

പതിനാലാം കേരള നിയമസഭ
 ഏഴാം സമ്മേളനം

നക്ഷത്രചിഹ്നമിടാത്ത ചോദ്യം നമ്പർ 185 7.8.2017-ൽ മറുപടിയ്ക്ക്

കന്നുകാലി കശാപ്പ് നിയന്ത്രണം

ചോദ്യം

ഉത്തരം

ശ്രീ. അബൂൽ ഹമീദ് പി.

ശ്രീ. പിണറായി വിജയൻ
 (ബഹു. മുഖ്യമന്ത്രി)

എ) പൊതുമാർക്കറ്റുകളിലൂടെ വിൽപന നടത്തുന്ന കന്നുകാലികളെ കശാപ്പു ചെയ്യുന്നതിന് നിയന്ത്രണമേർപ്പെടുത്തിക്കൊണ്ടുള്ള കേന്ദ്രസർക്കാരിന്റെ മാർഗ്ഗനിർദ്ദേശങ്ങളോ ഉത്തരവിന്റെ പകർപ്പോ സംസ്ഥാന സർക്കാരിന് ലഭിച്ചിട്ടുണ്ടോ; ഉണ്ടെങ്കിൽ പകർപ്പ് മേശപ്പുറത്ത് വെക്കുമോ;

കേന്ദ്രസർക്കാരിൽ നിന്നും ഔദ്യോഗികമായി മൃഗസംരക്ഷണവകുപ്പിന് ലഭിച്ചിട്ടുണ്ട്. "The Prevention of cruelty to animals (Regulation of Livestock Markets) Rules, 2017" എന്ന പേരിൽ 23.05.2017 ലെ ഭാരത സർക്കാർ ഗസറ്റ് വിജ്ഞാപനം www.egazette.nic.in എന്ന website ൽ ലഭ്യമാണ്

ബി) പ്രസ്തുത ഉത്തരവ് സംബന്ധിച്ച സംസ്ഥാന സർക്കാരിന്റെ നിലപാടെന്തെന്ന് വെളിപ്പെടുത്താമോ?

ബി) ഇതിലേയ്ക്കായി നടത്തിയ പ്രത്യേക നിയമസഭാ സമ്മേളനത്തിൽ സംസ്ഥാന സർക്കാരിന്റെ വിധേയത്വം പ്രകടമാക്കിയിട്ടുണ്ട്. കേന്ദ്രസർക്കാരിന് ഇതു സംബന്ധിച്ച് സംസ്ഥാന സർക്കാരിൽ നിന്നും വിധേയത്വം രേഖപ്പെടുത്തിക്കൊണ്ടുള്ള കത്ത് നൽകിയിട്ടുണ്ട് (പകർപ്പ് ഉള്ളടക്കം ചെയ്യുന്നു) Regulation of Livestock Market Rules 2017 എന്ന കേന്ദ്ര നോട്ടീഫിക്കേഷൻ മദ്രാസ് ഹൈക്കോടതി സ്റ്റേ ചെയ്തത് സുപ്രീം കോടതി അംഗീകരിച്ചിട്ടുണ്ട്.

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 സെക്ഷൻ ഓഫീസർ



GOVERNMENT OF KERALA

AGRICULTURE (AH) DEPARTMENT
TRIRUVANANTHAPURAM-695 001

DATED: 24/06/2017

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From

The Secretary to Government

To

Shri Ray S Prasad,
Joint Secretary
Ministry of Environment, Forest and Climate Change,
3rd Floor, Puthi Wing
Indira Park, Varan Bhaban
Jor Bagh, New Delhi - 110003
Email: adm-mef@goindia.in
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Sir,

Sub: Agri(AH) Department-Prevention of Cruelty to Animals (Regulation of Livestock Markets) Rules, 2017. Apprising of the views of the State and request to review/revoke the Rule Reg
Ref: Notification No. G.S.R. 494(E), New Delhi, the 23rd May, 2017

I am to invite your attention to the above stated subject and enclosed herewith a detailed petition reflecting the general distress and hardships of the dairy and meat processing sector in our state. The new restrictions imposed on cattle market have caused immense hardships and sufferings to the farmers and small meat vendors who rely on this sector for their livelihood.

No. 15777/9/2015 AH

The State Assembly in its 2017 has already passed a resolution expressing
concern over the heavy burden on the small and marginal farmers who are the source of income of
small and marginal farmers who solely rely on animal husbandry, cattle transaction and butchery
and ancillary activities for their means of income.

I therefore request you to kindly review the Government decision in this regard
and to review the notification dated 24.12.2015 and to amend the relevant rules
as stated in the petition in view of the financial hardship and harm caused to the animal
husbandry and dairy sector in the State.

Yours faithfully,


Secretary

Dear Sir,

At the outset, it is to be pointed out that the Prevention of Cruelty to Animals (Regulation of Livestock Markets) Rules, 2011 were not made on the basis of judicial scrutiny and admission of the file. In fact, they have been published in official gazette calling upon the objection and suggestions from affected parties but the publication was limited to Hindi and English and it is only by depositing the large population of their rights to access to the states in their mother tongue.

