case of *Haji Usmanbhai Hasanbhai Qureshi & Ors. vs. State of Gujarat*<sup>4</sup>, the insertion of Section 5 (1-A) (c) and (d) was made under the Bombay Animal Preservation (Gujarat Amendment) Act 1979 came up for consideration. By virtue of this insertion by the Gujarat State, it was laid down that there will be ban of slaughter of bulls, bullocks below the age of 16 years. Their Lordships took into consideration the uselessness of these bulls and bullocks after they have

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<sup>3</sup> 1969 (1) SCC 853

<sup>4</sup> (1986) 3 SCC 12

attained a particular age for agriculture operation like manure as well as bio-gas and ecology, observed in this para:

“The main thrust of the objects and reasons for the legislation seems to be that even animals which have ceased to be capable of yielding milk or breeding or working as draught animals can be useful as they would produce dung which could be used to generate non-conventional sources of energy like bio-gas without so much as being aware of the cost of maintaining such animals for the mere purpose of dung... Prima facie it seems farfetched and yet the State Government thought it as sufficient to amend the law.”

Mr. J.S. Parikh, Deputy Secretary, Agricultural Cooperative and Rural Development Department of the State of Gujarat has in his affidavit stated that almost in 50% of the agricultural operation by tractor is not possible because of small holdings in the State of Gujarat. Therefore, for such small holdings the draught animals are best used for cultivation purposes. **It was also stated that the total cultivated area of Gujarat State is about 124 lakh hectares and a pair of bullocks is required for ploughing 10 hectares of land. Therefore, 5.481 million and approximately equal number is required for carting of whole land. In accordance with livestock census, the Gujarat State has availability of indigenous bullocks around 2.84 million that means that the state is already falling very short of their requirement of bulls and bullocks.**

He has also stated that bull or bullocks at every stage of life supplies 3500 kilograms of dung and 2000 liters of urine and this quantity of dung can supply 5000 cubic feet of biogas, 80 Metric Tonnes of organic fertilizer and the urine can supply 2000 liters of pesticides and the use of it in farming increases the yield very substantially. That in recent advancement of technology use of biogas has become very useful source of energy and the biogas can be prepared out of the cow dung and other inputs. It was pointed out that there are 19,362 biogas plants installed in the State during 1995-97.

Similarly, an additional affidavit was filed by Mr. D.P. Amin, Joint Director of Animal Husbandry, Gujarat State. A study proves that 93% of aged bullock above 16 years of age are still useful to farmers to perform light and medium draught works. The importance of organic manure as a source of humus and plant nutrients to increase the fertility level of soils has been well recognized. The organic matter content of cultivated soils of the tropics and sub-tropics is comparatively low due to high temperature and intense microbial activity.

Moreover, Indian soils are poor in organic matter and in major plant nutrients. Therefore, soil humus has to be replenished through periodic addition of organic manure for maintaining soil productivity.

It is common experience that aged bulls are not used for purposes of covering the cows for better quality of the breed. Only well-built young bulls are used for the purpose of improving the breeding and not the aged bulls. If the aged and weak bulls are allowed for mating purposes, the offspring will be of poor health and that will not be in the interest of the country. So far as the use of biogas is concerned, that has also been substantially reduced after the advent of L.P.G.

Though the custom of slaughtering of cows and bulls prevailed during the Vedic period, nevertheless, even in the Rig Vedic times there seems to have grown up a revulsion of feeling against the custom. The cow gradually came to acquire a special sanctity and was called “Aghnya” (not to be slain).

Likewise, the Hon'ble Chief Justice has dealt in detail the relation of Fundamental Rights with Directive Principles. His Lordship has very exhaustively dealt with all the cases bearing on the subject prior and after decision in Keshwanand Bharti's case. The court should guard zealously Fundamental Rights guaranteed to the citizens of the society, but at the same time strike a balance between the Fundamental Rights and the larger interests of the society. But when such right clashes with the larger interest of the country it must yield to the latter.

The existing provisions of the Bombay Animal Preservation Act, 1954 provides for prohibition against the slaughter of cow, calf of a cow, and the bulls and bullocks below the age of sixteen years. It is an established fact that the cow and her progeny sustain the health of the nation by giving them the life-giving milk which is so essential an item in a scientifically balanced diet.

