

Mohd. Habib and Others Vs. State of U.P. and Others

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Court : Allahabad

Decided On : Aug-01-1997

Reported in : 1998(1)AWC48

Judge : Ravi S. Dhavan and; V.P. Goel, JJ.

Acts : [Constitution of India](#) - Article 51A

Appeal No. : C.M.W.P. No. 38467 of 1994

Appellant : Mohd. Habib and Others

Respondent : State of U.P. and Others

Advocate for Def. : S.C. and ;S.V. Goswami, Adv.

Advocate for Pet/Ap. : S.A. Shah and ;Janardan Sahai, Advs.

Judgement :

Ravi S. Dhavan, J.

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

Mathura.

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

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

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

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

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

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