

Moot problem 4

Association of Beef Vendors and Butchers (ABVB) v. State of Mandovi

Logical Atheists Wing (LAW) v. State of Mandovi

Mandovi is a State in the Indian Union. The economy of the State of Mandovi depends on the agricultural, industrial, mining, and tourism sectors. The major crops include rice, cashew, mango, spices and vegetables. The population of the State comprises of 55% Hindus, 40% Christians and 5% Muslims. The State is known for communal harmony and peaceful co-existence. However in the recent past, different religious and spiritual leaders started making outrageous comments followed by some disturbance in the communal fabric of the State. Insecurity among groups was reflected in the number of meetings organized by the different communities.

Chimba village, located around 15 km from the State capital has slaughter houses run with government permission since 1970s. The residents of the village presented a memorandum signed 18th June 2015 to the Minister of Health complaining about the unhygienic conditions in and around the village as a result of unscientific dumping of animal waste and carcass. Following this, the Hindu Sanskar Sabha, an organization promoting tenets of Hinduism, raised hue and cry about the slaughter of cows and its progeny in the State which according to them offends their religion and faith. This was countered by comments made by other religions and atheist groups that beef has been a part of regular diet of almost half of the population of the State. There was show of strength rallies and continued protests from the Hindu Sanskar Sabha.

In October 2015, the Legislative Assembly of Mandovi passed The Mandovi Animal Preservation and Prevention of Slaughter Act (MAPPS Act) with effect

from 24th of October 2015. Under Section 5 of the Act, slaughter of cows, bulls and bullocks in the State is made an offence punishable with 5 years imprisonment and fine of Rs.50,000. Section 6 of the Act makes sale of beef or possession of beef for sale an offence punishable with 3 years imprisonment and fine of Rs. 10,000. However Section 6 permits export of processed meat into the state and consumption of the same.

The Butcher community in the state protested against the law by stating that this law is rendering them jobless. The Beef vendors questioned as to why only beef trade is banned and why not trade in other meat. Various atheist groups and citizens forums questioned the reasonableness of the law, which makes a regular dietary component unavailable to the common man.

Government clarified that the Act is required to preserve the hygiene of the small State and also preserve the animals which have become scarce now, for the purpose of agriculture and breeding. Moreover such an Act is warranted under Article 48 of the Constitution and similar legislations in other states have been upheld by the Supreme Court in the past.

The Association of Beef Vendors and Butchers (ABVB) in the State filed a writ petition before the Mandovi High Court challenging the constitutional validity of the MAPPS Act on the ground that it violates their right to livelihood and freedom of occupation guaranteed under the Constitution. The Logical Atheists Wing (LAW), a NGO also filed a writ petition in public interest, challenging the MAPPS Act on the ground that it is violating the communal harmony and puts unreasonable restrictions on the free life style of the people of Mandovi. Both the writ petitions are taken up for hearing together. Following issues were framed.

- 1) Whether S.5 and 6 of MAPPS Act violates the right to livelihood of the butchers under Article 21 of the Constitution of India?
- 2) Whether the Act violates Art.19 (1) (g) of the beef vendors?
- 3) A)Whether the Act imposes arbitrary restriction on the living style and food habits of the people and therefore violative of Article 14?
B) Whether the act imposes unreasonable ban only on beef trade while other meat trade is allowed in the State, and therefore violates Article 14?
- 4) Whether Article 48 which is a Directive Principle of State Policy can override the fundamental rights of the citizens under Articles 14, 19 and 21?

The Counsels may add additional issues.