

Supreme court bans:

2005 SCCL.COM 735(Case/Appeal No: Civil Appeal Nos. 4937-4940 of 1998 (with C.A. Nos. 4941-4944 and 4945 of 1998)) State of Gujarat Appellant with Shree Ahimsa Army Manav Kalyan Jeev Daya Charitable Trust Appellant with Akhil Bharat Krishi Goseva Sangh Appellant Vs. Mirzapur Moti Kureshi Kassab Jamat and others Respondents, decided on 10/26/2005. Name of the Judge: Hon'ble the Chief Justice R.C. Lahoti, Hon. B.N. Agrawal, J., Hon. Arun Kumar, J., Hon. G.P. Mathur, J., Hon. A.K. Mathur, Hon. C.K.Thakker and Hon. P.K. Balasubramanyan, J.. Subject Index: Constitution of India -- Article 19(1)(g), 48, 48-A and 51-A(g) -- Majority decision -- ban on slaughter of cow progeny imposed by Section 2 of Bombay Animal Preservation (Gujarat Amendment) Act, 1994 upheld in interest of general public under Article 19(1)(g) from social, religious and utility point of view considering usefulness of bulls etc., for agricultural operations like manure, bio-gas and ecology -- Minority decision -- bulls etc., rendered useless after attaining age of 15 years and considering considerable decrease in slaughter -- ban imposed unreasonable -- appeals allowed.

Story:

The very first thing that we should know is that there are 3600 butcher houses in India that carries a license to kill cows. Other than that there are almost 36,000 butcher houses in India that are running illegally. Almost 2, 50, 00,000 cows are killed annually. Apart from that 1.25 crore buffaloes, 2 – 3 crore pigs and countless other smaller animals like goat, poultry, etc. are killed, making India as butchering capital of the world.

Looking at this, in 1998, few of the think alike people grouped with Rajiv Bhai and filed a case in Supreme Court. There are two institutions named – 'Akhil Bhartiye Gou Sevak Sangh', with which Rajiv Bhai was associated (headquarter located in Vardha, hometown of Rajiv Bhai) and other is 'Ahimsa Army Thrust'; together filed the case. Eventually Gujarat Government also joined them.

Now the case that was filed said that the cow and other cattle should not be butchered. The butchers were the other party and asked – 'why should the cattle not killed?'

Rajiv Bhai requested that this matter is far serious matter and a bigger bench, and not just 2 judges, should address this issue. It took almost 3-4 years for Supreme Court to agree to this condition and it finally created a constitutional bench. A seven judge constitutional bench was created under the chairmanship of ex-Chief Justice of India, Shri R. C. Lahoti. The hearing was carried on from 2004 to September 2005.

The butchers appointed some of most prestigious lawyers, with fees as high as 50 lakhs, as their advocate. Some of such lawyers are – Soli Sorabji (Fees – 20 lakh), Kapil Sibbal (Fees – 22 Lakh), and Mahesh Jeth Malani, son of Ram Jeth Malani (Fees – 32 to 35 Lack), all on the butchers side!

Rajiv Bhai couldn't get a lawyer as he did not have enough money to hire one. So he told the court about this. The court suggested – 'what if we assign you a lawyer?' Rajiv Bhai responded by saying – 'That would really help, but if you would allow us to argue for our own case then that it would be really great'. The court agreed and assigned him an M E Eskuri and thereafter they started fighting their case.

So, the butchers put forward the same arguments that people like Sharad Pawar, Nehru or similar people with a Macaulised education system had been vocalizing for long.

First sophistry (ill argument) given by butchers was –

1. There is no use in saving an old cow. We are strengthening the Indian Economy as the meat is exported.

Second ill argument –

2. There is lack of proper fodder for cows and cattle. It is better to kill them than letting them die of hunger.

Third ill argument was –

3. There is no place for people to live in India, then where will be the cattle reared?

Fourth Argument –

4. We get precious foreign currency with its export.

And the most dangerous of all arguments given by the butchers were –

5. Butchering cattle is their religious right.

Do you know who the butchers were who gave this argument? Among the Muslim community there is a subcategory known as 'Qhureshi's' who out of all Muslims kill most. It was them who presented this argument.

Without expressing any anger and with immense patience, Rajiv Bhai presented the facts and figures for the ill arguments given by the butchers.

For the first ill argument Rajiv Bhai presented evidences to the court, i.e. if a cow is butchered then country earns money as well as precious foreign currency through export. He started by presenting facts and figures on the scenario – if a cow is killed then how much meat, blood and bones are collected.

