

IN THE SUPREME COURT OF INDIA AT NEW DELHI

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. OF 2020

IN THE MATTER OF:



...Petitioners

VERSUS

1. Union of India,
Through the Secretary,
Ministry of Health & Family Welfare,
Nirman Bhawan,
New Delhi
2. The Ministry of Fisheries, Animal Husbandry & Dairying
Through its Principal Secretary,
Department of Animal Husbandry & Dairying,
Krishi Bhawan,
New Delhi-110001
3. Indian Council of Medical Research,
V. Ramalingaswami Bhawan,
Ansari Nagar,

New Delhi-110029
Email: icmrhqds@sansad.nic.in

4. The Animal Welfare Board of India,
Through its Chairman,
National Institute of Animal Welfare Campus P.O. 42,
KM Stone, Delhi-Agra Highway
Village-Seekri, Ballabhgarh,
Faridabad, Haryana 121004
5. National Board for Wild Life,
Through its Chairman,
Ministry of Environment, Forest & Climate Change
Indira Paryavaran Bhavan,
Ali Ganj, Jorbagh Road,
New Delhi, Delhi 110003
6. World Health Organization,
World Health House,
Indraprastha Estate,
Mahatma Gandhi Marg, Outer Ring Rd,
New Delhi-110002

Through:

Office of the WHO Representative to India
537, A Wing, Nirman Bhawan
Maulana Azad Road
New Delhi 110011, India

Email:

wrindia@who.int

7. Food & Agriculture Organisation of United Nations,
New Delhi Building,
55, Lodi Estate,
Max Muller Marg,
DELHI, India
Website
www.fao.org/india

.....Respondents.

WRIT PETITION UNDER ARTICLE 32
OF THE CONSTITUTION OF INDIA

To

The Hon'ble the Chief Justice and
His other companion Judges of
The aforesaid Hon'ble High Court.

May it please Your Lordships,

**HUMBLE PETITIONER, NAMED ABOVE, RESPECTFULLY
SUBMITS:**

1. That the present PIL is filed by a registered association of followers of Jain religion believing in the complete and absolute non-violence towards any specie created by Nature. It has its registered

The petitioner no.2 is

A true copy of certificate of registration of petitioner no.1 dated 17.02.2005 alongwith its Memorandum of Association is annexed herewith and marked as **Annxure P-1 (page no)** to this petition.

2. The petitioner states that - (i) there is no personal gain, personal interest, private motive or oblique reason in filing this PIL except *public interest*; (ii) There is no civil, criminal or revenue litigation involving petitioner or any of its members pending in any court of law which have direct or indirect *nexus* with the issues involved in the present case; (iii) The action of Respondent No.2 has caused

immense public injury to the cause of welfare of both animal and humanity at large; (iv) That the petitioner has made representation on 15.04.2020 to Grievance Cell of Prime Minister seeking withdrawal of Impugned Circular dated 30.03.2020; (v) There had been large protest by petitioner and other animal lovers on this issue of slaughtering animals but authorities have taken no action on the same and the practice is still prevailing; (vi) That all other respondents are necessary parties against whom relevant prayers have been made in the present writ petition; (vii) The immediate cause of action has arisen on the outbreak of pandemic leading to advisory circular dated 30.03.2020 issued by Respondent No.2 promoting the cause of eating meat violative of Articles .

3. That the petitioner represents the class of vegetarians suffering due to violent barbaric eating habits of some people consuming both domestic and wild animals for mere 'change of taste' jeopardizing the entire human specie created by Nature through Natural Selection. This atrocious habit of '**change of taste**' of some directly hits at the very root of Article 21 which guarantees full protection of 'right to life' apart from violating Articles 48 & 48-A of the constitution. The petitioner has constitutional duty under Article 51-A(g) to protect other innocent other non-human lives created by Nature.
4. That the present PIL presents set of prayers for both short term and long term goals. For short term it challenges the latest impugned circular issued on 30.03.2020 by central Ministry of Fisheries, Animal Husbandry & Dairying promoting eating of 'meat' in the

midst of disastrous epidemic without even waiting for final conclusive result of research made at present by biologists all over world attempting to find out the ultimate carrier of this vires, specially when in the past all six corona vires since 2002 were found to be carried through animals into human cell. When whole world is awaiting the result of this research, the impugned circular, without any basis, succumbed to the pressure of meat lobby and without any necessity or jurisdiction clarified that Chicken or meat PMOPGState forum called upon people to eat more and more meat. The petitioner has made representation to Grievance Cell of Prime Minister on 15.04.2020.

A true copy of impugned circular dated 30.03.2020 issued by central Ministry of Fisheries, Animal Husbandry & Dairying, New Delhi and a true copy of representation dated 15.04.2020 made by petitioners to Grievance Cell of Prime Minister Office vide Registration No. PMOPG/E/2020/0324937 are annexed herewith and marked as **Annexure P-2** (page no.) and **Annexure P-3** (page no.) to this petition.

5. That this impugned circular dated 30.03.2020 advising people to eat meat in the midst of spread of this deadly vires is premature and has been issued when biologists all over world are still searching out its source and its interface with animal. This has been issued when **WHO called to reduce risk of transmission of emerging pathogens from animals to humans in live animal markets or animal product markets (26 March 2020)**. Again, **WHO (Respondent No.6) in its emergency**

meeting dated Feb.,11-12 2020 called upon nations to identify the role of animal species involved in emergence of SARS CoV-2 (COVID-19) [or any other members of larger family of *Coronaviridae* including members of its sub-family *Coronavirinae* consisting of four coronavirus namely – *Alpha-coronavirus*, *Beta-coronavirus*, *Gamma-coronavirus* & *Delta-coronavirus*] on the basis of their phylogenetic/zoonotic relationships and genomic structures. It also called upon to simultaneously identify the risks linked to trade and consumption of potentially infected animal species and the communities or occupational groups more at risk across different interfaces. However, before awaiting result of this research, the impugned circular has been issued certifying chicken and meat as totally safe.

A true copy of **Bulletin of WHO entitled ‘A Co-ordinated Global Research Road Map - 2019 Novel Coronavires’ (page 1 to 3, 24)** dated March, 2020 is annexed herewith and marked as **Annexure P-4 (page no. _____)** to this petition.

6. It is submitted apart from civet, camels, rodent & pangolin found earlier to be carrier of six vires, recently **as per United States Department of Agriculture in their bulletin dated 06.04.2020 one tiger in one Zoo of America have caught this vires.** On April 2, the **World Organisation for Animal Health** said: "Now that Covid-19 virus infections are widely distributed in the human population there is a possibility for some animals to become infected through

close contact with infected humans. "Several dogs and cats have tested positive to Covid-19 virus" as a result of contracting the disease from their owners, it added.

It is submitted that in America, **the Centers for Disease Control and Prevention (CDC)** reported that "a very small number of pets outside the US reported to be infected with the virus that causes Covid-19 after close contact with people with coronavirus." On Feb 28 it was reported that a Pomeranian dog in Hong Kong tested positive for Covid-19 and further testing, including gene sequencing, suggested it had a low level infection, likely to have been a case of human-to-animal transmission. A second dog in Hong Kong also tested positive and, again, showed no clinical signs. On March 27, it was reported that a cat in Belgium, whose owner was diagnosed with Covid-19, had tested positive for coronavirus and showed mild clinical signs. The infection appeared to be an isolated case and the animal's health was understood to be improving.

So the impugned circular is totally immature, misleading and uncalled for apart from violating Articles 21, 48, 48-A and 51-A(g) of the constitution.

7. That apart from challenge to impugned circular dated 30.03.2020 which was the immediate task, the second set of prayers made qua present PIL has been made on account of challenge posed by killer virus namely SARS-CoV-2 (Covid-19) - seventh in the series of family of coronaviradea started since 2002 making devastating,

catastrophic & annihilating impact upon human race on Earth. The Nature has now come up to challenge human's beastly behaviour by sending crowned virus of the size of 40 to 200 nm not detectable through naked eye injecting protein of spike of S-1 of SARS-CoV-2 through process of pathogenesis passing through membrane unto human cell infecting it with deadly virus developing into billions over respiratory tract creating severe & acute respiratory syndrome (SARS) till the man is choked & hanged till death.

7. That it is humbly submitted that God does not descend upon Earth to warn of serious consequences for the misdeeds of man, which has to be sensed by man through inner conscience inbuilt in our body. Such sentiments have also been echoed by **United Nations Environment Programme Chief Inger Andersen that Nature is sending us message with the coronavirus pandemic and the other climate crisis. Andersen said that humanity was putting too much pressure on the natural world and warned that it will have dangerous consequences, adding that not taking care of earth meant not taking care of ourselves. She said that the immediate priority was to protect people from coronavirus and prevent its spread, the long term must be on tackling habitat and biodiversity. She told UK newspaper Guardian, reasoning that 'never before have so many opportunities existed for pathogens to pass wild and domestic animals to people'**.

ANIMAL CONNECTION WITH CORONAVIRES:

8. That after the first coronavirus broke out in the year 2002 in China, a five year longitudinal study was conducted which revealed that highly diverse SARSr-CoVs (coronavirus) was originated from bats populations found in one cave of Yunnan province, China. This location has been found to be the hot spot. It was also found that all SARSr-CoVs found in this location of Yunnan province also contain the genetic diversity found in other locations of China as well. As no direct progenitor of SARS-CoV was found in bat populations despite 15 years of searching, and as RNA recombination is frequent within coronaviruses, it is highly likely that SARS-CoV which have now newly emerged must have emerged through recombination of bat SARSr-CoVs in this cave or any other yet-to-be-identified bat caves. **This hypothesis is consistent with previous data showing that a direct progenitor of SARS-CoV must have emerged even before 2002.**
9. That it is submitted that during studies it is found that since the beginning of the SARS epidemic in 2002, **almost all early index patients had animal exposure before developing disease.** After the causative agent of SARS was identified, SARS-CoV and/or anti-SARS-CoV antibodies were found in both masked palm civets (*Paguma larvata*) and their animal handlers in the meat market place. **However, later, wide-reaching investigations of farmed and wild-caught civets revealed that the SARS-**

CoV strains found in market civets were transmitted to them by other animals.

It is submitted that in 2005, two teams independently reported the discovery of novel coronaviruses related to human SARS-CoV in horseshoe bats (genus *Rhinolophus*). Subsequently, many coronaviruses phylogenetically related to SARS-CoV (SARSr-CoVs) were discovered in bats from different provinces in China and also from European, African and Southeast Asian countries.