The economy of the State of Gujarat is still predominantly agricultural. In the agricultural sector, use of animals for milch, draught, breeding or agricultural purposes has great importance. It has, therefore, become necessary to emphasize preservation and protection of agricultural animals like bulls and bullocks. With the growing adoption of non-conventional energy sources like biogas plants, even waste material have come to assume considerable value. After the cattle cease to breed or are too old to do work, they still continue to give dung for fuel, manure and bio-gas, and therefore, they cannot be said to be useless.

In Mohd. Hanif Qureshi and Ors. v. State of Bihar and Ors. (1959)

The challenge to the constitutional validity of the legislations was founded on the following three grounds, as was dealt with in the judgment : (i) that the total ban offended the religion of the Muslims as the sacrifice of a cow on a particular day is enjoined or sanctioned by Islam; (ii) that such ban offended the fundamental right guaranteed to the Kasais (Butchers) under Article 19(1)(g) and was not a reasonable and valid restriction on their right; and (iii) that a total ban was not in the interest of the general public.

Dealing with the challenge founded on Article 14 of the Constitution, their Lordships reiterated the twin tests on the anvil of which the reasonability of classification for the purpose of legislation has to be tested, namely, (i) that the classification must be founded on an intelligible differentia which distinguishes persons or things that are grouped together from others left out of the group, and (ii) that such differentia must have a rational relation to the object sought to be achieved by the statute in question . Applying the twin tests to the facts of the cases before them, their Lordships held that it was quite clear that the objects sought to be achieved by the impugned Acts were the preservation, protection and improvement of livestock's. Cows, bulls, bullocks and calves of cows are no doubt the most important cattle for the agricultural economy of this country. Female buffaloes yield a large quantity of milk and are, therefore, well looked after and do not need as much protection as cows yielding a small quantity of milk require. As draught cattle, male buffaloes are not half as useful as bullocks.

According to 2001 census, 72.2% of the population still lives in villages and survives for its livelihood on agriculture, animal husbandry and related occupations. The second part of Article 48 enjoins the State, de hors the generality of the mandate contained in its first part, to take steps, in particular, "for preserving and improving the breeds and prohibiting the slaughter of cows and calves and other milch and draught cattle".

According to their inherent genetic qualities, cattle breeds are broadly divided into 3 categories (i) Milch breed (ii) Draught breed, and (iii) Dual purpose breed. Milch breeds include all cattle breeds which have an inherent potential for milk production whereas draught breeds have an inherent potential for draught purposes like pulling, traction of loads etc. The dual-purpose breeds have the potential to perform both the above functions.

The bullocks are required for some of agricultural operations along with tractors. There are about 7,28,300 bullock carts and there are about 18,35,000 ploughs run by bullocks in the State of Gujarat. Hence the farmers with small land holdings require bullocks as motive power for their agricultural operations and transport.

In Gujarat, there are 9.24 lakhs marginal farmers and 9.15 lakhs of small farmers, according to the 1991-92 census. Animals are reared in few numbers per family and the feed is obtained from the supplementary crop on fodder/agricultural by-products or from grazing in the gaucher land. In Gujarat 8.48 lakh hectares of land is available as permanent pasture and grazing land. Sometimes the unproductive animals are sent to Panjarapoles and Gosadans. In Gujarat, there are 335 Gaushalas and 174 Panjarapoles which are run by non-governmental organizations and trusts.

On an average, each adult cattle produces 4 kilograms of dung per day. An old bullock gives 5 tonnes of dung and 343 pounds of urine in a year. This would be sufficient for manure need of 4 acres of land for crop production.

Right to Life Argument from an employment framework.

The right to life is a fundamental right and it can be basically protected only with proper food and feeding, and cheap and nutritious food grains required for feeding can be grown with the help of dung. Thus, the most fundamental thing to the fundamental right of living for the human being is bovine dung.

The dung cake as well as meat of bullock are both commercial commodities. If one bullock is slaughtered for its meat can sustain the butchers' trade for only a day. For the next day's trade another bullock is to be slaughtered. But if the bullock is not slaughtered, about 5000-6000 dung cakes can be made out of its dung per year, and by the sale of such dung cake one person can be sustained for the whole year. If a bullock survives even for five years after becoming otherwise useless it can provide employment to a person for five years whereas to a butcher, bullock can provide employment only for a day or two.

