



2nd NATIONAL LEVEL MOOT COURT COMPETITION PROBLEM



DATE: 18th, 19th and 20th April 2017

The Society for Virtuous Treatment of Animals (SVTA) v. Union of India

Samudranadu is a state in the Union of Kalinga. The State is known for its rich cultural heritage and diversity. There are unique practices and festivals confined to particular states and geographical regions within the States. These practices have become part and parcel of the cultural life and are in existence since time immemorial. “Yeruparugu” or buffalo race is one such practice very popular in coastal Samudranadu and it is annually organized in various places and districts of Samudranadu. They are organized under the banner Yeruparugu Samithis (Associations) comprising rich land lords, government officials and others interested in the event. Its origin can be traced back to more than 1000 years in the history of the State and over a period of time it has developed into an organized sporting activity sponsored by local land lords and rich farmers. It is now celebrated with much pomp and fanfare involving betting and other trappings of modern sporting event like Football and Cricket Championships and Horse racing.

These are water buffaloes widely used for domestic purposes and they are farmer’s true friends in South Samudranadu. They are even worshipped and are part of farmer’s family. Buffaloes employed for racing are customarily males and are specially trained like warriors. The farmers used to invest lot of money for training buffaloes for racing just like horses. The owners build a track near their home and make them run daily. During races, they even get fruits like apples, oranges, etc., and feed them with nutritious food to enhance their performance in the race. They get special massages, some body treatments as well. Before the race, the owners are allowed to train on the actual racing track on which they are going to compete.

The Yeruparugu is organized annually after the harvest season and before the next sowing season. These events have become a matter of pride, prestige, glory and money for the rich farmers and for others a form of pure entertainment and relaxation after taxing farming work. Annually about eighteen to twenty Yeruparugu are organized in various places by different Yeruparugu Associations in different districts of South Samudranadu and Yaksha



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Loka is one such district wherein the event is organized in a very grand scale involving every section of the society.

In its modern form Yeruparugu involves series of races between two different pairs of buffaloes jockeyed by enthusiastic and youthful farmers or sports persons (hereinafter referred to as Jockeys). In each race one pair will go to the next level and the event continues for more than one day and the grand finale will be usually held in the afternoon of the Last day. The owners of the winning pair of buffaloes, runners up and some others are awarded prizes and trophies and the jockeys also receive the prizes.

During the race, for the purpose of making the pair of buffaloes to reach the post early jockeys and other spectators used to whip them with sticks, thorny objects and other forms of irritants. It is observed that many buffaloes froth in the mouth, salivate heavily, display increased respiration, tormented and appears to struggle for survival. It is also noticed that during the race the buffaloes are subjected to extreme forms of cruelty, violence, bodily injury and endless sufferings. The event also causes the bodily injury to the jockeys and the spectators also when the buffaloes become violent. Many animal lovers resented the open display of cruelty to animals and made several representations to the government to put an end to the unnecessary sufferings of the buffaloes by banning Yeruparugu.

The Union of Kalinga for the purpose of preventing cruelty to Animals passed a Model Law for the whole of the Union of Kalinga called the Prevention of Cruelty to Animals Act 2001 which prohibited cruelty to Animals in any form including sports involving animals. It created certain offences relating to cruelty to animals. Despite the several plea for banning Yeruparugu by a society called Society for Virtuous Treatment to Animals (hereinafter referred as SVTA) and the recommendations of Animal Safety Panel of Kalinga (hereinafter referred as ASPK) constituted under the Act of 2001, to discontinue Yeruparugu it continued with increased popularity and violence against buffaloes continued unabated. The SVTA and ASPK jointly found that during 2009 and 2010 events some buffaloes died, some are injured and several jockeys and onlookers also hurt. On the basis of their complaints, FIRs were filed against organizers of Yeruparugu and the Deputy



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Commissioner of the District of Yaksha Loka was directed to initiate prosecution of those involved in commission of offences under the 2001 Act. Further The ASPK directed both Deputy Commissioner of Yaksha Loka and the Department of Animal Husbandry, Samudranadu to take steps to stop Yeruparugu. The traditionalists who were interested in organizing the event lobbied the Samudranadu to pass a statute called The Samudranadu Regulation of Yeruparugu Act 2009. The Act among other things, provided for the following regulations:

- (a) No person or organization of persons shall conduct Yeruparugu without the prior permission of the Deputy Commissioner of the concerned District.
- (b) The organizers are responsible for orderly conduct of the events avoiding injury to the spectators and shall minimize all forms of violence to buffaloes and shall also be liable for the injury caused to them.
- (c) The organizers shall deposit Rs. 2 lakh with the Deputy Commissioner for the benefit of the victims of accident or injury during the event.
- (d) The event shall be recorded by installing CCTV cameras.
- (e) An ambulance and a veterinary doctor shall be available at the event to provide medical assistance.

Further, during 2010 events widespread cruelty to buffaloes and injury to the jockeys and spectators were noticed and it was also found that the Samudranadu Regulation of Yeruparugu Act 2009 was unable to contain violence and cruelty associated with Yeruparugu. The intensified opposition from SVTA and adverse report of ASPK issued upon an inspection of events by the Animal Safety Panel of Kalinga (ASPK) whose reports contain a scientific assessment of the welfare of buffaloes when they are forced to participate in such events, including photographic evidence and a description of different forms of cruelty inflicted on the animals, such as being subjected to verbal abuse and physical force – including shouting, hitting with hands, slapping on the face, violent pulling of thick nose ropes (in some cases two or three nose ropes are inserted through the same hole in the nasal septum), other rough handling by pushing and pulling the animal, overpowering them, tail pulling, and restricting the movements of the head using a wooden pole tied to the horns, led



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to the banning of Yeruparugu by the Kalinga Ministry of Environment and Forests. The protagonists challenged the notification banning the Yeruparugu before the Supreme Court of Kalinga on the ground that the notification was inconsistent with fundamental rights of the citizens and as the provisions of the Prevention of Cruelty to Animals Act 2001 were unconstitutional for want of legislative competence. The Supreme Court while upholding the said notification observed that the arguments advanced to justify Yeruparugu, attaching historical, cultural and religious importance to the event cannot stand before the Section 3 of the PCA Act 2001 and Court also declared five freedoms of animals as under: (i) freedom from hunger, thirst and malnutrition; (ii) freedom from fear and distress; (iii) freedom from physical torture; (iv) freedom from disease; and (v) freedom to express normal patterns of behavior.

The continued attempt by vocal section of South Samudranadu to revive Yeruparugu led to an issuance of notification by Union of Kalinga under Section 22 of the PCA Act 2001 superseding 2011 notification banning Yeruparugu. The Section 22 allows certain sporting events like bull fight, chariot race and such others involving animals on the ground that such events do not involve cruelty to animals. The notification permitted Yeruparugu subject to safety conditions and without violating the Rights of Animals under PCA 2001. Further the Ministry in charge of the Department of Environment and Forests justified revocation of ban on the ground that it was in tune with historical, cultural and religious sentiments of the people of Samudranadu.

The SVTA Kalinga, along with other Animal Rights activists challenged the notification as being violative of various provisions of the Constitution of Kalinga, the provisions of PCA of 2001 and several other laws, both domestic and international relating to Ethical Treatment of Animals. The Supreme Court accepted the petition of SVTA and a constitutional bench is constituted to hear the petition and posted for arguments on 20.04.2017.

The Counsels are asked to frame appropriate issues. The laws of Union of Kalinga are pari materia to Union of India.