These discoveries suggested that although bats may be the natural hosts for SARS-CoV but for reaching to human cell civets acted as intermediate hosts. **When the virus-infected civets were transported to Guangdong market, the virus spread in market civets and acquired further mutations before spillover to humans.**

10. **It is submitted that given the prevalence and great genetic diversity of bat SARSr-CoVs, their close coexistence and the frequent recombination of the coronaviruses, it is expected that novel variants will again emerge in the future. Because there were no SARS cases in Yunnan province during the SARS outbreak, therefore it is hypothesized that the direct progenitor of SARS-CoV was produced by recombination within bats and then transmitted to farmed civets or another mammal, which**

then transmitted the virus to civets by faecal–oral transmission. The fact that it has evolved out of recombination, is clear from the Recombination analysis also strongly supporting the hypothesis that the civet SARS-CoV strain SZ3 arose through recombination of two existing bat strains namely WIV16 and Rf4092. Furthermore, WIV16, the closest relative to SARS-CoV found in bats, likely arose through recombination of two other prevalent bat SARSr-CoV strains.

The most frequent recombination breakpoints are found to be within the S gene, which encodes the spike (S) protein that contains the receptor-binding domain (RBD), and upstream of *orf8*, which encodes an accessory protein.

11. That after discovery of various types of coronavirus detected since 2002, the International Committee on Taxonomy of Viruses (ICTV) based at London classified them laying down that only the strains found in *Rhinolophus* bats (horseshoe shape) in European countries, Southeast Asian countries and China are SARSr-CoV variants, while those from *Hipposideros* bats found in Africa are less closely related to SARS-CoV and should be classified as a new coronavirus species. These data again indicate that SARSr-CoVs have wide geographical spread and might have been prevalent in bats for a very long time even before 2002 when it was first identified.

FAMILY OF CORONAVIRUS:

12. That as per International Committee on Taxonomy of Viruses, Coronaviruses are members of the subfamily *Coronavirinae* in the family *Coronaviridae*. This subfamily consists of four coronavirus namely— *Alphacoronavirus*, *Beta-coronavirus*, *Gamma-coronavirus* and *Delta-coronavirus* — on the basis of their phylogenetic relationships and genomic structures. The alpha-coronaviruses and beta-coronaviruses infect only mammals. The gamma-coronaviruses and delta-coronaviruses infect **birds**, but some of them can also infect mammals. Alpha-coronaviruses and beta-coronaviruses usually cause respiratory illness in humans and gastroenteritis in animals. The two highly pathogenic viruses are:

- (1) SARS-CoV (beta-corona virus originated from bats)
- (2) MERS-CoV (beta-corona virus originated from bats)

These two highly pathogenic viruses cause severe respiratory syndrome after injecting into human cells in human being. The other four human coronaviruses are as under namely

- (3) HCoV-NL63(alpha -corona virus originated from bats)
- (4) HCoV-229E (alpha-corona virus originated from bats)
- (5) HCoV-OC43 (beta-corona virus originated from rodent)
- (6) HKU) (beta-corona virus from rodent)

These four induce only mild upper respiratory diseases in immune competent hosts, although some of them can cause severe infections in infants, young children and elderly individuals. **Alpha-coronaviruses and beta-coronaviruses can pose a heavy disease burden on livestock; these viruses include porcine transmissible gastroenteritis virus, porcine enteric diarrhoea virus (PEDV) and the recently emerged swine acute diarrhoea syndrome coronavirus (SADS-CoV). On the basis of current sequence databases, it is proved that all human coronaviruses have animal origins: SARS-CoV, MERS-CoV, HCoV-NL63 and HCoV-229E are considered to have originated in bats; HCoV-OC43 and HKU1 likely originated from rodents.**

It is submitted that domestic animals may have important roles as intermediate hosts that enable virus transmission from natural hosts to humans. In addition, domestic animals themselves can suffer disease caused by bat-borne or closely related coronaviruses: genomic sequences highly similar to PEDV were detected in bats, and SADS-CoV is a recent spill over from bats to pigs.

PRESENT SARS-COV-2 (Covid-19):

13. Researchers from Chinese institutions were able to use state-of-the-art genome sequencing tools to identify the DNA structure of the present novel coronavirus. **It has emerged that SARS-CoV-2 is most similar to two bat coronaviruses known as bat-**

SL-CoVZC45 and bat-SL-CoVZXC21 — its genomic sequence is the same as theirs. The same study shows that the new virus's DNA is about 79% the same as that of the SARS coronavirus and approximately 50% like that of the MERS virus. **Recently, a study by researchers in China suggested that pangolins may have been the initial propagators of SARS-CoV-2, as its genomic sequence appeared to be 99% like that of a coronavirus specific to these animals.**

HISTORY OF NON-VEGETARIANISM & ITS RELIGIOUS BASIS:

14. That after evolution of Universe, Nature got engaged in evolution of 'life' in order to inhabit the Universe specially Earth. In this process, million years back, God has ultimately chosen monkeys (simians) in the family of Hominidae as the only primitive fit for evolving man who had excellent brain due to complete vegetarian diet based upon plants' fruits found abundantly in forest. There were hundred types of fruits in forests where they lived. It has been found that since most of these fruits were seasonal and so they moved around their habitat from one place to other to find seasonal fruits. They were found to be intelligent enough to also calculate as to what would be readily available during a particular season of the year.

It was also found that simians also carried seeds too from the fruits as they move along. The spreading of the seeds helped in insuring future vegetation. Although, plants and leaves were

available all over their locations too but they ate plants when they could not find fruit.

Although, twigs and dry bark may also be part of their diet as well. This they ate when their other sources of food have disappeared. They also ate flowers in emergency. It is submitted that only in case of need when plants/fruits were unavailable it was presumed that they supplemented their nutrients requirement by eating insects but there is no such direct evidence to that effect. Since they used to inhabit over tree branches infected with worms including lizards, they used to kill them in order to make their stay uninfected. So biologists classified them as *omnivores* instead of *herbivorous* (totally based upon plants like deers). Thus, basically, like *herbivorous*, simians were basically vegetarians.

15. In an article entitled ‘[First in-depth analysis of primate eating habits](#)’ published on 5th Dec., 2013 in the magazine ‘Science Daily’, an in-depth study was made on primate eating habits. The relevant extract of this is quoted as under:

“Findings published today in the journal *Oikos* show how some monkeys consume their 'five a day' within a single hour and consume as many as 50 portions of fruit in a single day.

The research focuses on the amount and diversity of fruit consumed by primates in neotropical forests of South and Central America. The team compiled data from 290 primate dietary studies spanning 42 years of research across 17 countries.

They reveal how primate body mass and the amount of fruit consumed are linked -- with small monkeys such as marmosets and tamarins eating more insects and less fruit.

The amount of fruit eaten gradually increases with greater body size and peaks at medium-sized primates such as saki monkeys. But fruit intake then declines in favour of leaves in larger-bodied primates such as howler and woolly spider monkeys.

Lead researcher Dr Joseph Hawes from UEA's School of Environmental Sciences said: "

"We found that the diet of medium-sized primates is most likely to be dominated by fruits. Meanwhile smaller primates, which have high metabolic requirements, eat more insects as they provide a high-quality source of nutrients and calories. Larger monkeys eat a lot more c because their guts can tolerate high levels of cellulose and toxins -- which are unpalatable or indigestible to smaller primates.

"Many primates easily consume their 'five a day', often within a single hour of active foraging. For example, a single group of several Amazonian primate species can consume as many as 45-50 species of fruit in a single day!

"One of the most surprising things that we found was that primates with wide geographic ranges do not necessarily consume a wider diversity of fruits as expected, perhaps because these species tend to be generalist feeders. Another surprise was that primates with higher prevalence of fruit in their diets were historically among the most poorly studied, meaning we still have a lot to learn about their importance as consumers and seed dispersers."

[The research was funded by the Natural Environment Research Council (NERC). Materials provided by University of East Anglia (Norwich, London)].

16. That after selection of simians for further evolution of man, when danger from wild animals decreased and availability of fruits became scares due to formation of savanna (forest where there is big space among trees), Nature forced them to descend from over trees to ground. Their tails were shortened and then removed in due course of time followed by trimming of their palms & feet

loosening their grips over branch of tree making difficult for them to climb over tree as they used to live earlier over trees jumping from over one tree to other. Due to hanging from over the branch of tree, their backbone started stretching converting into bipedalism constricting the hips leaving no space for further growth of tail which disappeared in during several hundred years. Thus, the family of Hominidae further advanced passing through human lineage of *Ardipithecus*, *Australopithecus*, *Homoerectus* and then to *Homo Sapiens*. As per genome sequence, both Chimpanzee and Gorillas have found to have about 90% similarity and **both were even today take vegetarian diets.**

17. It is submitted that after descending from tree in forests believed to be in East Africa, Ethiopia, Libya, Kenya and Tanzania etc, they faced imminent danger for survival from wild predators (wild animals). It is submitted that during this period of Paleolithic period (2.5 millions to 12,000), many big mammals, woolly mammoths, rhinoceroses and cave lions were inhabiting the forests. In order to defend themselves, during this period of stone age, primates developed stone tools in self-defense. They have marshalled the art of hunting making them wild hunters protecting them from wild animals. The assumptions that hunting was done for procuring meat purpose is totally baseless, subsequently, fossils of rhinoceroses, crocodile etc. were found which were never eaten by primates. On the contrary, separate cemeteries were found along Nile rivers having graves of gazelles, dogs and goats etc. without any cut over their bodies demonstrating that they used to

revere animals. These separate cemeteries of animals alongwith human cemeteries were found in Upper Egypt along Nile river during Badarin period (pre-dynastic) burying gazelles, dogs and goats etc.. Thus, the question that hunting was done for meat is not supported by any evidence. Thus, they were never carnivores and remained herbivorous with eating habits depending upon availability of fruits.

18. That during this period they migrated via Ethiopia towards Egypt along Nile river. It is sometimes around 20,000 BC to 12,000 BC, wild grains were collected and eaten till during Neolithic period cultivating emmer wheat, einkorn wheat, hulled barley, peas and flax. Simultaneously, they also started domesticating cattle. During Bronze Age from c. 3300 BC, agriculture was fully developed along Nile river and marsh land in and around Canaanite land comprising areas interlocked between Euphrates and Tigris rivers in Syria, as civilisation developed around Mesopotamian Sumer, Egypt and Levant, on the one hand, and around Indus Valley Civilisation (discovered during Mohenjo-Daro and Harappa right upto Alam Gir (Meerut) passing through Gujarat, on the other hand. Similar was the position in ancient China and ancient Greece.
19. That there had been heated arguments on behalf of non-vegetarians over eating habits of primates. Their whole point of view is based upon wild hunting by primates without appreciating that after descending from trees they marshalled the art of hunting in self defence. Their arguments that meat is a better nutrients is

wholly baseless. If it was so then why God chosen simians to evolve Man and not out of dog or any one falling in the family of Canidae (Carnivore). The reason was that simians' brain is still today far better than of any one in the family of carnivores. Moreover, both H. Erectus and H. Sapians had small teeth not capable of chewing uncooked meat specially till fire was discovered.