Empirical research was carried out under field conditions in North Gujarat Region and Saurashtra region. The average age of aged bullocks under the study was 18.75 years. The study report submitted its conclusions as under:



1. The aged bullocks above 16 years of age generated 0.68 horsepower draft output per bullock while the prime bullocks generated 0.83 horsepower per bullock during carting-hauling draft work.
2. The aged bullocks worked satisfactorily for the light work for continuous 4 hours during morning session and total 6 hours per day for medium work.
3. The physiological responses and hemoglobin of aged bullocks were within the normal range and also maintained the incremental range during work.

However, they exhibited the distress symptoms earlier as compared to prime bullocks.

4. Seven percent aged bullocks under study were reluctant to work and/or lied down after 2 hours of work.
5. The aged bullocks were utilized by the farmers to perform agricultural operations (ploughing, sowing, harrowing, planking, threshing), transport-hauling of agricultural product, feeds and fodders, construction materials and drinking water.

***Finally, it proves that majority (93%) of the aged bullocks above 16 years of age are still useful to farmers to perform light and medium draft works.***

Relevance of draught breeds and options for improvement.

In India 83.4 million holdings (78%) are less than 2 hectares, where tractors and tillers are uneconomical, and the use of animal power becomes inevitable since tractors and tillers are viable only for holdings above 5 hectares.

Animal drawn vehicle are suitable for rural areas under certain circumstances/conditions viz., uneven terrain, small loads (less than 3 tons), short distances and where time of loading and unloading is more than travel time or time is not a critical factor and number of collection points/distribution points are large as in case of milk, vegetable, water, oil, etc. In India the energy for ploughing two-thirds of the cultivated area comes from animal power and animal drawn vehicles haul two-thirds of rural transport.

The Mid-Term Appraisal of 10th Five Year Plan (2002-2007) released in June 2005 by the Government of India (Planning Commission). The report recommends that efforts should be made to increase the growth of bio pesticides production from 2.5 to 5 per cent over the next five years.

According to the report, Organic farming is a way of farming which excludes the use of chemical fertilizers, insecticides, etc. and is primarily based on the principles of use of natural organic inputs and biological plant protection measures.

Organic farming reduces or eliminates water pollution and helps conserve water and soil on the farm and thereby enhances sustainability and agro-biodiversity. Organic farming has become popular in many western countries. There are two major reasons for it; growing global market for organic agricultural produce due to increased health consciousness; and the premium price of organic produce fetched by the producers. India has a comparative advantage over many other countries.

Cow yields products other than milk, which are valuable and saleable. Thus, the dung as well as the urine of cow can be put to use by owner himself or sold to persons or organizations to process them. The Commission noticed that there are a good number of organizations (goshalas) which keep the cows rescued while being carried to slaughterhouses. Very few of such cows are milk yielding. Such organizations use the urine and dung produced by these cows to prepare Vermi-compost or any other form of bio manure and urine for preparing pest repellents. The money collected by the sale of such products is normally sufficient to allow maintenance of the cows. In some cases, the urine and dung is used to prepare the medical formulations also.

Commission examined the balance sheet of some such organizations. The expenditure and income of one such organization is displayed here. In order to make accounts simple the amounts are calculated as average per cow per day. The expenditure per cow is Rs. 15-25 cows/day. While the income from sale is Rs. 25-35 cow-day.

**These averages make it clear that the belief that cows which do not yield milk are unprofitable and burden for the owner is totally false. In fact, it can be said that products of cow are sufficient to maintain them even without milk.**

It is obvious that all cow owners do not engage in productions of fertilizers or insect repellents. It can also be understood that such activity may not be feasible for owners of a single or a few cows. In such cases, the cow's urine and dung may be supplied to such organizations, which utilize these materials for producing finished products required for agricultural or medicinal purpose. Commission has noticed that some organizations which are engaged in production of agricultural

and medical products from cow dung and urine do purchase raw materials from nearby cow owner at a price which is sufficient to maintain the cow.<sup>5</sup>

### **Decision of the Court**

It is the readiness of the judges to discard that which does not serve the public, which has contributed to the growth and development of law. The doctrine of stare decisis is generally to be adhered to, because well settled principles of law founded on a series of authoritative pronouncements ought to be followed. This view has been advocated by Dr. Goodhart who said: *“There is an obvious antithesis between rigidity and growth, and if all the emphasis is placed on absolutely binding cases, then the law loses the capacity to adapt itself to the changing spirit of the times which has been described as the life of the law”*.

