

(1997) 08 AHC CK 0089
In the Allahabad High Court
Case No : C.M.W.P. No. 38467 of 1994

Mohd. Habib and others

APPELLANT

Vs

State of U.P. and others

RESPONDENT

Date of Decision : 01-08-1997

Acts Referred:

Constitution of India, 1950 — Article 51A

Citation : (1998) 1 AWC 48

Hon'ble Judges : V.P. Goel, J;Ravi S. Dhavan, J

Bench : Division Bench

Advocate : S.A. Shah and Janardan Sahai, for the Appellant; S.C. and S.V. Goswami, for the Respondent

Final Decision : Dismissed

Judgement

Ravi S. Dhavan, J.—The issue raised in this writ petition is best summed up in the grounds to the writ petition. The petitioners, Messra Mohd. Habib, Mohd, Ismail and Nijamuddin, from Mathura, all three of them are butchers. They say so in their petition and, add that they belong to the Qureshi community and from their ancestors they have taken to the family profession to slaughter buffaloes and sell the meat within and beyond Mathura.

2. They contend that the State and its local administration are putting impediments in their trade and vocation and attempting to regulate it, by curtailing the number of buffaloes to be slaughtered, realising Rs. 5 for each animal put to slaughter and restricting the export of the slaughtered animals outside Mathura.

3. The petitioners contend that their vocation and profession is their fundamental right, that is to say, to slaughter buffaloes and make a business from the meat which they sell.

4. The Court has considered this matter very carefully and heard the submissions of learned counsel for the petitioners on the writ petition.

5. The Court is of the view that the Constitution of India does not permit any citizen to claim that it is his fundamental right to take life and kill animals. A butcher may have his profession but he cannot claim it as a fundamental right by the Constitution. Otherwise, it will be a negation of the tenants of our Constitution. The Constitution of India has a chapter on Fundamental Duties. This is Chapter IV-A- Article 51A(g) ordains "Compassion for living creatures".

6. Thus, the court is unable to persuade itself that butchery as a profession can be claimed as a fundamental right of a citizen. That a butcher may slaughter and make a business of it is one aspect of the matter, but, the State can regulate this business.

7. The writ petition is devoid of merit and dismissed.