20. That, as already stated above, after discovery of agriculture, our ancestors descending from tree in deep forest, passing through savanna, reached to vast track of fertile cultivating land including some marsh land along world's longest Nile river – 6,650 km. whose drainage basin covered about eleven modern countries namely: Tanzania, Uganda, Rwanda, Burundi, The Democratic Republic of Congo, Kenya, Ethiopia, Eritrea, South Sudan, Republic of Sudan and Egypt. The Greek's first century historian Herodotus – also called father of history wrote that "Egypt was the gift of the Nile". The whole populace around Nile river was vegetarian cultivating foodgrain and rice apart from green vegetables and fruits etc.. As already stated above, inhabitants used to revere animals as is evident from separate animal cemeteries were found in Upper Egypt along Nile river during Badarin period (pre-dynastic) burying gazelles, dogs and goats etc..

An unending source of sustenance, it played a crucial role in the development of Egyptian civilization. Because the river overflowed its banks annually and deposited new layers of silt, the surrounding land was very fertile." The people cultivated and traded wheat, flax and other crops. They also cultivated papyrus

used subsequently for painting and writing purposes. On the other hand, as already stated above, another fertile land in around Levant (Eastern Mediterranean between Turkey and Saudi Arabia) was interlocked marsh land interlocked between other two major rivers namely Euphrates and Tigris. Human settlement around Nile river coming down to Rivers Euphrates and Tigris known as 'cradle of civilization' is the 'fertile crescent' in the otherwise vast desert across Sinai Mountain.

EPIDEMIC COMPELLED JEWS TO BE NON-VEGETARIAN:

21. That as per historians supported by archaeological findings, the world's civilization ruled by Pharaohs was the most advanced civilization unparalleled with any other civilisation developed during this period (like Indus-Valley civilization). It is submitted long back Jews migrated from Jerusalem in search of fertile land several years ago but were somehow enslaved under Pharaohs. As per Hebrew Bible 'Exodus-25-31 and 35-40' (Old Testament), during this period, severe epidemic (ten plagues) broke out in Egypt throwing kingships to winds giving golden opportunity to Jews so enslaved to free themselves from the shackles of slavery and migrate out of their captivity to some other Canaanite land - perhaps another fertile land. But there was deep desert between Egypt and another fertile land interlocked between Euphrates and Tigris Rivers.

22. That this untimely exodus of Jews around 3762 and 3758 BC due to series of ten plagues, the Moses heading migrants was confronted with the problem of hunger. In the absence of proper maps, it was extremely difficulty to cross over devastating desert specially Sinai Mountain across Red sea including Gulf of Suez and Gulf of Aqaba by mere eating vegetarian food. Since, animals were used to be worshipped/revered during Badarin period as is evident from excavation made when separate cemeteries of animals were found, accordingly, in order to survive, Moses evolved a system of sacrifices, and accordingly, he impressed upon people that God required sacrifices. It is evident from Exodus 11:4-6 where Lord says *“About midnight I will go throughout Egypt. Every first born son in Egypt will die, from the first born son of Pharaoh, who sits on the throne, to the first born of the slave girl, who is at her hand mill, and all the first born of the cattle as well. There will be loud wailing throughout Egypt – worse than there has ever been or ever will be again”*. Thereafter, before this final plague, in order to give taste of meat to them, Yahweh (God) commands Moses to tell the Israelites to mark a [lamb](#)'s blood above their doors in order that Yahweh will pass over them and he will not be touched by the death of the firstborn of Egyptian). **In order to train Israelites with meat habit during Exodus, Moses commanded that they are to take some of the blood and put it on the two side posts and tops of the doorframes of the houses in which they eat the lambs. They were to eat meat in night.**
23. In order to justify killing of domesticated animals who used to be earlier revered in pre-dynastic era (4000-3000 BC), Moses

convinced that it was the desire of God. Initially he told Pharaoh that he is going to meet God for some weeks in order to offer Him sacrifices. Subsequently, he conceptualised the concept of make shift temple called Tabernacle where sacrifices were offered by class of Kohnim (hereditary priest) regarded as descendants of Aaron (brother of Moses).

As per book by Roy B. Zuck on “**A Biblical Theology of the Old Testament**” (Moody Publishers:1991), “**God required animal sacrifices to provide a temporary covering of sins and to foreshadow the perfect and complete sacrifice of Jesus Christ ([Leviticus 4:35, 5:10](#)). Animal sacrifice is an important theme found throughout Scripture because “without the shedding of blood there is no forgiveness” ([Hebrews 9:22](#)). When Adam and Eve sinned, animals were killed by God to provide clothing for them ([Genesis 3:21](#)). Cain and Abel brought sacrifices to the Lord. Cain’s was unacceptable because he brought fruit, while Abel’s was acceptable because it was the “firstborn of his flock” ([Genesis 4:4-5](#)). After the flood receded, Noah sacrificed animals to God ([Genesis 8:20-21](#)).”**

24. That during Exodus passing over through difficult terrain of desert, they used to slaughter lamb in the night when children were sleeping so that the children may not know about this slaughter. After feeding them meat with unleavened bread during night, by the morning all left over were used to be removed so that children may not know about what they had been served with unleavened

bread. It has to be eaten in haste "with your loins girded, your shoes on your feet, and your stuff in your hand; and ye shall eat it in haste: it is the LORD's passover" Exodus 12:11. Regarding eating of unleavened food (where very little water is used), the Book of Deuteronomy which is the fifth book of the Jewish Torah, Chapters 1–30 consisted of three sermons or speeches delivered to the Israelites by Moses on the plains of Moab, shortly before they enter the Promised Land.

25. That this system of slaughtering lamb in night during Exodus is celebrated even today by Jews in Israel. As per this festival of 'Passover' as described in biblical regulations, an unblemished lamb or goat, known as the Korban Pesach or "Paschal Lamb", is to be set apart on 10th Nisan, and slaughtered at dusk as 14th Nisan ends in preparation for the 15th of Nisan when it will be eaten after being roasted. It is then to be eaten "that night", 15th Nisan, roasted, without the removal of its internal organs with unleavened bread, known as matzo (unleavened bread), and maror – a bitter herbs believed to digest meat). **Nothing of the sacrifice on which the sun rises by the morning of the 15th of Nisan may be eaten, nothing should be left and but must be burned.** For all seven days you are to eat matzo, the bread of affliction; for you came out of the land of Egypt in haste.

The biblical requirements of slaying the Paschal lamb in the individual homes of the Hebrews and smearing the blood of the lamb on their doorways were celebrated in Egypt. However, once Israel was in the wilderness and the tabernacle was in operation, a change was made in those two original requirements

([Deuteronomy 16:2–6](#)). Passover lambs were to be sacrificed at the door of the tabernacle and no longer in the homes of the Jews. No longer, therefore, could blood be smeared on doorways. Although subsequently, as per Jeremiah 7:22 it was contradicted by observing that “**22** -for I did not speak to your fathers, or command them in the day that I brought them out of the land of Egypt, concerning burnt offerings or sacrifices.”

26. That after exodus of Jews around exodus around 3762 and 3758 BC, it appears subsequently Egyptians also tasted meat as is evident from meat mummies discovered around 3300 BC along Nile river.
27. That, on the other hand, during this period of Indus Valley Civilisation as excavated from Mohenjo-Daro and Harappa, evidence showed that the Harappans ate a variety of local fruits, including dates, jujube, grapes, figs, and possibly mango. Cultivated vegetables include a variety of brassica and brown mustard greens, and possibly okra and capers. A variety of herbs, spices, and seasonings were also available and likely cultivated, though evidence is lacking. Notably these include coriander, sugarcane, garlic, turmeric, ginger, cumin, and cinnamon.

In 2016, a public release from the University of Cambridge confirmed new archaeological findings about the Indus Civilization. The research revealed ways in which Indus populations utilized complex strategies for multi-cropping based on season, which also involves a critical awareness of varying watering regimes. Before other civilizations were varying their

crops seasonally, the Indus people were favoring rice, millet and beans in the summer; and wheat, barley and pulses in the winter. Radiocarbon dating even showed evidence of horse gram crops as far back as 2580 BC, and rice as far back as 2430-2140 BC. Not only were these agricultural practices increasing dietary variety, but also providing the opportunity for organization of labor and provisioning throughout the year. Beyond the benefits to an individual community, this variety of crops may have been responsible for the establishment of ancient urban cities, as produce from regional growers was transported to markets for trade. (*Rice farming in India much older than thought, used as 'summer crop' by Indus civilization. EurekAlert! The Global Source for Science News. https://www.eurekalert.org/pub_releases/2016-11/uoc-rfi111816.php. Published November 20, 2016. Accessed February 2, 2018.*)

28. That after Indus Valley Civilisation, Aryans migrated around 1700 BC to India and brought Jews system of sacrifices with some differences like – *firstly*, among Jews sacrifices used to be made in make shift temple called ‘Tabernacle’ where sacrifices were offered before the class of Kohnim (hereditary priest) regarded as descendants of Aaron (brother of Moses) but in Yazur Veda sacrifices were made by Hotries (like Agnihotries) under over all supervision of Brahmin (priests class) when there was no concept of temple; *secondly*, among Jews, there used to be only one God so all sacrifices were to be made to Him only, while Aryans brought

alongwith them various Devata (demi god) where each animal used to be offered to each type of devata.

29. That subsequently when in the name of God there was rampant violence through sacrifices all around specially mostly during Ashvamedha, teaching through Upanishad, Jainism (7th Century BC) and Buddhism (6th Century BC) came confronting cult of violence through strong principles non-violence promoted subsequently during Maurya dynasty (322 and 185 BCE) and Gupta dynasty (319 to 543 AC).
30. That since after end of Gupta Empire, India has become more or less vegetarian because of propagation of ideals of non-violence in both Maurya (specially Ashoka) and Gupta dynasties. After collapse of Gupta Empire, Northern India fragmented into various princely states till Mughals invaded followed by East India Company culminating into British India.

DURING BRITISH PERIOD:

31. That Britishers although were both vegetarian and non-vegetarian but due to element of charity inherent in Christianity, some opposed any kind of torture to animals. It is evident from the fact that during British India, Colesworthey Grant founded the first society in India in the 1860s entitled '**Indian Society for Prevention of Cruelty to Animals (SPCAs)**' which successful lobbied for prevention of cruelty towards animals. It erected an **obelisk** in memory of Colesworthey Grant in Writer's Building for his contribution towards prevention of cruelty towards animals. On

the other hand, some Hindu organisations started Cow Protection Movement around 1860 but it was more for religious reasons rather than for mercy towards animals at large. During this period, a society was formed named '**London Vegetarian Society**'. **Mahatma Gandhi** whose basic philosophy was rooted to non-violence has given a talk on the topic 'The Moral Basis of Vegetarianism', where Mahatma had given call to stop eating meat.