A healthy cow weigh around 3 to 3.5 quintal and when it is butchered then about 70 kilo meat is extracted. One kilo meat is exported at the rate of about Rs. 50, so that means 70 kilo will give around Rs. 3,500 (70x50)!

Now, about 25 liters of blood is extracted out of the same healthy cow, which fetch about Rs. 1500 to 2000.

About 30-35 kilo bones are also extracted that is sold for about Rs. 1,000 to 1,200.

So ultimately when a cow is butchered and sold as parts, then no more than Rs. 7,000 is earned.

Thereafter, Rajiv Bhai presented the exact opposite argument. What if a cow is not killed? What if it is reared, then how much can be earned out of it? Its calculation is as follows –

A healthy cow gives around 10 kilos of gobar or cow dung and about 3 liters of gau mutra or urine. Out of 1 kilo gobar/cow dung about 33 kilos manure is made, which is also known as organic manure. At this point the judge asked – 'how is it possible?'

Rajiv Bhai asked for some time and a place to prove his point. Court acknowledged and Rajiv Bhai proved his point by actually producing 33 kilos organic manure by using 1 kilo gobar or cow dung. He asked the court to call the IRC scientists to get it tested. After test it was proved that this manure contain all essential 18 micronutrients that soil of a cultivated field needs, like manganese, phosphate, potassium, calcium, iron, cobalt, silicon, etc. Artificial fertilizers rarely contain more than 3 minerals. Therefore cow dung manure is ten times better than the artificial one. This court acknowledged.

Then Rajiv Bhai suggested that if it is not against the court protocol then the judge can come and see how we make 33 kilo organic manure from 1 kilo cow dung in our own village. He said that his parents are working on this from last 15 years. Furthermore, 1 kilo organic manure is sold in international market for about Rs.6. Therefore, on daily basis 10 kilo cow dung fetch around Rs. 1,800 to 2,000

(330 kilo manure from 10 kilo cow dung @ of Rs.6).

And then there are no Sundays or weekly off in getting cow dung. Therefore in 365 days/ years we can earn about –
 $1,800 \times 365 = \text{Rs. } 6,57,000/\text{year}$ out of cow dung

On an average a cow's age is about 20 years and it keep giving cow dung till its last day. It may not be beyond imagination that how much one can earn just by cow's cow dung. It goes in millions.

$1,800 \times 365 \times 20 = \text{Rs. } 1,31,40,000$

Thousands of years back it was already written in our sacred books that goddess Laxmi reside in Cow's cow dung. How true could it be now!!!

This argument is a slap in the face of that elite generation who went through the Macaulized education system, and who consider our religion, culture and teachings as mere hypocrisy, and who laugh at the thought of Goddess Laxmi residing in cow's cow dung!

Now let's talk about gau mutra or urine.

A cow gives around 2 to 2.25 liters of urine per day. Urine is useful in making medicine for diabetes, arthritis, bronchitis, bronchial asthma, tuberculosis, osteomyelitis etc. and some 48 various other diseases!

1 liter urine is sold in market for about Rs. 500 and that also in Indian market. In international market a liter of urine can fetch far more. Did you know that in America gau mutra or urine is patented? There is not just one patent but three different patents. And, that the American government import cow's urine every year from India and make medicine for cancer, diabetes etc. So if we calculate according to the American market then a liter of cow's urine can get about Rs. 1,200 to 1,300. That means just out of cows urine we can earn about Rs. 3,000 daily. Therefore

in a years we can earn – $3,000 \times 365 = 10,95,000$
in 20 years we can earn – $3000 \times 365 \times 20 = 2,19,00,000$
millions again by just selling urine!!!

The same cow's cow dung can also produce methane gas, which can be used as an alternate to LPG in our kitchen to cook food and also to run a vehicle – yes even a four wheel vehicle! Exactly the way a vehicle can run on LPG gas, a vehicle can also run on methane gas.

The Judge could not believe it. Thus, Rajiv Bhai said that if you allow then we will fit a methane gas cylinder in your car. You can test drive it yourself. Judge gave his permission. Judge used this for three full months!!! He said that the expense is also way less – just 50 to 60 paisa per kilometer and in diesel it comes around Rs. 4 per kilometer! And unlike diesel, there is no smoke generated from the burning of methane. Plus there is rarely any sound pollution in vehicle running on methane gas. Judge was impressed.