His Lordship has discussed the question of reasonable restriction under Article 19 (6) and after considering all material placed before the Court, and adverting to social, religious, utility point of view in most exhaustive manner finally concluded thus:

“After approaching and analyzing the problem, we have reached the conclusion (i) that a total ban on the slaughter of cows of all ages and calves of cows and calves of she-buffaloes, male and female, is quite reasonable and valid and is in consonance with the directive principles laid down in Art. 48; (ii) that a total ban on the slaughter of she-buffaloes, or breeding bulls or working bullocks (cattle as well as buffaloes) is reasonable and valid and (iii) that a total ban on the slaughter of she-buffaloes, bulls and bullocks (cattle or buffalo) after they cease to be capable of yielding milk or of breeding or working as draught animals cannot be supported as reasonable in the interest of the general public.”

Having dealt with each of the findings recorded in Qureshi Case, which formed the basis of the ultimate decision therein, we revert to examine whether the view taken by the Constitution Bench in the Qureshi case can be upheld.

The country is in short supply of milch cattle, breeding bulls and working bullocks, essential to maintain the health and nourishment of the nation which has 1.3 billion citizens to feed. The cattle population fit for breeding and work must be properly fed by making available to the useful cattle

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<sup>5</sup> Report of National Commission on Cattle, July 2002, Vol. II, pp.68-69

in the present and in the future. The maintenance of useless cattle involves a wasteful drain on the nation's cattle feed.

Preservation of useful cattle by establishment of gosadan is not a practical proposition, as they are like concentration camps where cattle are left to die a slow death.

Our socio-economic scenario has progressed from being gloomy to a shining one, full of hopes and expectations and determinations for present and future. Our economy is steadily moving towards prosperity in a planned way through five-year plans, nine of which have been accomplished and tenth is under way.

We have vast cultivable waste land which with some efforts can be developed into good pastureland. Major part of the fallow land can be put under the plough for having fodder crops such as Jowar, Bajra and smaller millets.

The ban limited to slaughtering of cow progeny has been held at one place to be a 'total prohibition', while in our opinion, is not so. At another place, the effect of ban has been described as causing 'a serious dislocation, though not a complete stoppage of the business of a considerable section of the people. If that is so, it is not a 'total prohibition'. The documentary evidence available on record shows that beef contributes only 1.3% of the total meat consumption pattern of the Indian society. **Butchers are not prohibited from slaughtering animals other than the cattle belonging to cow progeny. Consequently, only a part of their activity has been prohibited. They can continue with their activity of slaughtering other animals. Even if it results in slight inconvenience, it is liable to be ignored if the prohibition is found to be in the interest of economy and social needs of the country.**

In the first and second Five Year Plans (the Qureshi case era), there was scarcity of food which reflected India's panic. In 47 years since, it is futile to think that meat originating from cow progeny can be the only staple food or protein diet for the poor population of the country.

The real problem, facing India, is not the availability of food, staple food and protein rich diet; the real problem is its unequal distribution. **The real challenge comes from the slow growth of purchasing power of the people and lack of adequate employment opportunities.** Empirical evidence tends to suggest a positive association between the calorie intake and nutritional status.

The recent economic survey of 2005 has also pointed out that the per capita availability of the milk has doubled since independence from 124 grams/day in the year 1950-51 to 229 grams/day in the year 2001-02.<sup>6</sup>

National Commission on Cattle in its Report has incorporated as many as 17 recommendations for strengthening of goshalas. The interest exhibited by the NGOs seeking intervention in the High Court and filing appeals in this Court also indicates that the NGOs will be willing to take up the task of caring for aged bulls and bullocks.

