
(2015) 12 DEL CK 0279
In the Delhi High Court
Case No : W.P.(C) No. 3996/2015

Sadh Foundation

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 17-12-2015

Acts Referred:

Citation : (2015) 12 DEL CK 0279

Hon'ble Judges : G. Rohini, C.J. and Rajiv Sahai Endlaw, J.

Bench : Division Bench

Advocate : Ashutosh Bansal, Advocate, for the Appellant; Bhagvan Swarup Shukla, CGSC and Ajay Kumar Chaudhary, Advocate, for the Respondent

Final Decision : Dismissed

Judgement

Rajiv Sahai Endlaw, J.—The petition filed in public interest seeks a direction to the respondent Union of India (UOI) to prohibit cow slaughtering and to take action against the slaughter houses. A further direction is also sought to make arrangements so that maximum environmental and economic benefits from the cow to mankind may be provided.

2. Considering the nature of the reliefs claimed, we did not deem it expedient to issue formal notice and heard the counsel for the respondent UOI appearing on advance notice and reserved judgment.

3. The petitioner, in the petition as well as in additional facts/evidences filed after the judgment was reserved has set out the benefits of cow milk and other products of cow and benefits of rearing cows. Suffice it is to state that the Legislature whenever has deemed necessary has framed appropriate laws in this regard and challenge thereto has been considered by the Court. Reference in this regard may be made to Mohd. Hanif Quareshi and Others Vs. The State of Bihar, , Manubhai Nandlal Amorsey Vs. Popatlal Manilal Joshi and Others, and State of Gujarat Vs. Mirzapur Moti Kureshi Kassab Jamat and Others, .

4. We are afraid the issue is beyond the domain of judicial decision making and is

a policy matter in which the Courts under the doctrine of separation of powers are not entitled to transgress. Rather, the issue is put beyond any pale of controversy and is no longer res integra. Supreme Court in Bal Ram Bali and Another Vs. Union of India (UOI), unequivocally held that the Court cannot issue any direction for ban on slaughter of cows as it is a matter of policy on which decision has to be taken by the government. It was further held that a complete ban can only be imposed by legislation enacted by the appropriate legislature. The same view has been taken by a Full Bench of the Jammu & Kashmir High Court.

5. There is thus no merit in the petition.

Dismissed.

No costs.