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**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

ABHAY S. OKA; J., SANJAY KAROL; J.

CIVIL APPEAL NOS. 5826-5827/2019; July 11, 2023

MATHALA CHANDRAPATI RAO versus UNION OF INDIA & ORS.

National Livestock Policy, 2013 - The decision regarding the prohibition of cow slaughter is for the legislature to take. The court cannot force the legislature to come out with a specific law even in its writ jurisdiction. The court also took note of the steps taken by the state governments for the protection of cows.

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Mr. Sriharsha Peechara, Adv. Ms. Pallavi, Adv. Mr. Duvvuri Subrahmanya Bhanu, Adv. Ms. Kirti Sinha, Adv.

ORDER

Heard the appellant-in-person and the learned counsel representing various states and other respondents.

These appeals take exception to the order dated 14.08.2018 passed by the Nation Green Tribunal¹ The appellant made an application before the Tribunal containing following prayers:

1. Direct the respondents to immediately take steps to save and conserve critically endangered indigenous species of livestock; and
2. Direct the respondents to immediately take preventive steps to contain the decline of indigenous breeds/species of cattle in India and effectively implement Rashtriya Gokul Mission; and
3. Direct the respondents to ensure that promotion of cross-breeding and breeding with exotic breeds of cattle in India is regulated with minimum interference and disease exposure risk to the indigenous species of cattle; and
4. Direct respondents to take necessary steps to ensure that milch cattle of indigenous breeds are not slaughtered; and
5. Direct the respondents to take necessary steps to carry out research in improving milk yield of indigenous cattle without restoring to cross-breeding;”

While passing the impugned order, the NGT has referred to National Livestock Policy, 2013². The NGT has also recorded that some of the States have their own anti-slaughtering laws and none of the States are opposing the idea of protecting the indigenous cows. In fact, the Tribunal notes that the States have filed their affidavits putting on record the steps taken by them.

The Tribunal has also extensively referred to the proceedings of meeting dated 28.06.2013. It was a joint meeting of all stakeholders to discuss on formulation of a National Policy in regard to protection of indigenous species of cows and livestock. In fact, it is mentioned in the minutes that there is an increase in the population of the cows. It also notes that the Policy of the Government of India is to develop indigenous species of cows. Considering the common stand taken by the Union of India as well as by all the States as regards the protection of indigenous cows, the Tribunal felt that no further directions were required.

After notice was issued by this Court, the States have filed a response on record. They have highlighted the steps taken by the respective State Governments in the matter of protection of indigenous cows.

The appellant appearing in-person has now filed a rejoinder affidavit dealing with all the affidavits on record. He has referred to the decision of the Constitution Bench in the State of Gujarat vs. Mirzapur Moti Kureshi, Moti Kasab Jamat and Others, etc.³. Ultimately the prayer made in the rejoinder is that this Court may issue a direction to prohibit the slaughter of cow progeny. His submission is that if such a direction is issued, benefit thereof will be extended to a large population of India.

¹ Tribunal

² Livestock Policy

³ AIR 2006 SC 212 / (2005) 8 SCC 534

The Tribunal after dealing with the grievance of the appellant has come to the conclusion that no specific direction was required to be issued.

Now, what is observed by the Tribunal is now supported by the stand taken by various State Governments on the steps taken by them.

Now, what remains is the prayer made by the appellant regarding prohibiting slaughter of cow progeny. We may observe that this is something which is for the competent legislature to decide. Even in writ jurisdiction, this Court cannot compel legislature to come out with a particular legislation. Ultimately, it is for the appellant to persuade the legislature.

After having perused the impugned order and various facts on record, we find that no further directions are required to be issued in these appeals. As far as prayer 1 quoted above is concerned, it will be open for the appellant to make a representation to the concerned State Governments.

The appeals are accordingly, disposed of.

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