Beef Ban

Why in news?

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- The government of India has sought to effectively prohibit cattle slaughter across the country through rules made under the Prevention of Cruelty to Animals Act, 1960.
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- The rules do not explicitly ban slaughter, they ban the sale and purchase of cattle for slaughter at agricultural markets and to put an end to all kinds of cattle slaughter across the country.
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What is the issue?

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- It is a constitutional misadventure on multiple grounds involving fundamental rights, separation of powers and federalism.
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- Indian Parliament that enacted The Prevention of Cruelty to Animals Act, 1960 (the Act) and that legislation empowers the Government of India (as the executive) to make rules to implement the Act.
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- The Act through section 11 criminalises cruel treatment of animals by listing a wide range of activities and then, in sub-clause (3)(e) of that very provision, declares that **killing an animal for food will not be an offence** unless it is “accompanied by the infliction of unnecessary pain or suffering”.
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What is the problem with the new rules?

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- In issuing this latest set of rules, the GoI has exercised power it does not have under The Prevention of Cruelty to Animals Act, 1960.
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- In sub-clause (3)(c) of the Act, it is clearly stated that killing of animals permitted under other existing laws cannot be made an offence.
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- Another glaring anomaly in the new rules is that the government **seems interested in preventing cruelty only to cattle.**
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- If the government's real interest was indeed the prevention of cruelty to animal due to slaughter, there cannot be any constitutionally acceptable reason for leaving out chickens, pigs, sheep, goats, fish, rabbits, etc.,
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- It is evident that the real interest is not in preventing cruelty to animals but rather, in protecting cattle for other reasons.
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What is the stand of state legislations?

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- Different state legislations have variations on the kind of cattle that can be slaughtered and when they can be slaughtered.
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- That is the reason for getting only buffalo meat in Delhi, the meat of bulls and bullocks in Kerala and a complete prohibition on slaughter of cows, bulls, bullocks and buffaloes in Madhya Pradesh.
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- Such **prohibitions/regulations are achieved through separate state legislations** because the power to make such laws is given exclusively to the states under the constitution.
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- The government is resorting to prohibit cow slaughter through the lens of animal cruelty because the power to make laws on animal cruelty is shared between the states and Union under the Concurrent List of the Constitution.
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What are the other issues involved?

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- There is **no religious protection for the cow or any other cattle under the constitution** and the issue of cow slaughter in the DPSP is tied to agriculture and the interests of animal husbandry.
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- The Union Environment Ministry's new rules banning sale and purchase of cattle and buffaloes for slaughter purposes in livestock markets across India is the seeming absence of any stakeholder consultations.
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- The government's response has been that the idea is to allow only "healthy" mulch and agricultural purpose animals to be bought and sold in markets.
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- What is sought to be curbed is only "unnecessary pain or suffering in the pre-slaughter stages as far as possible".
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- There aren't separate categories of "beef cattle" and "dairy cattle" farmers in India.
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- The farmer who rears buffaloes for milk sells the same animals for slaughter when they become unproductive.
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- By killing the market for slaughter livestock, the government may end up destroying the market for dairy animals as well.
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Source: Indian Express

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