Prime Minister [Indira Gandhi too](#), in her letter dated 24 February 1982 to the Chief Ministers of 14 States viz. Andhra Pradesh, Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Karnataka, Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan, Uttar Pradesh, and Jammu and Kashmir, in which she desired that the ban be enforced in letter and spirit, that the ban on cow slaughter is not allowed to be circumvented by devious methods, and that Committees to inspect cattle before they are admitted to slaughter houses be adopted.^[193]

32. That on arrival of slaughter by Halal brought by Mughals from Middle East, the Britishers who were although non-vegetarian but they did not approve meat by Halal. recently as per news item dated 30.01.2015 in Mail Online, **the British Veterinary Association, along with citizens who have assembled a petition with 100,000 signatures**, have raised concerns regarding a proposed *halal abattoir* in Wales, in which animals were not to be [stunned](#) prior to killing. This protest against animal suffering during slaughter without prior stunning has ultimately resulted in the ban of slaughter of un-stunned animals in Denmark,

Luxembourg, Belgium, Netherlands, Norway, Sweden and Switzerland.

LEGAL BASIS:

33. That Britishers were although non vegetarian but due to element of ‘charity’ in Christianity they were not cruel towards animals. So Lord Macaulay while enacting Indian Penal Code made cruelty to animals as criminal offence which could go even upto five years imprisonment. The relevant extract of Sections 428 & 429 IPC are quoted as under:

Section 428 in The Indian Penal Code:

Mischief by killing or maiming animal of the value of ten rupees:—Whoever commits mischief by killing, poisoning, maiming or rendering useless any animal or animals of the value of ten rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Section 429 in The Indian Penal Code

Mischief by killing or maiming cattle, etc., of any value or any animal of the value of fifty rupees:—Whoever commits mischief by killing, poisoning, maiming or rendering useless, any elephant, camel, horse, mule, buffalo, bull, cow or ox, whatever may be the value thereof, or any other animal of the value of fifty rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.”

34. That subsequently, by the end of 19th Century, Britishers passed enactment entitled ‘**the Prevention of Cruelty to Animals Act, 1890**’ to prevent any kind of cruelty to animals during

domestication of animals and during hunting. Various provisions have been made to completely halt torture to animals during domestication or hunting. **No provision was made for legalizing clinical trials over animals.**

35. That after Independence, when the constitution makers were contemplating framing of constitution specially directive principles of state policy, Thakur Dass Bhargava moved an amendment for incorporating draft Article 38A namely "*The State shall endeavour to organise agriculture and animal husbandry on modern and scientific lines and shall in particular take steps for preserving and improving the breeds of cattle and prohibit the slaughter of cow and other useful cattle, specially milch and draught cattle and their young stock*". This amendment was approved by the Constituent Assembly culminating into Article 48 of the constitution.

Apart from this, Seventh Schedule to Constitution gave extensive powers to states and central govt. under Entry 15 of State List and Entry 17 of Concurrent List which was subsequently added by Item 17B vide inserted vide 42nd Constitutional Amendment of Concurrent List.

Item 15 Entry-II (State List):

15. Preservation, protection and improvement of stock and prevention of animal diseases, veterinary training and practice.

Item 17, 17-A & 17B Entry-III (Concurrent List):

17. Prevention of cruelty to animals

- 17A. Forests (Inserted vide 2nd Constitutional Amendment)
- 17B Protection of wild animals and birds (Inserted vide 2nd Constitutional Amendment (came w.e.f. 03.01.1977))

DIRECTIVE PRINCIPLES OF STATE POLICY:

48: Organisation of agriculture and animal husbandry: The State shall endeavour to organise agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and **prohibiting the slaughter, of cows and calves and other milch and draught cattle.**

48A: Protection and improvement of environment and safeguarding of forests and wild life: The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country. (inserted vide 42nd Constitution Amendment came w.e.f. 03.01.1977)

51A It shall be the duty of every citizen of India to:

.....

- (g) protect and improve the natural environment including forests, lakes, rivers and wild life, and **to have compassion for living creatures;**

36. That after independence, Parliament passed **Prevention of Cruelty to Animals Act, 1960**, wherein under for the first time provision was made under Section 4 for constitution of a **Animal Welfare Board of India**. It prohibits cruelty to both domestic and captive animals. For the first time, clinical trials over animals have been legalized by providing for constitution of a committee to grant permission for such experiments.

37. That, subsequently, the Parliament passed The Wild Life (Protection) Act, 1972 where in under section 4 powers have been given to states to appoint Chief Wild Life Warden. Subsequently, Section 5A has been inserted to provide for constitution of the National Board for Wild Life. Subsequently, in 1991 section 5A to 5C have been inserted vide Act No. 44 of 1991 came w.e.f. 02.10.1991..
38. That subsequently, in exercise of the powers conferred by subsection (2) and (3) of section 5-A read with section 63 of the Wild Life (Protection) Act, 1972 (53 of 1972), the Central Government made The National Board for Wild Life Rules, 2003 providing for constitution of committees under Rule 11.

SUPREME COURT INTERVENES IN FAVOUR OF BUTCHERS ON SLAUGHTER OF CATTLE:

39. That the **constitution bench** of this Hon'ble Court in Mohd. Hanif Quareshi & Others vs The State of Bihar vide judgment dated 23 April, 1958 [1958 AIR 731, 1959 SCR 629] examined the validity of three enactments passed by the States of M.P., U.P. and Bihar when they completely banned the slaughtering of cattle like cows, buffaloes etc. vide C. P. and Berar Animal Preservation Act, 1949, U. P. Prevention of Cow Slaughter Act, 1955 (U. P. No. 1 of 1956) and Bihar Preservation and Improvement of Animals Act, 1955 (Bihar II of 1956). The relevant extracts of relevant provisions are quoted as under:

C. P. AND BERAR ANIMAL PRESERVATION ACT, 1949:

“4. Prohibition of slaughter of animal without certificate. –

[(1) Notwithstanding anything contained in any other law for the time being in force or in any usage to the contrary, no person -

(a) shall slaughter a cow; or

(b) shall slaughter any other animal unless he has obtained in respect of such other animal a certificate in writing signed by the Executive Authority and the Veterinary Officer for the area in which the animal is to be slaughtered that the animal is fit for slaughter.]

(2) No certificate under sub-section (1) shall be issued unless both the Executive Authority and the Veterinary Officer are of the opinion, which shall be recorded, that,-

(a) the animal is over fourteen years of age and unfit for work or breeding;

(b) the animal has become permanently incapacitated from work or breeding due to age, injury, deformity or any incurable disease;

(c) the animal is not suffering from any disease which makes its meat unwholesome for human consumption.

(3) Where there is a difference of opinion between the Executive Authority and the Veterinary Officer as to the issue of a certificate under this section, the animal in respect of which the certificate has been asked for, shall not be slaughtered.

(4) Any person aggrieved by the refusal of the Executive Authority or the Veterinary Officer to issue a certificate under this section may, within fifteen days from the date of communication to him of such refusal, appeal to the State Government against the order of refusal and the

State Government may pass such orders thereon as it thinks fit.

(5) The State Government may, at any time for the purpose of satisfying itself as to the legality or propriety of any action taken under this section, call for and examine the record of any case and may pass such orders thereon as it thinks fit.

(6) Subject to the provisions of this section, any action taken under this section shall be final and shall not be called in question in any Court.

5. **Prohibition of slaughter of animals in places not fixed for the purpose.** - No animal in respect of which a certificate has been issued under section 4 shall be slaughtered in any place other than a place fixed for the purpose by or under a law relating to local Government in force in such area and if such law does not provide therefor at a place fixed by the prescribed authority.”

Law.in
ALL ABOUT LAW

U. P. PREVENTION OF COW SLAUGHTER ACT, 1955:

3. Prohibition of cow slaughter. –

(1) Except as hereinafter provided, no person shall slaughter or cause to be slaughtered, or offer or cause to be offered for slaughter-

(a) a cow, or

(b) a bull or bullock, unless he has obtained in respect thereof a certificate in writing, from the competent authority of the area in which the bull or bullock is to be slaughtered, certifying that it is fit for slaughter, in any place in Uttar Pradesh; anything contained in any other law for the time being in force

or an usage or custom to the contrary notwithstanding.

(2) No bull or bullock, in respect of which a certificate has been issued under sub-section (1) (b) shall be slaughtered at any place other than the place indicated in the certificate. [* * *]

(3) A certificate under sub-section (1) (b) shall be issued by the competent authority, only after it has, for reasons to be recorded in writing; certified that-

(a) the bull or bullock is over the age of [fifteen years] or

(b) in the case of a bull, it has become permanently unfit and unserviceable for the purpose of breeding and, in the case of bullock, it has become permanently unfit and unserviceable for the purposes of draught and any kind of agricultural operation :

Provided that the permanent unfitness or un-serviceability has not been caused deliberately.

(4) The competent authority, shall, before issuing the certificate under sub-section (3) or refusing to issue the same, record its order in writing [***].

(5) The State Government may, at any time, for the purposes of satisfying itself as to the legality or propriety of the action taken under this section call for and examine the record of any case and may pass such order thereon as it may deem fit.

[(6) Subject to the provisions herein contained, and action taken under this section, shall be final and conclusive and shall not be called in question.]

THE BIHAR PRESERVATION AND IMPROVEMENT OF ANIMALS ACT, 1955:

Prohibition of slaughter of Cows, Calves, Bulls and Bullocks

3. **Prohibition of slaughter of cow, calf, bull, bullock or she-buffalo** – Notwithstanding anything contained in any law for the time being in force of in any usage or custom to the contrary, no person shall slaughter or cause to be slaughtered or offer or cause to be offered for slaughter a cow, calf, bull, bullock or she-buffalo;

Provided that the prescribed authority may, subject to such condition as may be prescribed, allow the slaughter of –

- (i) a bull or bullock which is over twenty five years of age or which has become permanently incapable of breeding or yielding milk, if the permanent incapability has been caused deliberately;
- (ii) a she buffalo which is over twenty five years age or which has become permanently incapable of breeding or yielding milk, if the permanent incapability has not been caused deliberately;

Provided further that the State Government may, by general or special order and subject to such conditions as it may think fit to impose, allow the slaughter of any such animal for any medicinal or research purpose.

.....