Now Rajiv bhai extended his argument. If we get 10 kilo cow dung/day then how much methane gas can be produced out of it per year and in 20 years? There are 17 crore cows in our country then if we collect cow dung of all these cows and use it to make methane then we can get about 1 lakh 32 thousand crore! We can run our whole transportation without diesel, without petrol. Then we won't have to beg the Arabs for crude oil and America for it currency to buy the crude oil. In this way our Rupee will also get strengthen.

Supreme Court was shaken and stormed after listening to Rajiv Bhai's calculations. Finally judge had to agree that it far more economical to save cow than to kill it.

When the court's opinion came then the Muslim butchers were furious. They thought that the case is getting out of their hand. They already told the court that a cow can fetch about Rs. 7,000. But here Rajiv Bhai proved that a single cow could in fact earn millions and even billions of Rupees.

Thereafter, the frustrated butchers finally played their trump card. They said that killing or butchering cows is their religious right.

Rajiv Bhai counter argued that if it is their religious right then why don't we go into history and find out how many Muslim rulers used this religious right. The court agreed and asked to make a commission to find, by making in-depth analysis of all the historic documents, whether or not the Muslim rulers in India ever utilized this right?

Old historical documents were researched and it was discovered that none of the Muslim rulers in India ever supported killing of cow. In fact against that some of them made laws to stop butchering of cows under their rule! One out of them was Babar. He had written in his book 'Babarnama' that cows should not be killed even after his death and that this law should be continued. His son Humayun continued this law and many others who came after him including Aurangzeb.

Other than that, in south India there was a king known as Hyder Ali, Tipu Sultan's father, who made a law that if someone, is caught killing a cow then his head will be cut off. Many were punished under this law. Tipu Sultan, when he became the king then he also continued this law except that instead of cutting head he would cut hands of those who killed cows.

When these facts were shown to the court then Rajiv Bhai argued that if it was a religious right of a Muslim to kill cows then Babar and Humanyu were staunch Muslims, Aurangzeb was even stauncher. Then why did they not killed cows and made laws against it?

Afterward, Rajiv Bhai asked court to allow him to get the Koran Sharif, Hadid and other religious books and asked to point out where it was written that it is ok to kill cows or cattle. It was found that none of the religious books ask to kill cows. Hadid in fact asks to save cows as it says it saves you. Pegambar Mohammad Sahib states that cow is an innocent animal therefore one should take mercy on it. At one place it is written that if you kill cow then you will not even get a place in hell.

So Rajiv Bhai questioned – 'If Koran, Mohammad Sahib and Hadid say so, then how is it possible that killing cattle or cows is a religious right? Please ask the butchers. If there is any book in mecca medina, unknown to him, then the butchers can get that too.' On hearing this butchers got mad.

Then court gave the butchers a last chance. It asked them to get any document, religious book that suggest and support killing of cows. But the butchers could not get any. So the court gave its ruling on 26 October 2005. A copy of Judgment can be downloaded from –
[www. supremecourtcaselaw.com](http://www.supremecourtcaselaw.com)

In its 66 page Judgment, Supreme Court created history. It says that to kill cow is a constitutional and religious sin. And it also says that it is the constitutional duty of every citizen as well as the government to protect cow. As you may know some of the constitutional duties are – to abide by the constitution, respect national flag, respect freedom fighters, to uphold and protect the sovereignty, unity and integrity of India etc. And now it will also include protecting cows!

Supreme Court said that it is the responsibility of all 34 States and Union Territories government that they should stop the killing of cows in their territory. It will be the constitutional responsibility of the Governor, Chief Minister and Chief Secretary as well.

Now Laws can be made at two levels in India - one at the center level and the other at the state level. If the central government makes a law then none of the state government would have to make that law and there would be a unified law for the whole country. So it is important that central government is pressurized to create this law. If not then for the time being even the state government should be pressurized to make this as a law in their state.

Now, how can you pressurize the government? For this all you would have to do is to write letters in millions to the Prime Minister, President or to the Chief Minister and ask them to implement the 26 October 2005 Judgment given by the Supreme Court. You can start discussions with your neighbors, village and town and tell others of the importance of saving cows and its economic value and prompt them to write letter to the Prime Minister, President or to the Chief Minister. We should pressurize the government so much that in 2014 election only that party should win which bans the butchering of cows and implement this law in the whole country.

And finally how can we forget Mangal Pandey who sacrificed his life just to avoid cow's meat coated cartridge to get in his mouth. He killed the English officer who forced him to do so. In fact our freedom struggle started with saving of cows. Therefore we should consider it as important as our freedom.