

Moot Proposition

Background

The Republic of Indica is located in the South Asian region of the Asia. It is one of the ancient nations in the world which has religious population. Republic of Indica is a democratic country which has written constitution which came into force in 1950. The majority of the population of Republic of Indica belongs to the Hindu religion. Buddhism, Christianity, Islam, Jainism and Sikhism are the other major religions followed by the indigenous population of the country. The Republic of Indica is characterised by a diversity of religious beliefs and practices, dressing, livelihood, cultural practice and food habits etc. Throughout the Republic of Indica's history, religion has been an integral part of the country's culture. The history of Republic of Indica has witnessed some prominent instances of religious disharmony amongst various religious groups. The constitution of Republic of Indica has some Directive Principles of State Policy. These directives are although not enforceable in court of law but these principles can be the ground for the policy formulation. Article 48 of constitution of Republic of Indica states that "The State shall endeavour to organise agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and calves and other milch and draught cattle". The economy of the Republic of Indica is depended upon agricultural sector and Republic of Indica stands as the top exporter of beef in the world. The majority population of the country treats cows as "Holy" and believes them to be intertwined with divine power. The constitution of Indica also laid down fundamental duties of citizens, under Article 51A(g) "It shall be the duty of every citizens of Republic of Indica to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures". State of Maratha is situated in the western region of Republic of Indica which is largest populated state of Republic of Indica which has 90 percent Hindu population.

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State of Maratha in past enacted Maratha Animal Preservation Act, 1978 in order to stop cow slaughter. In 1995, amendments were made to 1978 Act and Amendment Act of 1995 was reserved for the assent of the President. These amendments sought to make following changes in the Act of 1978-

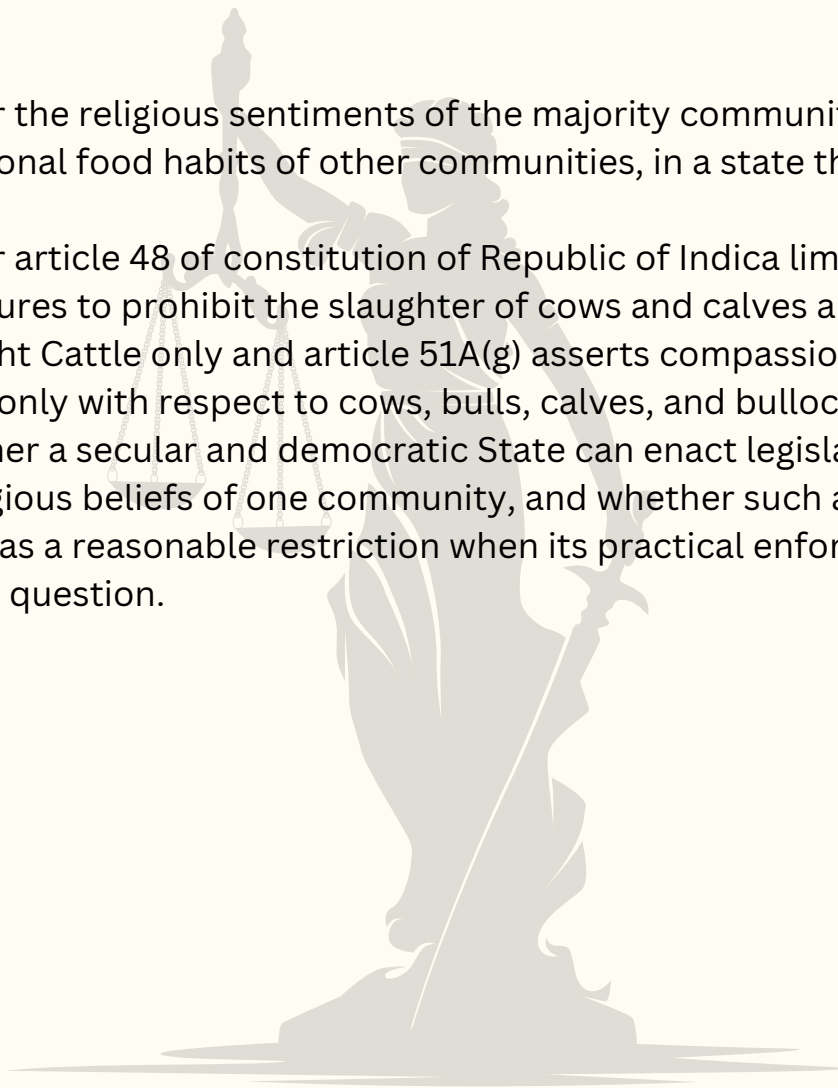
1. It sought to extend the bans on the slaughter of cows and calves to bulls and bullocks.
2. It sought to prohibit the transport (from the State of Maratha to another state), the export, as well as purchase, sale and disposal of cows, bulls and bullocks for the purpose of slaughter.
3. It sought to prohibit the possession of the flesh of the cow, bull or bullock slaughtered in contravention of the provisions of the Act.
4. It also criminalizes the possession of beef per se, whether or not this was obtained through lawful slaughter from another state.
5. The amendment sought to put the burden on the accused that he/she was not in contravention of provisions of the Act.
6. The amendment also stipulated punishment for the contravention of the Act.

The Amendment Act, 1995 received the assent of the President in 2015 and came into force immediately. A minority community 'X' was affected drastically as beef eating was their common food habit and they were traditional eaters of beef as beef was less costly as compared to other non-vegetarian food. As the degree of poverty is higher in community 'X', beef eating was an easy source of protein for them. But with the new amended law by the state of Maratha, they were deprived of this source. In this background, writ petitions were filed by various associations and individuals before the Hon'ble Supreme Court of Republic of India challenging the constitutional validity of the Amendment Act of 1995. Maratha Butchers 'Association, a Registered Society is one of the petitioner working for the protection of the interest of minority community 'X'. This petition is posted for first arguments.

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Issues for consideration

1. Whether the petition is maintainable before Hon'ble Supreme Court of Republic of Indica?
2. Whether the religious sentiments of the majority community can override the traditional food habits of other communities, in a state that calls itself secular?
3. Whether article 48 of constitution of Republic of Indica limits the state to take measures to prohibit the slaughter of cows and calves and other milch and draught Cattle only and article 51A(g) asserts compassion to living creatures only with respect to cows, bulls, calves, and bullocks?
4. Whether a secular and democratic State can enact legislation grounded in the religious beliefs of one community, and whether such a law can be sustained as a reasonable restriction when its practical enforcement remains in question.



Pari Materia Clause

All laws pari materia to India shall apply. The students shall refer to the Maharashtra Animal Preservation Act, 1978 along with the amendments made to it from time to time.

