

## MOOT PROBLEM

1. Indistan, officially known as the Republic of Indistan is a South Asian country with diverse terrain, several religious cultures and a history dating back to the fifth millennia. It is the seventh largest country by area and the second most populous democracy in the world. The constitution of Indistan envisaged a secular and democratic republic taking into account the diverse cultural heritage and the religious groups that reside in the sub-continent. The majority of the population comprise of Hindus, followed by Muslims, Christians, Buddhists, Jains, Sikhs, Parsis, Jews, etc. Indistan's sustained democratic freedoms are unique among the world's younger nations; however in spite of economic and social advancements, there is seemingly unyielding poverty, religious and caste related incidents of violence, separatism and other social evils still prevalent in the country.
2. The Government of Indistan ("**Government**") through the Ministry of Environment Forests and Climatic Change ("**Ministry**"), in exercise of its powers conferred under sub sections (1) and (2) of Section 38 of the Prevention of Cruelty to Animals Act, 1960 notified in the official gazette on the 23<sup>rd</sup> of May, 2017, the Prevention of Cruelty to Animals (Regulation of Livestock Market) Rules, 2017 ("**Rules**"), which came into force on the same date.
3. The notification was received with widespread criticism on political as well as legal grounds by many who fear it to be a deceptive law making practice by the government to effectively neutralize bovine meat trade in Indistan. However, the notification was also lauded from many quarters to be in keeping with the cultural heritage of the country's populace the majority of which comprise of Hindus. To address the concerns over it the Ministry issued a press release dated 27<sup>th</sup> May, 2017, which read as follows:

*“The basic purpose of the Rules is to ensure welfare of the animals in the cattle market and ensure adequate facilities of housing, feeding, ramps and enclosures for sick animals, veterinary care and proper drainage, prohibition of illegal and abusive transport of animals, etc. The prime focus of the regulation is to protect the animals from cruelty and to create a regulatory regime all over the country. Due to the sparse availability of legally sanctioned slaughterhouses of cattle, the majority of cattle being transported for slaughter are transported over extremely long distances during which they are severely abused due to poor practices such as transport times, abusive conditions, inadequate stunning procedures, overcrowding, cruel and painful slaughter and bleeding techniques, etc.*

*Even though laws existed which regulated the illegal transport and abuse of cattle to slaughterhouses, several animal welfare organizations in Indistan have reported that in defiance of the law, many animals are crammed into severely crowded trucks, which caused suffocation and broken bones, on their way to the slaughter houses. Those who collapse have their tails broken and their eyes smeared with chilli peppers and tobacco to keep them from moving. At most slaughterhouses, workers hack at animals’ throats with dull blades, and in some, workers hit the animals on their heads repeatedly with a hammer before they are stabbed. Skinning and dismembering often begin while animals are still alive and in full view of other animals. It was thus evident that the existing regulations were ineffective and lenient in treating the matter with the severity it deserves.*

*The Government expects the new Rules to encourage cattle farming for agricultural purposes and to stimulate rural livestock markets since the Rules envisage animals for slaughter to be bought from the farmers at farms and with a prohibition on transport, the animals be slaughtered and their meat processed at close proximity to the breeding locations. This would also considerably reduce the risk of rapid spread of infectious diseases over large distances through the long*

*distance transport of live animals for the purpose of slaughter. The specific provisions apply only to animals which are bought and sold in the notified live stock markets and animals that are seized as case properties and do not cover other areas including the sale and purchase of meat. It is the Ministry's intention to subsequently issue guidelines regulating the conditions for slaughter to ensure hygienic and humane culling of animals.*

*The Rules also aim at preventing transport of cattle for ritualistic and religious slaughter, practices which have seen the unrestrained culling of millions of milch animals and have no place in a modern and progressive society. The Animal Welfare Board has drafted the Rules incorporating the suggestions of various Ministries, Animal welfare organizations and most importantly, the guidelines laid down by the apex court in various instances.”*

4. As an impact of the Rules of the Government, there were wide ranging unrests throughout the country from both political and religious quarters. Protests were seen mainly in those areas where the majority of the population consumes bovine meat and related products and the economy depends on the trade and farming of livestock. The state governments of Malanadu, Indivar Puri and Kamal Pradesh contend that the states were not taken into confidence and even went to the extent of denouncing the Government's decision, claiming it to be undemocratic and unconstitutional.
5. Objecting to this act of the Government, the National Exporters of Meat and Livestock Association of Indistan (NEMLAI) has filed a writ petition before the Supreme Court of Indistan contending that it would drastically impact the bovine meat trade in Indistan. The apex court has denied the petitioner's plea for a stay on the notification and has issued a notice to the Government on the plea challenging the notification banning sale and purchase of cattle at animal markets for slaughter

as “unconstitutional” and “discriminatory”. The Supreme Court has allowed for the pleas of State Governments of Malanadu, Indivar Puri and Kamal Pradesh and several religious groups to become intervenors in the matter widening its scope. The matter is now posted for hearing final arguments.

6. Following are the issues framed:
- a) Whether the notification issued by the Centre infringes upon the federal structure envisaged by the Constitution of Indistan?
  - b) Whether the Rules are prejudiced against the bovine meat trade in Indistan?
  - c) Whether the Rules violate the Fundamental Rights?
  - d) Whether the Rules are ultra vires the parent act?
  - e) Whether the restrictions imposed on the interstate sale and export of cattle are unreasonable?

**Note:** Indistan’s social, political, economic and religious characteristics are identical to that of India. The Constitution and Laws of Indistan are in *pari meteria* with those of the Republic of India. The legal system of Indistan is based on Common Law and the judicial precedents of the Supreme Court and High Courts of India have the same binding value as they would in India.

*The participants are directed to restrict themselves to the issued herewith. But they are at liberty to include as many sub –issues as they want.*