CHAPTER III

Prevention and control, of contagious diseases affecting animals:

5. Report of contagious disease –

- (1) Every village chaukidar or daffardar or President appointed or elected under the village Chaukidar Act, 1870 (Ben. Act VI of 1870) or the Bihar and Orissa Village Administration Act, 1922 (B. & O. Act III of 1922), every village police-man appointed under Chota Nagpur Rural Police Act, 1914 (B. & O. Act I of 1914), every mukhia elected under the Bihar Panchayat Raj Act, 1947 (Bihar Act VII of 1948) and every veterinary practitioner attending any animal in the course of his veterinary practice or otherwise, who has reason to believe that such animal is infective, shall forthwith report, and every owner or person incharge or having control of an animal or any other person who has reason to believe that an animal is infective may report, the fact to the officer-in-charge of the nearest police station or the prescribed authority.
- (2) On receiving a report under sub-section (1), the officer-in-charge of the police-station or the prescribed authority, as the case may be, shall, without delay, communicate such report to the nearest Veterinary Officer and forward a copy of the report to the District Officer-in-charge of the Veterinary Department. On receipt of the report the Veterinary Officer shall proceed to the place where the animal is for the time being kept and examine the animal and inquire into the circumstances of the case.
- (3) Whenever a Veterinary Officer has reason to believe that the animal within his jurisdiction is infective, he shall proceed as soon as possible to the (Act 59 of 1982) place where the animal is and examine it and

inquire into the circumstances of case, notwithstanding that no report under sub-section (2) in respect of such animal has been received by him.

- (4) If after the examination and inquiry referred to in sub-section (2) or sub-section (3), the Veterinary Officer is of the opinion that the animal is infective, he shall report the matter in the prescribed manner to the District Officer incharge of the Veterinary Department for such action as the latter may consider necessary and shall also take such further action including medical treatment of the animal concerned under the provisions of this Chapter as may be necessary or expedient and, at the same time, shall send a copy of such report to the Sub-divisional Magistrate.

6. **Duty to segregate infective animals** – Every owner or person in charge or having control of animal, who has reason to believe that such animal is infective, shall, as far as may be possible in the circumstances, segregate such animal in a place apart from all other animals which are not infective and shall take all possible steps to prevent any animals which are not infective and shall take all possible steps to prevent any animal which is not infective from coming into contact with or approaching such animal.

7. **Declaration of infected area** –

- (1) The State Government may, by notification published in the prescribed manner, declare any area in which any contagious disease has broken out or any area within which, in the opinion of the State Government, there is a danger of the spread of any such disease, to be an infected area.

- (2) Every notification under sub-section (1) shall specify the limits of the area which is declared to be an infected area and shall also specify the contagious disease in respect of which the area is declared to be an infected area.

8. **Preventive vaccination or inoculation in infected area –**

- (1) In all cases in which preventive vaccination or inoculation is possible and practicable against the contagious disease in respect of which an area has been declared to be an infected area, the Veterinary Officer shall vaccinate or inoculate, as the case may be, such kinds or classes of animals in that area as may be prescribed in respect of such disease and the owner or person in charge or having control of every such animal shall render every facility and assistance to him in carrying out such vaccination or inoculation.
- (2) When a Veterinary Officer vaccinates or inoculate any animal, he may for the purpose of identification also mark such nimal in such manner as may be prescribed.

9. **Prohibition of markets, fairs, etc. in infected areas –** No person shall organize, promote or hold in any infected area any animal market, animal fair, animal exhibition or other concentration of animals, whether for the purpose of sport or trade, without the permission in writing of the State Government.

10. **Compulsory segregation and treatment of animals –**

- (1) Where a Veterinary Officer, after due examination of an animal and such inquiry into the circumstances of the case as may be necessary, is of the opinion that such animal is infective, he may

by order in writing direct the owner in person in charge or having control of such animal.

- (a) to keep it where it is for the time being, or to remove it or allow it to be removed to such place of isolation or segregation as may be specified in the order.
- (b) to subject it to such treatment as may be specified in the order: and such owner or person in charge of having control at such animal shall comply with such order:

Provided that where there is no person in charge or having control of the animal and the owner is either unknown and cannot be ascertained without undue delay or the order cannot be communicated to him without delay, or the owner or person in charge or having control of the animal fails to comply with the order within such time as in the opinion of the Veterinary Officer is responsible, the Veterinary Officer shall seize the animal and remove it to a place of isolation or segregation and may subject it to such treatment as may be necessary.

- (2) If the owner of animal seized under the proviso to sub-section (1) or his authorized agent applies in the prescribed manner for the release of such animal, the animal shall be so released if such owner or his authorized agent pays any expense, calculated in the prescribed manner, incurred for the upkeep of the animal up to the date of its release:

Provided that on the release of the animal, the owner or his authorized agent, as the case may be, shall comply with any order which the Veterinary Officer may deem fit to issue under sub-section (1).

(3) If the owner of an animal seized under the proviso in sub-section (1) or his authorized agent does not apply for the release of the animal under sub-section (2) and the animal is in the opinion of the Veterinary Officer, no longer likely to infect any other animal with the contagious disease on account of which it was seized, the Veterinary Officer shall send the animal in the nearest cattle pound or deal with it in such other manner as may be prescribed.

11. **Disinfection of buildings, etc** – Subject to such rules as may be prescribed, the Veterinary Officer may, by order in writing, require the owner, occupier or person in charge of any building, yard, vessel or vehicle in which an infective animal has been kept, to have such building, yard, vehicle or vessel disinfected or dealt with in such manner and in such extent as may be specified in the order, and such owner, occupier or person incharge shall comply with such order.
12. **Power of Veterinary Officer to subject infective animal to tests** – If the Veterinary Officer suspects that any animal is infective, he may subject it to such tests as may be prescribed and the owner or person incharge or having control of such animal shall render every facility and assistance to him in carrying out the tests.

Subject to such rules as may be prescribed, the Veterinary Officer may make or cause to be made a post-mortem examination of any animal which at the time of its death was infective or suspected to have been infective and for this purpose

13. **Power of Veterinary Officer to carry out post-mortem examination** – Subject to such rules as may be prescribed, the Veterinary Officer may make or cause to be made a post mortem examination of any animal which at the time of its death was infective or suspected

to have been infective and for this purpose he may cause the carcass of any such animal to be exhumed.

14. **Prohibition of sale or transfer of infective animals** – Whoever sells or transfer, or attempts to sell or transfer, in any manner to another person any animal which he knows, or has reason to believe to be infective shall, be punished with time which may extend in the case of a first conviction to fifty rupees and in the case of a second or subsequent conviction to construction to one hundred rupees.

.....

(c) the bull dies or is certified by the Veterinary Officer to have been effectively castrated in the prescribed manner.

24. **Inspection of bulls** – The Veterinary Officer may, by order, require any person keeping a bull to submit it for inspection at any reasonable hour by himself or by any officer or person deputed by him for the purpose, either at the place where the bull is kept for the time being or at any other suitable place specified in the order, and thereupon it shall be the duty of the person keeping the bull to submit it for inspection accordingly and render all reasonable assistance in connection with such inspection to the officer or person concerned.

25. **Power to order castration** –

(1) The Veterinary Officer may by order, require any person keeping a bull which, in his opinion, has attained the prescribed age and in respect of which there is no licence for the time being in future to have to it castrated in the manner specified in the order within one month from the date of the service of the order.

- (2) Such castration shall be performed or caused to be performed by the Veterinary Officer free of charge, unless the person keeping the bull desires to make his own arrangement for complying with the order.
 - (3) If the person keeping the bull fails to comply with the order within the time allowed under sub-section (1), the Veterinary Officer shall get the bull castrated in the prescribed manner free of charge.
26. **Production of Licence** – A person who keeps a bull, in respect of which a licence has been granted and is in force, shall produce such licence within a reasonable time, at any place where the bull for the time being kept on demand made by the Veterinary Officer.
27. **Power of Veterinary Officer to castrate bulls** –
 - (1) If the Veterinary Officer is unable to ascertain, after an inquiry in the prescribed manner or otherwise, the person in whose ownership, possession or custody a bull is for the time being, he may seize the bull or caused it to be seized and, if he is of the opinion that the bull has attained the prescribed age and is unsuitable for breeding purpose on any of the grounds specified in sub-section (1) of section 21, may cause the bull to be castrated and marked free of charge in such manner and with such mark as may be prescribed.
 - (2) Every bull seized under sub-section (1) shall, after it has been castrated and marked, where necessary, be sent to a Pinjrapole or infirmary recognized by the State Government in this behalf or sold by public auction; and the proceeds of such sale, if any, shall be credited to the Consolidated Fund of the State in the prescribed manner after deduction the cost of maintenance and arrangement for sale of the bull to be calculated in the prescribed manner.

- (3) If the owner of the bull seized under sub-section (1) appears before the Veterinary Officer within such time as may be prescribed in this behalf and proves in the satisfaction of the officer that the bull is owned by him.
- (i) In case the bull has been sold by public auction, the proceeds of such sale shall be paid to the owner after deduction there from the costs of maintenance and arrangements for sale of the bull; and
- (ii) In any other case, the bull shall be delivered to the owner on payment of the cost of its maintenance;

Provided that the owner shall not be entitled to anything. If the bull dies before the sale or as the case may be, before it is delivered to the owner.

28. **Power of Veterinary Officer to inspect or mark bulls** – For the purposes of this Chapter, a Veterinary Officer or any other officer or person authorized by him in this behalf shall have power at all reasonable times –
- (a) to inspect any bull; and
- (b) to mark any bull free of charge with a prescribed mark in the prescribed manner”

40. That now coming to constitution bench judgment of this Hon’ble Court interpreting these three Acts of M.P., U.P. and Bihar (enacted in pursuance of the directive principles of State policy contained in [Art. 48](#) of the Constitution), a challenge was made by butchers on the grounds that they infringed their fundamental rights guaranteed under Arts. 14, 19(1)(g) and 25 of the Constitution. The Constitution Bench where upon held that:

- (i) That a total ban on the slaughter of cows of all ages and calves of cows and of she-buffaloes, male and female, was quite reasonable and valid;
- (ii) That a total ban on the slaughter of she-buffaloes or breeding bulls or working bullocks (cattle as well as buffaloes), as long as they were capable of being used as milch or draught cattle, was also reasonable and valid; and
- (iii) That a total ban on the slaughter of she-buffaloes, bulls and bullocks (cattle or buffalo) after they ceased to be capable of yielding milk or of breeding or working as draught animals was not in the interests of the general public and was invalid.
- (iv) That the directive in [Art. 48](#) for taking steps for preventing the slaughter of animals is quite explicit and positive and contemplates a ban on the slaughter of the several categories of animals specified therein, namely, cows and calves and other cattle which answer the description of milch or draught cattle. The protection is confined only to cows and calves and to those animals which are presently or potentially capable of yielding milk or of doing work as draught cattle but does not extend to cattle which at one time were milch or draught cattle but which have ceased to be such. The directive principles of State policy set out in Part IV of the Constitution have to conform to and run as subsidiary to the fundamental rights in Part 111. [State of Madras v. Smt. Champakam Dorairajan](#), [1951] S.C.R. 525, followed.

