

Moot Problem III

The Republic of Hindus ("The Republic") is located in the South Asian Region of Asia. Hindus was a British Colony for about 150 Years. It achieved Independence in the year 1947. Now the Republic of Hindus has its own Constitution, Parliament and Independent Judiciary. Although, majority of the population belongs to Hindu Religion, many other religions like Islam, Buddhism, Sikhism, Jainism and Christianity are followed by the people of the Republic.

The Republic is characterized by a diversity of beliefs, practices, dressing, cultural outlook and food habits. The food habits and the emotions associated therewith are so strong and deep in the people that it paved the way for the first war of independence against British. The Constitution of the Republic, declared itself to be a Secular Nation, has conferred on all persons the fundamental right to freely Profess, Practice and Propagate any religion of his/her choice. The Apex Court of the Republic expanded the meaning of 'Right to Life and Personal Liberty' to include every aspect that has connection with the person's meaningful life including religious faith and food habits.

The Republic has enacted the Hindus Animal Protection Act, 2018. The salient features of the Act are as under:-

1. It bans the slaughter of Cow, Calves, Bulls and Bullocks.
2. It prohibits the Purchase, Sale, Disposal or Transport of Cows, Calves, Bulls and Bullocks for the purpose of slaughter.
3. It prohibits the possession of the flesh of the Cow, Calves, Bulls and Bullocks.
4. It criminalises the possession of beef *per se*.
5. Presumption of law as to guilt is against accused.

In the meanwhile, there was a political turmoil throughout the Republic. Various religious organisations started large scale mobilization against ban on eating /preserving beef in the name of Prevention of Cow Slaughter. For some of the minority communities, eating beef is a common food habit. Moreover, beef is cheap when compared to other non-vegetarian food. For poor masses, beef eating is one of the easy sources of protein.

In this background, a writ petition was filed before Supreme Court under Article 32 of the Constitution challenging the constitutional validity of the Act.

ISSUES:-

1. Whether the Act is constitutionally valid or not?
2. To what extent State can interfere with the fundamental rights of Individuals?
3. Can a petitioner seek remedy for violation of his fundamental rights while legislation seeks to achieve 'compelling public interest'?
4. For implementation of Directive Principles of State Policy, can a Fundamental Right be restricted?