To conclude, we have found that bulls and bullocks do not become useless merely by crossing a particular age. The Statement of Objects and Reasons, apart from other evidence available, clearly conveys that cow and her progeny constitute the backbone of Indian agriculture sector. The increasing adoption of non-conventional energy sources like Bio-gas plants justify the need for bulls and bullocks to live their full life in spite of their having ceased to be useful for the purpose of breeding and draught. The average farm size in most industrialized countries is over several hundred hectares and farmers are supported by heavy inputs of technology, capital and subsidy.

Farming as a way of life is disappearing and is giving way to agribusiness. In India, nearly 600 million individuals are engaged in farming and over 80 per cent of them belong to the small and marginal farmer categories. **Due to imperfect adaptation to local environments, insufficient provision of nutrients and water, and incomplete control of pests, diseases and weeds, the present average yields of major farming systems in India is just 40 per cent of what can be achieved even with the technologies currently on the shelf.**

There is considerable scope for further investment in land improvement through drainage, terracing, and control of acidification, in areas where these have not already been introduced. Advanced countries which have resorted to large scale mechanized farming, most of the developing countries (India included) have average farms of small size. Protection of cow progeny will help them in carrying out their several agricultural operations and related activities smoothly and conveniently. Organic manure would help in controlling pests and acidification of land apart from resuscitating and stimulating the environment.

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<sup>6</sup> Report of National Commission on Cattle. Vol. II, p. 84.

## Critical Analysis

In this case comment I have first made an effort acknowledging the detailed history of previous judgments on the matter of cow slaughter, especially Mohd. Hanif Qureshi case which provides a strong historical background to the case in hand. Cows are proven to be useful not only for milking and beef but also for drought in smaller areas of land, production of cow dung which can be used as a biogas and cow urine which can be used as a pesticide. We will also discuss the constitutional validity of this judgement under Article 19 (6), 48 and 52. Understand part of the Vedic knowledge that forbid cow slaughter. 72.2% of India's population live in rural areas, and agriculture affect the lives of 600 million people in India, this decision is of great implication and importance to the average Indian. We showcase empirical research that has been done on cow slaughter and give facts that show that there has been an increase in milk production since 1959 to present showing that probation on co slaughter leads to an increase in milk production.

Basic question that arises in these petitions are whether there is need to over-rule the earlier decisions which held the field right from 1958-1996, is the ground realities have materially changed so as to reverse the view held by successive Constitutional Benches of this Court or those decisions ceased to have any relevance.

Despite the changing pattern of life, it cannot be said that the decision delivered in the case of Mohd. Qureshi followed by subsequent decisions have outlived its ratio. In my respectful view the material which has been placed for taking a contrary view does not justify the reversal of earlier decisions.

The detailed history of the legislation and various decisions bearing on the subject has been dealt with by Hon'ble Chief Justice in most exhaustive and pains-taking manner. Therefore, there is no need to repeat those legislative as well as judicial history here. My effort in this opinion will be to show that the situation which existed right from 1958 till this date there is no material change warranting reversal of the judgments bearing on the subject from 1958-96. The whole controversy arose in the writ petition filed in the Gujarat High Court challenging the validity of the Bombay Animal Preservation (Gujarat Amendment) Act, 1994 (hereinafter referred to Gujarat Act No. 4 of 1994). By this amendment the age of bulls and bullocks which was existed at that time that is bull below the age of 16 years and bullocks below the age of 16 years cannot be slaughtered was

deleted. By this amendment the age restriction was totally taken away and that means that no bull and bullock irrespective of age shall be slaughtered.

Based on the research into India's farming needs we find out there is a scope for further investment in land improvement through drainage, terracing, and control of acidification, in most areas. I agree with the court's decision to side with Mohd. Qureshi's Judgement. Protection of cow progeny will help farmers in carrying out their several agricultural operations and related activities smoothly and conveniently.

Even post 16 years of age, cows and bulls can produce cow dung which is useful as manure and urine which has properties making it an organic fertilizer. And this research has been backed by data in the judgement. Furthermore, it has been reported in findings that there is a major shortage of bulls and buffaloes (used instead of tractors and tillers) in Gujrat, a state that heavily realize of agricultural production. So, allowing for the laughter of cow progeny will only worsen the current situation.

Hurting of sentiments of few people cannot override the right of people to carry out their occupation, trade or business. However, based on the employment framework introduced in the judgement we realize that more people are employed over a longer period of time for sheltering and looking after the cow for its natural resources than to slaughter it at a go.

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