

Legality of Cow Slaughter Bans

Prelims - Indian Polity and Governance.

Mains - GS II | Government policies and interventions.

Why in News?

The recent announcement of Maharashtra to invoke Maharashtra Control of Organized Crime Act against repeat offenders in cases of cow-slaughter rekindle debates on slaughter bans.

- **Indian Constitution** - **Article 48** of the Direct Principles directs the *state to make efforts for banning animal slaughtering* of cows and calves and other milch and draught cattle.
- By virtue of **Entry 15 of the State List under 7th Schedule**, the State Legislatures have given exclusive powers to make laws regarding the conservation of cattle including the prevention of cow slaughter.
- **Statutory provisions** - At present, many states have enacted legislation prohibiting the slaughter of cows or the sale of beef.
 - **For example**, Bihar Preservation and Improvement of Animals Act, 1955.
- **Supreme Court** - **Mohammad Hanif Quareshi Vs State of Bihar (1958)** marked a watershed moment to negotiate the centuries-old communally fraught issue of cattle slaughter.
- In this case, Supreme Court (SC) *partially upheld the state bans*, carving out key exceptions.
- The ban on slaughter of she-buffaloes, breeding bulls and working bullocks (cattle and buffalo) which are useful is reasonable but of those which are not useful is not valid.
- It mainly reframed the issue from its communal overtones *to bovine economics*.
- It said that cow slaughter was *prohibited for economic value and not entirely religious sentiments*.

On the right to religion, cow slaughter was held not to be a core tenet of the religion while the Supreme court cited “interests of the general public” as a reasonable restriction on the right to trade and profession under Article 19(1)(g).

- **Challenges** - The question as to when a she-buffalo, breeding bull or working bullock (cattle and buffalo) ceases to be useful and becomes useless and unserviceable is a matter for legislative determination.

Reference

[The Indian Express| Constitution and the Cow](#)

