

**GOVERNMENT OF MEGHALAYA
LAW (B) DEPARTMENT**

No.LL(B).39/2017/40

Dated Shillong, the 4th July, 2017.

From:- The Secretary to the Govt. of Meghalaya,
Law Department.

To The Commissioner & Secretary,
Meghalaya Legislative Assembly, Shillong.

Subject: - **Resolution on the Prevention of Cruelty to Animals
(Regulation of Livestock Markets) Rules, 2017.**

Sir,

With reference to the subject cited above, I am directed to send herewith 100(One hundred) copies of the Gazette Notification of the Resolution on the Prevention of Cruelty to Animals (Regulation of Livestock Markets) Rules, 2017 for favour of information and necessary action.

Yours faithfully,


(W. Khyllep)

Secretary to the Govt. of Meghalaya,
Law Department

Memo. No.LL(B).39/2017/40-A,

Dated Shillong, the 4th July, 2017.

Copy to: -

1. Parliamentary Affairs Department.
2. Forests & Environment Department with a request to take up with Govt. of India in the Ministry of Environment, Forest and Climate Change.
3. Animal Husbandry & Veterinary Department with a request to take up with Govt. of India in the Ministry of Environment, Forest and Climate Change.
4. Cabinet Affairs Department.
- ✓ 5. The Data Entry Operator, Law (A) Department for uploading the Notification in the Law Department website.

Copies enclosed.

By order etc...,


Secretary to the Govt. of Meghalaya,
Law Department.



The Gazette of Meghalaya

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 79

Shillong, Monday, June 19, 2017

29th Jyaistha, 1939 (S. E.)

PART-IIA

GOVERNMENT OF MEGHALAYA

LAW (B) DEPARTMENT

NOTIFICATION

The 16th June, 2017.

No.LL(B).39/2017/32. - The following Resolution on the notification No.GSR.494(E), dated 23rd May, 2017 of the Government of India in the Ministry of Environment, Forest and Climate Change which was unanimously adopted by the Meghalaya Legislative Assembly in its sitting on 12th June, 2017 is hereby published for general information.

W. KHYLLEP,

Secretary to the Govt. of Meghalaya,
Law Department.

**MEGHALAYA LEGISLATIVE ASSEMBLY
SHILLONG**

RESOLUTION

Whereas, Government of India in the Ministry of Environment, Forest And Climate Change vide G.S.R.494(E), dated the 23rd May, 2017 has notified the Prevention of Cruelty to Animals (Regulation of Livestock Markets) Rules, 2017, which suffer from serious shortcomings and infirmities having an adverse impact on the economy and culture of the State of Meghalaya; and

Whereas, the above rules travel way beyond the scope and object *i.e.* "to prevent infliction of unnecessary pain or suffering on animals" as set out in the Preamble of the Prevention of Cruelty to Animals Act, 1960, thus infringing upon the rights of the States, to regulate items enlisted in State list (List-II of VII Schedule to the Constitution of India); and

Whereas, subjects such as Agriculture, Animal Husbandry including Cattle market, are covered under items 14, 15 & 28 of the List-II of VII Schedule to the Constitution of India, over which the States alone have exclusive jurisdiction to legislate upon; and

Whereas, the above rules are in contravention of Section 38 as they go beyond the scope of the Central Act and also contravene Section 28 of the said Act, which contemplates the killing of certain animals subject to the provisions of the Cattle Preservation Act; and

Whereas, Rule 8 of these rules prohibits organising of animal market in a place which is situated within 25 kms from any state border or which is situated within 50 kms from any international border, while the State of Meghalaya shares a 443 kms long international border with Bangladesh and a length of about 800 kms of inter-state border with the State of Assam, resulting in large scale of disruption of economy including livelihoods in the border areas, since Rule 2(e) specifically defines the 'cattle' to include bovine animals, bulls, bullocks, cows, buffalos, steers, heifers, calves and camels; and

Whereas, Rule 22 of these rules places restrictions on sale and purchase of cattle and specifically prohibits bringing of a cattle to animal market for sale for slaughter and further mandates that the purchaser of a cattle shall not sell the animal for purpose of slaughter, which is a major embargo crippling the economy of a predominantly tribal society with more than 85% indigenous population; and

Whereas, cattle meat is an integral part of the dietary habits of the tribal populace of the State of Meghalaya, since it is rich in minerals and is one of the cheap source of protein, especially for the economically weaker section of the tribal society. The demand for beef across the State of Meghalaya is to the tune of 23634 Metric Tonnes (figures for the year 2015-16) while the beef production within the State is only 12834 Metric Tonnes and the rest is imported to the tune of 10800 Metric Tonnes; and

Whereas, to balance the demand and supply of beef the State Government has put in place 'Meghalaya State Livestock Mission for 2017-2022' to augment the livestock production, to meet the increasing demand across the State of Meghalaya and the present rules impact the growing livestock economy adversely; and

Whereas, prohibition on sale and purchase of cattle for the purpose of slaughter will not only affect the livelihood of over 5.7 lakhs households i.e. 79% census households, which are presently involved in cattle rearing; but will also affect the right of people to have diet of their own choice and to celebrate the religious, cultural and social ceremonies under practice since times immemorial; and **Whereas**, the India Health Report on Nutrition 2015, which surveyed child under nutrition in India (38.7% is the national average) has put the prevalence of stunted growth in children, under five years of age, rampant in the State of Meghalaya (42.9%) and the Government of Meghalaya is addressing the said nutrition security by providing a mixed diet, in the school mid-day meal basket, which as on today, lacks non-vegetarian sources of food; and

Whereas, we as a responsible State fully support the intent of Act i.e. 'to prevent infliction of unnecessary pain or suffering on animals'. To ensure implementation of the Act in its true letter and spirit, the State of Meghalaya in 2016 has already constituted the State Animal Welfare Board. District Society for Prevention of cruelty to Animals in all the eleven districts of the State; and

Whereas, these rules in its present form will severely hamper socio economic, cultural and religious rights of the people of the State guaranteed in the Constitution of India under Article 21 and Article 26; and

Now, therefore, this House takes strong note of the aforementioned shortcomings and infirmities in these Rules, as notified and **resolves** that the same may be withdrawn by the Government of India with immediate effect, so as to maintain the Federal & Secular character of our Constitution or be faced with a situation 'where law prohibits some activity while everyday-life practices it on a large-scale, due to harsh economic realities', a situation, surely to be avoided at all costs.

DR. MUKUL SANGMA,
Chief Minister.

ANDREW SIMONS,
Commissioner & Secretary,
Meghalaya Legislative Assembly,
Shillong.