

(2007) 08 SC CK 0070

In the Supreme Court Of India

Case No : Civil Writ Petition No. 478 of 2006

Bal Ram Bali and Another

APPELLANT

Vs

Union of India (UOI)

RESPONDENT

Date of Decision : 24-08-2007

Acts Referred:

Constitution of India, 1950 — Article 32, 48

Citation : AIR 2007 SC 3074 : (2007) AIRSCW 5822 : (2007) 4 AWC 3576
Supp : (2007) 2 BLJR 2445 : (2007) 4 JCR 75 : (2007) 10 JT 509 : (2007) 10
SCALE 277 : (2007) 6 SCC 805 : (2007) 6 Supreme 409

Hon'ble Judges : P. K. Balasubramanyan, J;G. P. Mathur, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

G.P. Mathur, J.—This petition under Article 32 of the Constitution has been filed praying for the following reliefs:

PRAYER

It is most respectfully prayed to kindly issue a writ of mandamus under Article 32 and direct the respondents to ensure and guarantee with immediate effect for:

(i) Total ban on slaughter of cows, who are regarded by Hindus as their divine mother, to respect the Hindu religion and its followers of all sects as per details of petition.

(ii) Total ban on slaughter of horses in view of Vedic quotations quoted at para Nos.67A & 67B of the grounds.

(iii) Total ban on killing of buffaloes as a mark of gratitude, by Hindus for drinking her milk. Buffalo is to be regarded sister of mother cow. Commitment of the constitution in this respect also is pending since 26.01.1950.

(iv) Total ban on slaughter as proposed under Article 48 in its expression literally where personal interpretations have no say.

(v) Total ban on killing of a chameleon as it is being killed by Muslims by naming it Hindu-Hindu vide para 35(ii) of the grounds of appeal. The chameleon has suffered much killings since arrival of Muslims in India for about 1000 years as its only fault is that it hails name of "Hindu" as per Muslim concept. Hindus are obliged to have sympathy for such an innocent creature.

2. We have heard the petitioners in person and have perused the record.

3. It is not within the domain of the Court to issue a direction for ban on slaughter of cows, buffaloes and horses as it is a matter of policy on which decision has to be taken by the Government. That apart, a complete ban on slaughter of cows, buffaloes and horses, as sought in the present petition, can only be imposed by legislation enacted by the appropriate legislature. Courts cannot issue any direction to the Parliament or to the State legislature to enact a particular kind of law. This question has been considered in *Union of India v. Prakash P. Hinduja & Anr.* (2003) 6 SCC 195 , wherein in para 30 of the reports it was held as under:

30. Under our constitutional scheme Parliament exercises sovereign power to enact laws and no outside power or authority can issue a direction to enact a particular piece of legislation. In *Supreme Court Employees' Welfare Assn. v. Union of India* (1989) 4 SCC 187 it has been held that no court can direct a legislature to enact a particular law. Similarly, when an executive authority exercises a legislative power by way of a subordinate legislation pursuant to the delegated authority of a legislature, such executive authority cannot be asked to enact a law which it has been empowered to do under the delegated legislative authority. This view has been reiterated in *State of J&K v. A.R. Zakki* (1992) Supp. (1) SCC 548 . In *A.K. Roy v. Union of India* (1982) 1 SCC 271 it has been held that no mandamus can be issued to enforce an Act which has been passed by the legislature....

4. In view of the aforesaid legal position, we are of the opinion that this Court cannot grant any relief to the petitioners, as prayed for, in the writ petition. The writ petition is accordingly dismissed.