The Union Government had earlier also exercised the rule making power delegated to it by framework Prevention of Cruelty to Livestock and Pack Animals Rules, 1965, Prevention of Cruelty to Animals (Slaughter) Rules, 2011 but they were well within the delegated power and in conformity with the provisions of the Act. But the rules cited in the Para 10(a) prohibit the sale of animals into the market for sale other than for agrarian purposes. The animals sold should be supported by the records of ownership and details such as age and health of the animal. In addition to this, the animal once sold should not be sold again within a span of six months. Rules 22(e) by itself would render cumbersome procedure for a peasant who ekes out a living from dairying. Generally, a peasant does not engage in sale of animal but only when he is left with no other option and as a last resort to meet the urgent financial requirements of his family. In fact, this is the main reason why in Kerala, a livelihood

and home work activity wherein the farmers are treating their animals as one among their family member. Hence they seldom sell their animals for slaughter unless compelled to do so when the animal become unproductive or he faces serious financial crisis.

Though the Rule on cattle market was framed based on PCA Act 1960, it only restricts the sale of cattle for slaughter and not any other species like goats, sheep, pigs and poultry. Hence the very purpose of prevention of cruelty to animals is not taken care of in the true sense.

In Kerala state 95% of the population prefers non-vegetarian food and only bovine meat will suit the requirements of majority of them due to economic reasons. Besides this bearing of unproductive animals which are no longer capable of procuring any returns will have to be disposed of. If the rules are to be followed in toto, every dairy farmer will be forced to withdraw from dairy sector. The new regulation on animal market has totally deprived dairy farmers option to dispose of their unproductive animals for slaughter. Thus it becomes a financial liability for the farmer to look after such unproductive animals.

The State of Kerala is marching towards the declared goal of self sufficiency in milk production. Unless premium breed of cattle are brought/reared, it is hardly possible to achieve the same. Transportation of cattle from neighboring States should not be impeded in the name of rules. If the rules are implemented in letter and spirit, the Interstate trade and transportation of cattle will become impossible. The Interstate animal movement across the border check posts have come down drastically from the

date of notification as is evident from the stamps. Meat is available from check posts. This has created a shortfall in the availability of meat which will seriously hit the meat industry of the state, in addition to interfering with the food habit of the people of the State.

There are 47 cattle markets in Kerala which are functioning under the LSGD. These markets are the prime of cattle transactions which are seriously hit by the recent rules. Hence the revenue from these markets has come down significantly and the people engaged in these markets have lost their livelihood.

The Zoos of the state are occupying a large of place in our country. The carnivores exclusively depend on red meat where mutton is in short. At Trivandrum and Thrissur zoos, 160 Kgs. of red meat respectively are needed daily. The very survival of carnivores there will be in peril, in case the red meat is not supplied.

A good number of people in Kerala are engaged in meat industry. Hides and bones of slaughtered animals are utilised in the manufacture of soap, paint brush, toothpaste, gelatin, surgical and pharmaceutical products, footwear and musical instruments. The rules if implemented as such will deprive them of their livelihood. This will adversely affect the economic growth of the State. Maintaining uneconomical animal will only render the state an additional burden in terms of finance as well as space. In case such cattle are abandoned they will enter the space in the streets which will result in social menace also. This in turn, will create an unpleasant situation of competition between productive and unproductive animals for feed, fodder and water.

No. 1577/19/2017(F) AH

As per rule 8, no animal market can function at a distance of 25km from the State border which is quite impractical in a small state like Kerala where the width of it ranges from 5 to 120 km only.

Although the slaughter of animal for food is not prohibited by these rules, sale of animals for slaughter in market is banned. Hence in effect slaughter of animals for food has been prohibited.

These rules have adversely affected the chain of transaction of animals from seller to the meat consumers, say dairy farmers, cattle traders and meat merchants as the animals cannot be sold for slaughter in the market.

Summary:-

The new Rule adversely affect the animal husbandry sector of the state as shown below:

1. Restriction on sale of cattle for slaughter in cattle markets will adversely affect the livelihood of lakhs of people engaged in this sector.
2. These rules will lead to non-availability of meat to the common man, thereby depriving him of his nutritional food.
3. These rules will also compel the dairy farmer to give up dairying as it will be impossible for him to sell the unproductive animals. This will have a serious effect on the milk production and adversely affect the State economy.


pt. No. 15774/19/2017 (F) AH

From the above it can be seen that the provisions of the newly introduced Prevention of Cruelty to Animals (Regulation of Markets) Rules 2017, goes against the interest of the people of the State in general and the livestock farmers in particular. Because Section 8 & 22 will adversely affect the freedom of citizens to sell their animals for slaughter and functioning of animal markets in the State. Moreover, the chain of production of cattle from seller to the meat consumers are badly affected, leading to a kind of undeclared ban on slaughter. Hence, this Rule is violation of the freedom of citizens to consume the food of their choice which is a fundamental right ensured by the Constitution.

In view of the above, the State of Kerala is of the opinion that the new Rules may suitably be amended by repealing Section 8 & 22, so that the restriction on cattle sale be lifted and the interest of the stake holders in these activities are safeguarded.

Looking forward to favour the further necessary action.

Yours Sincerely,


Secretary