

(2002) 02 KAR CK 0050
In the Karnataka High Court
Case No : Writ Petition No. 27963 of 2001

H.R. Vishwanath

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 07-02-2002

Acts Referred:

Constitution of India, 1950 — Article 48

Citation : AIR 2002 Kar 206 : (2002) ILR (Kar) 1320 : (2002) 3 KarLJ 1 : (2002) 2 KCCR 121 SN

Hon'ble Judges : N.K. Jain, C.J.;N. Kumar, J

Bench : Division Bench

Advocate : H.R. Vishwanath, for the Appellant; Arvind Kumar, Central Government Standing Counsel, M.N. Sheshadri, Government Advocate and Ashok Haranahalli, for the Respondent

Final Decision : Dismissed

Judgement

1. One Sri H.R. Vishwanath, a practising Advocate who hails from agricultural family of Halenahalli Village has filed this PIL. It is alleged that he followed the principles of non-violence even before he heard the names of Acharya Vinobha Bhave and Mahatma Gandhi. It is stated that the butchers who buy cattle for slaughtering purpose, are transporting them in lorries and tempos which is a most inhuman act. Thus slaughtering and transportation of cows is in violation of Article 48 of the Constitution of India. Therefore, the petitioner has in this PIL prayed for a direction from this Court to the respondents for implementing Article 48 of the Constitution of India and to give a direction to the 4th respondent to issue circulars to all the police stations of the State to take action against the erring persons who transport the cattle in lorries and tempos for slaughtering purpose.

2. In response to the notice, learned Government Advocate submits that in view of the Karnataka Prevention of Cow Slaughter and Cattle Preservation Act, 1964 and the Rules 1967, the relief sought for cannot be granted and no specific

direction for stoppage of this can be given as per the provisions of the Act. He further submits that the learned Counsel has not been able to show any violation nor the petitioner has challenged the provisions of this Act or Rules. Therefore, this PIL is liable to be dismissed.

3. Learned Counsel for R-1 submits that no direction can be issued as the slaughtering has been effected as per the Act and Rules and further he submits that a detailed counter has been filed in W.P. Nos. 9533 to 9537 of 2000, wherein the scheme of modernisation of slaughter has been given and that counter may also be considered.

4. We have heard the learned Counsel for respondents 1 and 5 and also learned Government Advocate for R-2 to R-4 and perused the materials placed on record.

5. On consideration, we find that once the Act provided for slaughtering of cows, what is to be seen is, whether they are performing the duties as per the Act and the Rules and in the absence of any material that in what manner they are violating the rules and so also when not challenging the Rules and Act itself, no direction can be issued in this PIL as prayed for.

6. This PIL is dismissed accordingly.