

Title: Introduction of the Prohibition of Cow Slaughter Bill, 2000.

15.39 hrs.

SHRI KRISHNAM RAJU (NARSAPUR): Sir, I beg to move for leave to introduce a Bill to prohibit slaughter of cow and its progeny.

MR. CHAIRMAN: Motion moved:

"That leave be granted to introduce a Bill to prohibit slaughter of cow and its progeny."

SHRI G.M. BANATWALLA (PONNANI): Mr. Chairman, Sir, I rise to oppose the introduction of this Bill. I have great respect for the hon. Member who has moved for leave to introduce this Bill and it is with due respect that I submit that the Bill is outside the legislative competence of this House.

Sir, in the first place, the title of the Bill, 'Prohibition of Cow Slaughter Bill, 2000' is a misnomer. The term 'cow' has been so widely defined as to include the entire bovine population in it. We have, therefore, the rulings from even the Supreme Court and those rulings make it very clear that the Bill cannot be moved.

These rulings are to be found in the famous Qureshi's case in the year 1958 as also in such a recent case as Hashmatullah versus the State of Madhya Pradesh and others, SC 1996. The Supreme court has held that a blanket ban cannot be imposed on the entire bovine population as such under just one name of the cow. The Bill is not restricted to only the banning of the cow slaughter. It takes in the entire bovine population. It is unconstitutional as decided by the Supreme Court not once but twice, as I have said.

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Then, I had submitted that the Bill is outside the legislative competence of this House. Now look, the entire item – the Bill – comes under this entry 'organisation of agriculture and animal husbandry'. It is for this purpose and the Bill mentions that it relates to organisation of agriculture and animal husbandry. Now, this item appears as item No. 15 in List II, that is, in the Seventh Schedule. Therefore, the item is in the exclusive jurisdiction of the States and the Union Government does not come into the picture. I have, therefore, been submitting that the Bill is outside the legislative competence of this House because it is to be found in the State List II of the Seventh Schedule so far. This is not merely my opinion. As early as 1st May, 1954, the then Attorney-General, M.C. Setalvad came to this House. The late lamented Pandit Jawaharlal Nehru was the Prime Minister. The then Attorney-General M.C. Setalvad came to the House. In the House, he gave the opinion that it was outside the legislative competence of this House to come forward with any Bill concerning organisation of agriculture and animal husbandry. I, therefore, very respectfully say that we should not take up this subject which is outside our scope.

Let us not encroach upon the State subjects. We often talk of States' autonomy. Here, for reasons best known to the hon. Member and which can be easily guessed, we want to rush in to encroach upon that subject. I would even appeal to the States that in their wisdom, they should also not come forward with any such Bill which is not in the national interest. Therefore, I oppose this Bill.

I would submit and I know that such Bills got admitted earlier. But then, wrong things cannot be taken as precedents. Number one, when it is unconstitutional, number two, when it is in the exclusive jurisdiction of the States and, number three, when the then Attorney-General himself came here in this very House to guide the House to say that the Bill is not in your competence, then some aberrations or some resolutions or Bills having been admitted earlier should not be taken as precedents. I appeal to you to hold the Bill as outside the legislative competence of this House. Otherwise, I appeal to the hon. Member, whom I highly respect, to withdraw his Motion failing which I have to appeal to this House to throw this Bill out lock, stock and barrel.

SHRI KRISHNAM RAJU : Sir, my good friend, Shri Banatwala is opposing the introduction of my Bill.

Without going into the merits of the Bill, I would like to say that a Bill can be opposed on the ground that it is outside legislative competence of the House or *ultra vires* of the Constitution. But here, article 48 of the Constitution itself, under the Directive Principles of State Policy, clearly states that:

"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."

Therefore, this House is very much competent to enact legislation on Prevention of Cruelty to Animals and also to prohibit slaughter of cows and their progenies which can be better used for milk production and harnessing other resources.

Our Party, the BJP, believe in parliamentary democracy and debate and discussions. If the hon. Member has any objection in certain provisions of the Bill, they can be discussed at the stage of consideration of the Bill and a decision can be taken by the House. But killing the initiative of a Member to bring forward a Bill, by opposing it even at the stage of introduction, smacks of intolerance. I would request the hon. Members from both sides and also the hon. House to grant me leave to introduce this very important Bill.

It may be a view of the Department of Animal Husbandry and not the legal opinion of the Law Ministry. The House has the jurisdiction to enact legislations on these subjects and I have every right to move the Bill as a Member of Parliament.

MR. CHAIRMAN : Now, I have to inform the House that the Chair does not decide whether a Bill is constitutionally within the legislative competence or not. The House also does not take a decision on specific question of vires of a Bill. In the circumstances, I put the question before the House.

The question is:

"That leave be granted to introduce a Bill to prohibit slaughter of cow and its progeny. "

The motion was adopted.

SHRI KRISHNAM RAJU : Sir, I introduce the Bill.

श्री विजय गोयल (चांदनी चौक) : महोदय, मुझे पीएसी की मीटिंग में जाना है, यदि आपकी इजाजत हो, तो मैं अपना बिल पहले प्रस्तुत कर दूँ।

MR. CHAIRMAN: If the House agrees then he can introduce the Bill?

SEVERAL HON. MEMBERS: Yes Sir.