- (v) That the ban on the slaughter of cows even on the slaughter day did not violate the fundamental rights of the petitioners under [Art. 25](#) as it had not been established that the sacrifice of a cow on that day was an obligatory overt act for a Mussalman to exhibit his religious belief and idea. [Ratilal Panachand Gandhi v. The State of Bombay](#), [1954] S.C.R. 1055, applied. The impugned Acts which affected only the butchers who slaughtered cattle and not the butchers who slaughtered sheep or goats, did not offend [Art. 14](#) of the Constitution.
- (vi) The different categories of animals being susceptible of classification into separate groups on the basis of their usefulness to society, the butchers who kill each category may also be placed in distinct classes according to the effect produced on society by the carrying on of their respective occupations. This classification is based on an intelligible differentia which places the petitioners in a well defined class and distinguishes them from those who slaughter sheep or goats and this differentia has a close connection with the object sought to be achieved by the impugned Acts, namely, the preservation, protection and improvement of livestock.
41. That after declaring complete ban of slaughter of non-cow cattle & live stocks as invalid, all the three states of M.P., U.P. & Bihar have made amendments in their respective laws lifting complete ban over these non-cow cattle but permitted to be slaughtered only on crossing the age of 25 years. Those amendments have again been

challenged contending that indirectly it bans slaughtering of these animals as normally no cattle or live stocks survives after about 15 years. The constitution bench of this Hon'ble Court in whereupon declared such amendments as unreasonable holding that such conditions of slaughter are unreasonable. The Constitution Bench, however, held as under:

39. There is one other aspect of these cases which has been emphasized before us, to which a reference must now be made. It is open to the legislature to enact ancillary provisions to give effect to the main object of the Act, namely, the prevention of slaughter of animals like bulls, bullocks or buffaloes which are still useful for the purposes for which they are generally used. It is pointed out that acts innocent in themselves may be prohibited and the restrictions in that regard would be reasonable, if the same were necessary to secure efficient enforcement of valid provisions. For example, it is open to the legislature, if it feels it necessary, in order to reduce the possibilities of evasion to a minimum, to enact provisions which would give effect to the main object of the legislation. We have not ignored this aspect and have kept in mind the undisputed right of the legislature to decide what provisions are necessary to give effect to the main object of the legislation. In these cases the petitioners have complained that the main object of the impugned provisions is not the prohibition of slaughter of animals which are still useful; the impugned provisions as they are worded really put a total ban on the slaughter of bulls, bullocks and buffaloes and for all practical purposes they put a stop to the profession and trade of the petitioners. We have held that this complaint is justified in respect of the main provisions in the three Acts.”

42. That these two judgments of Constitution Bench in *Mohd. Hanif Quareshi & Others vs The State of Bihar & Ors.* [1958 AIR 731, 1959 SCR 629] and *Abdul Hakim Quraishi & Ors. Vs. The State of Bihar*

[AIR 1961 SC 448; (1961) 2 SCR 610], thus, lay down following principles:

- (i) In view of Article 48 of the constitution, complete ban of cow slaughter is legal.
- (ii) Complete ban of cattle other than cow – indirectly is unjustified. However, Legislature has power to decide what provisions are necessary to give effect to the main object of the legislation.

43. That subsequently, in Mohd. Faruk vs. State of Madhya Pradesh & Ors. [(1969) 1 SCC 853, the State Government of M.P. issued a notification whereby the earlier notification issued by the Jabalpur Municipality which permitted the slaughter of bulls and bullocks along with other animals was recalled. The constitution Bench, however, again quashed this notification holding it to be another attempt, though on a restricted scale, to circumvent the judgment of this Court in Quareshi-I. It observed in para 9 that although this Hon'ble Court in Narendra Kumar & Ors. vs. The Union of India & Ors. [(1960) 2 SCR 375] held that the term "restriction" in Articles 19(5) and 19(6) of the Constitution includes cases of "prohibition" also. But this Court created a distinction "prohibition" and "control" and held that when the exercise of a fundamental right is prohibited, the burden of proving that a total ban on the exercise of the right alone would ensure the maintenance of the general public interest lies heavily upon the State. As the State failed in discharging that burden, the notification was held liable to be struck down as

imposing an unreasonable restriction on the fundamental right of the petitioners.

44. That thereafter vide 42nd constitutional amendment Article 48-A and Article 51-A have been inserted wherein under clause (g) it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wild life, and **to have compassion for living creatures.**
45. That after insertion of Articles 48-A and 51-A(g) in the Directive Principles of State Policy, this issue of ban of slaughter came for consideration before constitution bench in Haji Usmanbhai Hasanbhai Qureshi vs State of Gujarat [1986 AIR 1213, 1986 SCR (2) 719] dated 17 April, 1986 but this Hon'ble Court did not delved upon crucial issues and dismissed the appeals challenging fixation of age for slaughter of certain type of animals including complete ban of slaughter of cow.
46. That the real issues relating to such regulatory measures of State Govt. of Gujarat came to be discussed in a Seven-Judge Constitution Bench judgment of this Court in [State of Gujarat vs. Mirzapur Moti Kureshi Kassab Jamat & Ors.](#) 2005(8) SCC 534 whereby the Hon'ble Bench was pleased to partially overrule the decision of the Five-Judge Constitution Bench in Md. Hanif Qureshis case (supra). In the aforesaid decision the Seven-Judge Constitution Bench has referred, inter alia, to the decision in the Five-Judge Constitution Bench decision in Md. Faruks case (supra) (in para 29). In paragraph 67 of the Seven-Judge bench judgment it has been observed:

“Any other meaning assigned to this expression is likely to result in absurdity. A milch cattle goes through a life cycle during which it is sometimes milch and sometimes it becomes dry. This does not mean that as soon as a milch cattle ceases to produce milk, for a short period as a part of its life cycle, it goes out of the purview of [Article 48](#), and can be slaughtered. A draught cattle may lose its utility on account of injury or sickness and may be rendered useless as a draught cattle during that period. This would not mean that if a draught cattle ceases to be of utility for a short period on account of sickness or injury, it is excluded from the definition of 'draught cattle' and deprived of the benefit of [Article 48](#).

This reasoning is further strengthened by [Article 51A\(g\)](#) of the Constitution. The State and every citizen of India must have compassion for living creatures. Compassion, according to Oxford Advanced Learners' Dictionary means "a strong feeling of sympathy for those who are suffering and a desire to help them". According to Chambers 20th Century Dictionary, compassion is "fellow - feeling, or sorrow for the sufferings of another : pity". Compassion is suggestive of sentiments, a soft feeling, emotions arising out of sympathy, pity and kindness. The concept of compassion for living creatures enshrined in [Article 51A \(g\)](#) is based on the background of the rich cultural heritage of India - the land of Mahatama Gandhi, Vinobha, Mahaveer, Buddha, Nanak and others. No religion or holy book in any part of the world teaches or encourages cruelty. Indian society is a pluralistic society. It has unity in diversity. The religions, cultures and people may be diverse, yet all speak in one voice that cruelty to any living creature must be curbed and ceased. A cattle which has served human beings is entitled to compassion in its old age when it has ceased to be milch or draught and becomes so-called 'useless'. **It will be an act of reprehensible ingratitude to condemn a cattle in its old age as useless and send it to a slaughter house taking away the little time from its natural life that it would have lived, forgetting its service for the major part of its life, for which it had remained milch or draught. We have to remember: the weak and meek need more of protection and compassion.**”

47. That, subsequently, this Hon'ble Court in *Hinsa Virodhak Sangh vs Mirzapur Moti Kuresh Jamat & Ors.* [(2008) 5 SCC 33] has upheld order of the Commissioner of Ahmedabad directing closure of slaughter houses in Ahmedabad for a period of 18 days first from 19.8.1998 to 26.8.1998 in connection with the festival of the Shvetamber sect of the Jain community from 27.8.1998 to 5.9.1998 during which the Digambar sect of the Jain community celebrates Paryushan festival. This impugned resolutions were passed on 14.8.1998 and 29.8.1999 under Section 466(1)(D)(b) of the Bombay Provincial Municipal Corporation Act, 1949 empowering Commissioner 'to fix the days and the hours on and during which any market, slaughter-house or stock-yard may be held or kept open for use and prohibiting the owner of any private market from keeping it closed without lawful excuse on such days or during such hours.' The Division Bench of this Hon'ble Court observed as under:

“45. Since India is a country of great diversity, it is absolutely essential if we wish to keep our country united to have tolerance and respect for all communities and sects. It was due to the wisdom of our founding fathers that we have a Constitution which is secular in character, and which caters to the tremendous diversity in our country.

46. Thus it is the Constitution of India which is keeping us together despite all our tremendous diversity, because the Constitution gives equal respect to all communities, sects, lingual and ethnic groups, etc. in the country.

47. The architect of modern India was the great Mughal Emperor Akbar who gave equal respect to people of all communities and appointed them to the highest offices on their merits irrespective of their religion, caste, etc.

48. The Emperor Akbar held discussions with scholars of all religions and gave respect not only to Muslim scholars, but also to Hindus, Christians, Parsis, Sikhs, etc. Those who came to his court were given respect and the Emperor heard their views, sometimes alone, and sometimes in the Ibadatkhana (Hall of Worship), where people of all religions assembled and discussed their views in a tolerant spirit. The Emperor declared his policy of Suleh-e-Kul, which means universal tolerance of all religions and communities. He abolished Jeziya in 1564 and the pilgrim tax in 1563 on Hindus and permitted his Hindu wife to continue to practise her own religion even after their marriage. This is evident from the Jodha Bai Palace in Fatehpur Sikri which is built on Hindu architectural pattern.

49. In 1578, the Parsi theologian Dastur Mahyarji Rana was invited to the Emperors court and he had detailed discussions with Emperor Akbar and acquainted him about the Parsi religion. Similarly, the Jesuit Priests Father Antonio Monserrate, Father Rodolfo Acquaviva and Father Francisco Enriques etc. also came to the Emperors court on his request and acquainted him about the Christian religion. The Emperor also became acquainted with Sikhism and came into contact with Guru Amar Das and Guru Ram Das (see `The Mughal Empire by R.C. Majumdar).

50. Thus, as stated in the Cambridge History of India (Vol.IV The Mughal Period) Emperor Akbar conceived the idea of becoming the father of all his subjects, rather than the leader of only the Muslims, and he was far ahead of his times. As mentioned by Pt. Jawahar Lal Nehru in `The Discovery of India, Akbars success is astonishing, for he created a sense of oneness among the diverse elements of India.

51. In 1582, the Emperor invited and received a Jain delegation consisting of Hiravijaya Suri, Bhanuchandra Upadhyaya and Vijayasena Suri. Jainism, with its doctrine of non-violence, made a profound impression on him and influenced his personal life. He curtailed his food and drink and ultimately abstained from flesh diet altogether for several

months in the year. He renounced hunting which was his favourite pastime, restricted the practice of fishing and released prisoners and caged birds. Slaughter of animals was prohibited on certain days and ultimately in 1587 for about half the days in the year.

52. Akbars contact with Jains began as early as 1568, when Padma Sunder who belonged to the Nagpuri Tapagaccha was honoured by him.

