

Cattle trade ban rules were not placed before Parliament

Cattle traders assemble at a monthly market near Mundakayam in Kerala's Kottayam district. File | Photo Credit: [The Hindu](#)

A Lok Sabha Secretariat reply to a Right To Information request made by one of the petitioners who has challenged the cattle slaughter ban rules in the Supreme Court reveals that the rules were never laid before the Parliament, which the government should have done before implementing them.

Having triggered an avalanche of litigation across the country, the [Prevention of Cruelty to Animal \(Regulation of Livestock Market\) Rules of 2017](#), which bans the sale of cattle in livestock markets for the purpose of slaughter or animal sacrifices, is back to the drawing board. Notified on May 23, 2017, the rules mandate that cattle should only be sold in animal markets for farming purposes.

On August 4, 2017, petitioner Sabu Stephen, represented by advocate V.K. Biju, exposed before a Bench led by Chief Justice of India J.S. Khehar another chink in the government's slaughter ban rules.

Section 38A of the Prevention of Cruelty Act of 1960 — the parent Act under which the rules are made — mandates that any rule made by the Centre under it ought to be laid before each House of the Parliament "as soon as it is made". The rules would be placed before the Parliament for a total 30 days. Any modification agreed upon by both Houses of the Parliament should be incorporated in the rules or else they would have no effect.

The July 27, 2017 reply of the Lok Sabha Secretariat says the Parliament had no information about the rules. The RTI reply, in clear terms, said the livestock rules were "not forwarded by the Ministry concerned, i.e., the Ministry of Environment, Forests and Climate Change, for laying on the table of the House so far. Hence, not laid till date".

Mr. Biju submitted: "The government bypassed the Parliament, suppressed the rules from the elected representatives of the people of the country and killed the parent Act... all this when over 70% of the country is affected by certain provisions of the livestock rules."

Additional Solicitor-General P.S. Narasimha admitted that he was not aware of the facts and sought an adjournment till August 9, 2017.

"A simple reading of Section 38A tells us that you (the government) cannot say 'I will not place the rules before the Parliament'," Chief Justice Khehar agreed with the petitioner's submission.

Justice D.Y. Chandrachud added that Section 38A invokes the spirit that "laying a law before the Parliament is important". "It is an exercise of parliamentary control over the laws of the land," Justice Chandrachud addressed the government.

The information about the alleged lapse on the government side came to light during a hearing on an application filed activist Gauri Maulekhi seeking a clarification of a Supreme Court order on the issue on July 11, 2017.

On that day, the court recorded the Centre's submission that the Madras High Court had already issued a blanket stay on both Prevention of Cruelty to Animals (Regulation of Livestock Markets) Rules and The Prevention of Cruelty to Animals (Maintenance of Case Property Animals) Act, 2017.

However, later, through Ms. Maulekhi's intervention, the court realised that the High Court had only stayed a provision of the livestock markets rules, namely Rule 22(b)(iii), which required a person bringing cattle for sale to market to furnish a written declaration that it would not be sold for slaughter.

The Centre has assured the court that it is re-considering the entire body of the livestock market rules. It has promised that the rules, in its existing form, meanwhile, would not be implemented.

"But these rules in the current form is nevertheless in operation. Rules, once notified, are the law. Government cannot say we will not implement them. The rules will continue to operate until either you (government) repeal them or we issue an order of injunction," Chief Justice Khehar indicated.

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The process of holding the requisite Board Meetings and Shareholder Meetings has been completed in phases in September 2017.

Ruben George is staying at Ram Nath Kovind's house at Kalyanpur, near Kanpur

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