

Cattle seizure valid during illegal trade: Centre to SC

Abraham Thomas

letters@hindustantimes.com

NEW DELHI: Those transporting cattle illegally cannot claim a fundamental right to livelihood if their cattle gets seized by police and is temporarily kept at an animal shelter, the Centre has said in an affidavit filed before the Supreme Court.

The affidavit came in response to a petition filed by the Buffalo Traders Welfare Association which challenged the Prevention of Cruelty to Animals (Care and Maintenance of Case Property Animals) Rules, notified on May 23, 2017, permitting the illegally transported cattle to be seized pending litigation and be kept at a cow shed or animal shelter home without being given to the owner or transporter.

Last week, a three-judge bench headed by Chief Justice of India (CJI) SA Bobde found this rule to run contrary to the parent law – The Prevention of Cruelty to Animals Act, 1960 – Section 29 of which states that the owner of the animal will lose possession only upon conviction.

In its affidavit, the Centre said that the petition was misconceived as what is intended under the Rules is "seizure" which is temporary and not "confiscation" which amounts to dispossession of the animal from the owner. "Right to livelihood of traders is not sustainable as there is no fundamental right to do a business illegally," the affidavit read. It pointed out that the cattle which are seized are of those who violate the Transportation of Animals Rules, 1978.