53. As mentioned in Dr. Ishwari Prasads `The Mughal Empire, the Jains had a great influence on the Emperor. A disputation was held in Akbars court between the Jain monks Buddhisagar of Tapgaccha and Suddha Kirti of Khartargaccha on the subject of Jain religious ceremony called Pansadha in which the winner was given the title Jagatguru by Akbar. Having heard of the virtues and learning of Hir Vijaya Suri in 1582 the Emperor sent an invitation to him through the Mughal Viceroy at Ahmedabad. He accepted it in the interests of his religion. He was offered money by the Viceroy to defray the expenses of the journey but he refused. The delegation consisting of Hir Vijaya Suri, Bhanu Chandra Upadhyaya and Vijaya Sen Suri started on their journey and walked on foot to Fatehpur Sikri and were received with great honour befitting imperial guests. Hir Vijaya Suri had discussion with Abul Fazl. He propounded the doctrine of Karma and an impersonal God. When he was introduced to the Emperor he defended true religion and told him that the foundation of faith should be daya (compassion) and that God is one though he is differently named by different faiths.

54. The Emperor received instruction in Dharma from Suri who explained the Jain doctrines to him. He discussed the existence of God and the qualities of a true Guru and recommended non-killing (Ahinsa). The Emperor was persuaded to forbid the slaughter of animals for six months in Gujarat and to abolish the confiscation of the property of deceased persons, the Sujija Tax (Jeziya) and a Sulka (possibly a tax on pilgrims) and to free caged birds and prisoners. He stayed for four years at Akbars court and left for Gujarat in

1586. He imparted a knowledge of Jainism to Akbar and obtained various concessions to his religion. The Emperor is said to have taken a vow to refrain from hunting and expressed a desire to leave off meat- eating for ever as it had become repulsive. The Emperor presented to him Padma Sundar scriptures which were preserved in his palace. He offered them to Suri as a gift and he was pressed by the Emperor to accept them. The killing of animals was forbidden for certain days.

55. If the Emperor Akbar could forbid meat eating for six months in a year in Gujarat, is it unreasonable to abstain from meat for nine days in a year in Ahmedabad today?

56. Emperor Akbar was a propagator of Suleh-i-Kul (universal toleration) at a time when Europeans were indulging in religious massacres e.g. the St. Bartholomew Day massacre in 1572 of Protestants, (called Huguenots) in France by the Catholics, the burning at the stake of Protestants by Queen Mary of England, the massacre by the Duke of Alva of millions of people for their resistance to Rome and the burning at the stake of Jews during the Spanish Inquisition. We may also mention the subsequent massacre of the Catholics in Ireland by Cromwell, and the mutual massacre of Catholics and Protestants in Germany during the thirty year war from 1618 to 1648 in which the population of Germany was reduced from 18 million to 12 million. Thus, Emperor Akbar was far ahead of even the Europeans of his times.

57. Emperor Akbar himself abstained from eating meat on Fridays and Sundays and on some other days, as has been mentioned in the Ain-I-Akbari by Abul Fazl.

58. It was because of the wise policy of toleration of the Great Emperor Akbar that the Mughal empire lasted for so long, and hence the same wise policy of toleration alone can keep our country together despite so much diversity.

59. We may give another historical illustration of tolerance in our country. In the reign of Nawab Wajid Ali Shah of Avadh, in a certain year Holi and Muharrum coincidentally fell on the same day. Holi is a festival of joy, whereas Muharrum is an occasion for mourning. The Hindus of Lucknow decided that they would not celebrate Holi that year out of respect for the sentiments for their Muslim brethren. On that day, the Nawab joined the Muharrum procession and after burial of the Tazia at Karbala he enquired why Holi is not being celebrated. He was told that it was not being celebrated because the Hindus out of respect for the sentiments of their Muslim brethren had decided not to play Holi that year because it was a day of mourning for the Muslims. On hearing this, Nawab Wajid Ali Shah declared that since Hindus have respected the sentiments of their Muslim brothers, it is also the duty of the Muslims to respect the sentiments of their Hindu brethren. Hence, he announced that Holi would be celebrated the same day and he himself was the first who started playing Holi on that day and thereafter everyone in Lucknow, including the Muslims, played Holi, although it was Muharrum day also. It is this kind of sentiment of tolerance which alone can keep our country united.

60. We are making these comments because what we are noticing now-a-days is a growing tendency of intolerance in our country.”

48. That in context of aforesaid legal tug-of-war between vegetarians and non-vegetarians, the present PIL is filed to save world, its environment and its non-human other species for sake of change of taste and change of style.
49. That the petitioner has not filed any such writ petition either under Article 226 of the constitution before any High Court of India or under Article 32 of the constitution before this Hon'ble Court, and

hence, the present writ petition has been filed for the first time with present prayers on the *inter alia* following

G R O U N D S

GROUND OF SHORT TERM GOAL OF PIL:

- A. BECAUSE the Joint Secretary, Ministry of Fisheries, Animal Husbandry & Dairying has no authority or expertise to issue impugned circular dated 30.03.2020 giving clean chit to eating of Chicken and Meat in the midst of this pandemic when the biologists all over the world are painstakingly still researching out day & night to find out who is the ultimate source of this vires specially when all past six corona vires [SARS-CoV, MERS-CoV, HCoV-NL63, HCoV-229E, HCoV-OC43 and HKU1] were found to have linked to some animal either as host or carrier of this vires.

It is submitted that when whole world is awaiting the result of this research, the impugned circular, without any basis, succumbed to the pressure of meat lobby and without any necessity or jurisdiction clarified that Chicken or meat procured after killing of animal is completely safe and through State forum called upon people to eat more and more meat.

- B. BECAUSE this impugned circular has bene issued **WHO called to reduce risk of transmission of emerging pathogens from animals to humans in live animal markets or animal**

product markets (26 March 2020). Again, WHO (Respondent No.6) in its emergency meeting dated Feb.,11-12 2020 called upon nations to identify the role of animal species involved in emergence of SARS CoV-2 (COVID-19) [or any other members of larger family of *Coronaviridae* including members of its sub-family *Coronavirinae* consisting of four coronavirus namely — *Alpha-coronavirus*, *Beta-coronavirus*, *Gamma-coronavirus* & *Delta-coronavirus*] on the basis of their phylogenetic/zoonotic relationships and genomic structures. It also called upon to simultaneously identify the risks linked to trade and consumption of potentially infected animal species and the communities or occupational groups more at risk across different interfaces. However, before awaiting result of this research, the impugned circular has been issued certifying chicken and meat as totally safe.

- C. BECAUSE it is submitted apart from civet, camels, rodent & pangolin found earlier to be carrier of six vires, recently **as per United States Department of Agriculture in their bulletin dated 06.04.2020 one tiger in one Zoo of America have caught this vires.** On April 2, the **World Organisation for Animal Health** said: "**Now that Covid-19 virus infections are widely distributed in the human population there is a possibility for some animals to become infected through close contact with infected humans. "Several dogs and cats have tested positive to Covid-19 virus" as a result of contracting the disease from their owners, it added.**

It is submitted that in America, **the Centers for Disease Control and Prevention (CDC)** reported that "a very small number of pets outside the US reported to be infected with the virus that causes Covid-19 after close contact with people with coronavirus." On Feb 28 it was reported that a Pomeranian dog in Hong Kong tested positive for Covid-19 and further testing, including gene sequencing, suggested it had a low level infection, likely to have been a case of human-to-animal transmission. A second dog in Hong Kong also tested positive and, again, showed no clinical signs. On March 27, it was reported that a cat in Belgium, whose owner was diagnosed with Covid-19, had tested positive for coronavirus and showed mild clinical signs. The infection appeared to be an isolated case and the animal's health was understood to be improving.

So the impugned circular is totally immature, misleading and uncalled for apart from violating Articles 21, 48, 48-A and 51-A(g) of the constitution.

- D. BECAUSE Ministry of Fisheries, Animal Husbandry & Dairying has neither any jurisdiction & functions nor expertise to issue such advisory. It could be issued only by Ministry of Health in consultation with ICMR. On the other hand, ICMR is still studying animal-human interface and required further research on ***‘Need for integrated surveillance at human-animal interface for rapid detection & response to emerging coronavirus infections using One Health approach.’*** _

- E. BECAUSE the **World Organisation for Animal Health** said that more studies are being carried out to gauge "the susceptibility of different animal species to the virus and to assess infection dynamics in susceptible animal species". In a paper submitted by Linda J. Saif entitled '**Animal Coronaviruses: Lessons For SARS**' published in **The National Center for Biotechnology Information**, it has been concluded that the suspected zoonotic origin of SARS CoV and the recognized propensity of several CoV to cross species barriers illustrate the need for additional **animal** studies of the mechanisms of interspecies transmission of CoVs and adaptation to new hosts. The possible **animal** reservoir for SARS remains undefined. At present we understand very little about CoVs or other viruses circulating in wildlife or their potential to emerge or recombine with existing CoVs as public or **animal** health threats. Hopefully the SARS epidemic will generate new interest and funding for these fundamental research questions applicable not only to SARS CoV, but also to the estimated 75 percent of newly emerging human diseases arising as zoonoses (Taylor, 2001)."
- F. BECAUSE as per news published on March 26, 2020 in Hindustan Times "in a joint letter to the minister, the People for Animals (PFA), Humane Society International/India (HSI/India), Mercy for Animals India Foundation (MFA), Federation of Indian Animal Protection Organizations (FIAPO) and Ahimsa Trust, said there are "unhygienic conditions" in which animals are raised and slaughtered/sold for food."

G. BECAUSE the Ministry has failed to appreciate that in case of present SARS CoV-2 (Covid-19) injecting its protein spikes into nuclei of human cell, the human cell gets infected and during his life time he could transmit the same to both human and animal cells. **But after death, his body is either buried or cremated, and thereafter, his body is neither eaten either by animals or by any other specie. But in case of infected animal including Chicken, some of his flesh come to open market touched by hundreds of persons, and thereafter, eaten by all family meat eaters while some left over is eaten by other specie. Fruits do not have running blood cells to carry vires.**

So to say that **chicken or slaughtered animal would not catch corona vires is a very premature dangerous conclusion without any authentic research.** On the contrary till date there is no vires from agri-based products. Such a impugned circular, that too by the Ministry of Fisheries, Animal Husbandry & Dairying which has no expertise on the issue of health is both premature & suicidal.

H. BECAUSE the Ministry has failed to appreciate that as per **United States Department of Agriculture** in their bulletin dated 06.04.2020 one tiger in one Zoo of America have caught this vires. On April 2, the **World Organisation for Animal Health** said: "Now that Covid-19 virus infections are widely distributed in the human population there is a possibility for some animals to become infected through close contact with infected humans." Several dogs

and cats have tested positive to Covid-19 virus" as a result of contracting the disease from their owners, it added.

