**MOOT COURT PROBLEM**

**CONSTITUTIONAL LAW**

**5 Years B.A./BB.A/B.Com LL.B Semester X**

Maratha Butchers’ Association, a Registered Society and Others …... Petitioner

**v.**

State of Maratha and Others …... Respondent

The Republic of Indica is located in the South Asian Region of Asia. It is one of the ancient nations in the world. Till 1947, Republic of Indica was a British colony for about 150 years. It achieved independence in 1947. Now the Republic of Indicais a democratic country with a written Constitution which came into force in 1950. Ithas 29 States and 7 Union Territories. The Constitution has adopted Parliamentary system wherein President is the executive Head of the government. The majority of the population of the country belongs to Hindu religion. Buddhism, Christianity, Islam, Jainism and Sikhism are the other major religions followed by the people of Republic of Indica. The Republic of Indica is characterized by a diversity of religious beliefs and practices, dressing, cultural outlook, food-habits etc. Some religion like Jainism strictly follow the principle of non-violence and therefore stressed upon vegetarian food habit. This is not so in case of other religions. Under Hindu religion some are vegetarians and some are non-vegetarians. Throughout the Republic of Indica’s history, [religion](http://en.wikipedia.org/wiki/Religion) has been an important 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](http://en.wikipedia.org/wiki/Constitution_of_India)declaresvarious rights as fundamental rights. Some of the fundamental rights are the right to [freedom of religion](http://en.wikipedia.org/wiki/Freedom_of_religion), freedom to carry on any trade, profession and business, right to life and personal liberty etc. The fundamental rights are mostly enforceable against the ‘State’. The concept of ‘State’is defined by the Constitution ofRepublic of Indica. The [Constitution also incorporates some features of secularism.](http://en.wikipedia.org/wiki/Constitution_of_India)The Supreme Court of Republic of Indica, in its few landmark judgments has expanded the meaning of ‘right to life and personal liberty’. Almost everything which has connection with person’s meaningful life has been held as integral part of this right. Recently the Supreme Court of Republic of Indica held that right to privacy is a part of‘right to life and personal liberty’**.**

The Constitution on Indica also laid down some Directive Principles of State Policy. These directives are not enforceable in the court of law, nevertheless these principles are to be looked into while formulating any policy and enacting any law. One of those directives laid down that the **“State shall endeavor to organize agriculture and animal husbandry on modern and scientific line and shall take steps in particular for preserving and improving the breeds, and prohibiting the slaughter, of cows and calves and other milch and draught cattle.”** This directive was inserted in the Constitution of Indica after a long-heated debate. On the one hand the economy of the Republic of Indica is largely based upon agriculture and on the other hand cow is treated as ‘Holy’ under Hindu religion. Therefore, the above-mentioned directive was perceived to be an outcome of a compromise between the scientific rationality and religious sentiments of the majority Hindu citizens.

The Constitution on Indica also laid down some fundamental duties for its citizens. One of the fundamental duty of the citizens is to protect and improve the natural environment and to have compassion for living creatures.

Since 1950 Republic of Indica and various States enacted laws for the protection of Cows. Some of these laws are enacted with specific object of protection of cow whereas some of them were enacted in the name of ‘protection of animals from cruelty’.

State ofMaratha is situated in western regionofRepublic of Indica and second most populous state of the Republic of Indica.In 1978 it enacted the Maratha Animal Preservation Act, 1978. In 1995, amendments were made in 1978 Act and Amendment Act of 1995 was reserved for the assent of the President. (Under the Constitution of the Republic of Indica, if on a subject-matter both the Republic as well as state legislature enacted a law, then the state law will prevail over the Republic Law only if it has been reserved for the President’s assent and received such assent). 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. Meanwhile there was a political turmoil throughout the Republic of Indica. Various religious organizations started large scale mobilization against slaughter of cows. Few individuals were attacked on the accusation that they stored cow-flesh in their home. It createdthetension between those who were beef-eater and those who were not.More particularly, a minority community ‘X’ was affected drastically as beef eating was their common food habit. Moreover, 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 filled by various associations and individuals before the Hon’ble High Court of State of Maratha challenging the constitutional validity of the Amendment Act of 1995.Maratha Butchers’ Association, a Registered Society is one of the petitionerworking for the protection of the interest of minority community‘X’.

This petition is posted for final arguments and for disposal on 20th January, 2018.

**Note:** The students have to frame the issues and make submissions by presuming that the Constitution of India and all other laws applicable in India are applicable in Republic of Indica. With reference to the Act of 1978 and amendment of 1995, the students shall refer to the Maharashtra Animal Preservation Act, 1978 along with the amendments made to it from time to time.