In America, the **Centres for Disease Control and Prevention (CDC)** reported that "a very small number of pets outside the US reported to be infected with the virus that causes Covid-19 after close contact with people with coronavirus." On Feb 28 it was reported that a Pomeranian dog in Hong Kong tested positive for Covid-19 and further testing, including gene sequencing, suggested it had a low level infection, likely to have been a case of human-to-animal transmission. A second dog in Hong Kong also tested positive and, again, showed no clinical signs. On March 27, it was reported that a cat in Belgium, whose owner was diagnosed with Covid-19, had tested positive for coronavirus and showed mild clinical signs. The infection appeared to be an isolated case and the animal's health was understood to be improving.

GROUNDINGS OF SHORT TERM GOAL OF PIL:

- I. **BECAUSE** the second set of prayers - **although a herculin task**, sets long term goal of this PIL seeking phasing out in due course killing of any animal in any form except for survival in consonance with **sections 428 and 429 IPC codified by Lord Macaulay in the year 1860 IPC** making killing a criminal offence which has become much more relevant after 42nd constitutional amendment casting constitutional duty under Article 51-A(g) upon every citizen to **'have compassion for living creatures'** approved by **seven judges bench judgment of this Hon'ble Court in State of Gujarat vs. Mirzapur Moti Kureshi Kassab Jamat & Ors.**

[2005(8) SCC 534] followed by Division Bench judgment in **Hinsa Virodhak Sangh vs Mirzapur Moti Kuresh Jamat & Ors.** [(2008) 5 SCC 33] upholding order of Commissioner of Ahmedabad completely banning completely slaughtering of cattle atleast for a temporary period of 18 days during festival of the Shvetamber sect of the Jain community.

- J. BECAUSE the class of vegetarians are today suffering due to some violent & wild eating habits of some people consuming both domestic and wild animals for mere 'change of taste' despite as per WHO there is availability of sufficient agri-based food. This way from time to time their poisonous eating habits jeopardize the entire humanity created by Nature after lakhs of years of experiment through natural selection leading to creation of homo sapiens some 5 lakhs year ago. This atrocious & barbaric habit for 'change of taste' of some directly hits at the very root of Article 21 guaranteeing full protection of 'right to life' coupled with directive principles of state of policy contained in Articles 48, 48-A followed by Article 51-A(g) (inserted vide 42nd Constitutional Amendment) making it a constitutional duty for every citizen to "*protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures.*"
- K. BECAUSE in long run this Hon'ble Court has to take up calls of Nature to immediately re-consider human eating habits – **not for survival** but for '**change of taste**' restraining Man having born on Earth and having conquered the whole Universe never created by Him, from justifying killing of every other specie created by Nature

brutally killing them in most ruthless manner through Halala and skinning live creatures, which is not only unconstitutional but also offensive under Sections 428 & 429 IPC.

- L. **BECAUSE** after Mughal came, Emperor Akbar was very much impressed with Jain religion who has banned meat for six months in a year in Gujarat and on arrival of Britishers, **Lord Macaulay** while enacting Indian Penal Code made any kind of cruelty or killing of animals as criminal offence under Sections 428 & 429 IPC. Subsequently, by the end of 19th Century, Britishers passed enactment entitled '**the Prevention of Cruelty to Animals Act, 1890**' to prevent any kind of cruelty to animals during domestication of animals and during hunting. After Independence, the Constituent Assembly prohibited under Article 48 **the slaughter, of cows and calves and other milch and draught cattle**. After independence, Parliament passed **Prevention of Cruelty to Animals Act, 1960** replacing earlier similar law made by Britishers. This enactment was followed by another enactment entitled **Wild Life (Protection) Act, 1972**.
- M. **BECAUSE** after coming into effect of constitution, the **constitution bench** in **Mohd. Hanif Quareshi & Others vs The State of Bihar [1958 AIR 731, 1959 SCR 629]** (known as **Quaresh-I case**) upheld a **total ban on slaughter of cows/calves of all ages was quite reasonable and valid**, although a total ban on slaughter of she-buffaloes/breeding & working bullocks after they ceased to be capable of yielding milk or of breeding or working as draught animals was declared invalid

but if ban is to period till they were capable of being used as milch or draught cattle, was. This proposition was further followed by another constitution bench in Abdul Hakim Quraishi and ors. Vs. the State of Bihar - Court Judgment [AIR 1961 SC 448; (1961) 2 SCR610].

- N. BECAUSE in 1977, Article 48A (to safeguard the forests and wild life of the country) and 51-A (g) (**to have compassion for living creatures**) were added vide 42nd Constitutional Amendment (came w.e.f. 03.01.1977). While interpreting these new constitutional provisions **Seven-Judge Constitution Bench of this Court in State of Gujarat vs. Mirzapur Moti Kureshi Kassab Jamat & Ors.** [2005(8) SCC 534] partially overruled decision of the Five-Judge Constitution Bench in Md. Hanif Qureshis case (supra) relating to non-cow cattle and observed in para 67 *“Any other meaning assigned to this expression is likely to result in absurdity. A milch cattle goes through a life cycle during which it is sometimes milch and sometimes it becomes dry. This does not mean that as soon as a milch cattle ceases to produce milk, for a short period as a part of its life cycle, it goes out of the purview of Article 48, and can be slaughtered. A draught cattle may lose its utility on account of injury or sickness and may be rendered useless as a draught cattle during that period. This would not mean that if a draught cattle ceases to be of utility for a short period on account of sickness or injury, it is excluded from the definition of 'draught cattle' and deprived of the benefit of Article 48.*

The seven judges bench further observed: ‘this reasoning is further strengthened by Article 51-A of the Constitution. The State and every citizen of India must have compassion for living creatures. Compassion, according to **Oxford Advanced Learners' Dictionary** means "a strong feeling of sympathy for those who are suffering and a desire to help them". According to **Chambers 20th Century Dictionary**, compassion is "fellow - feeling, or sorrow for the sufferings of another : pity". Compassion is suggestive of sentiments, a soft feeling, emotions arising out of sympathy, pity and kindness. **The concept of compassion for living creatures enshrined in Article 51A (g) is based on the background of the rich cultural heritage of India - the land of Mahatama Gandhi, Vinobha, Mahaveer, Buddha, Nanak and others. No religion or holy book in any part of the world teaches or encourages cruelty.** Indian society is a pluralistic society. It has unity in diversity. The religions, cultures and people may be diverse, yet all speak in one voice that cruelty to any living creature must be curbed and ceased. A cattle which has served human beings is entitled to compassion in its old age when it has ceased to be milch or draught and becomes so-called 'useless'. **It will be an act of reprehensible ingratitude to condemn a cattle in its old age as useless and send it to a slaughter house taking away the little time from its natural life that it would have lived, forgetting its service for the major part of its life, for which it had remained milch or draught. We have to remember: the weak and meek need more of protection and compassion.**”

- O. BECAUSE subsequently, this Hon'ble Court in **Hinsa Virodhak Sangh vs Mirzapur Moti Kuresh Jamat & Ors. [(2008) 5 SCC 33]** has upheld order of Commissioner of Ahmedabad directing closure of slaughter houses in Ahmedabad for a period of 18 days first from 19.8.1998 to 26.8.1998 in connection with the festival of the Shvetamber sect of the Jain community during which Digambar sect of Jain community celebrates Paryushan festival.
- P. BECAUSE under any circumstances the animals could not be allowed to be slaughtered by way of Halal. As per news item dated 30.01.2015 in Mail Online, the British Veterinary Association, along with citizens who have assembled a petition with 100,000 signatures, have raised concerns regarding a proposed *halal abattoir* in Wales, in which animals are not to be stunned prior to killing. Concerns about animal suffering from slaughter without prior stunning has resulted in the ban of slaughter of unstunned animals in Denmark, Luxembourg, Belgium, The Netherlands, Norway, Sweden and Switzerland.
- Q. BECAUSE **as per WHO guidelines dated 23.10.2018, all vegetarian food is sufficient to meet the nutrient requirement of food.**

P R A Y E R

Wherefore it is prayed that this Hon'ble Court may graciously be pleased to:-

- (i) Issue an appropriate writ, order or direction commanding Indian Council of Medical Research (ICMR) (Respondent No.3) to identify the role of animal species involved in emergence of SARS CoV-2 (COVID-19) [and/or any other members of larger family of *Coronaviridae* including members of its sub-family *Coronavirinae* consisting of four coronavirus namely – *Alpha-coronavirus*, *Beta-coronavirus*, *Gamma-coronavirus* & *Delta-coronavirus*] on the basis of their phylogenetic/zoonotic relationships and genomic structures; **and simultaneously**, identify the risks linked to trade and consumption of potentially infected animal species and the communities or occupational groups more at risk across different interfaces, **as directed and desired by WHO (Respondent No.6) in its emergency meeting dated Feb.,11-12 2020**; and/or
- (ii) Issue an appropriate writ, order or direction including writ of mandamus commanding the Union of India (Respondent No.1) to constitute an non-governmental independent **High Level Research Committee in co-ordination with concerned**

departments of Medical Colleges/Universities to aid and assist in making empirical research examining susceptibility of animals (to be slaughtered for the purpose of consumption) to corona vires including searching out animal - human interface identifying source/transmission of all types of deadly vires; and/or

- (iii) Issue an appropriate writ, order or direction including writ of mandamus commanding the Union of India (Respondent No.1) to frame **National Policy for Welfare of Animal/Birds/Fishes** laying the **road map for phasing out complete killing**, torture or hurting of any other non-human specie created by Nature except in case required for human survival: and/or
- (iv) Issue an appropriate writ, order or direction including writ of prohibition restraining the Union of India (Respondent No.1) and all States from allowing slaughtering of any animal/chicken by way of **Halal allowing them to bleed in painful condition till death including skinning of animals before death**; and/or
- (v) Issue an appropriate writ, order or direction including writ of prohibition restraining the Union of India (Respondent No.1) and all States from allowing **export** of any kind of meat procured from any slaughter house or any other meat trading unit in India; and/or
- (vi) Issue an appropriate writ, order or direction including writ of mandamus commanding the Union of India (Respondent No.1)

and all States **to completely ban (in due course of time in several phases) slaughtering of any animal/chicken/birds or fish for the purpose of trade, sale, export or consumption;** and/or

- (vii) Issue an appropriate writ, order or direction including writ of certiorari quashing **Circular dated 30.03.2020** issued by **Joint Secretary, Ministry of Fisheries, Animal Husbandry & Dairying (Respondent No.2)** for violating of Articles 14, 21, 48, 48-A and 51-A(g) of the constitution; and/or
- (viii) pass any other/further order/orders as this Hon'ble Court may deem fit in the interest of justice; and/or

Drawn on. 16.04.2020

(RAVI PRAKASH GUPTA)

Dated:21.04.2020

ADVOCATE FOR THE PETITIONERS