

An Analysis on Beef Ban, Cow Slaughtering in India and it's Affect on the Freedom of Trade and Commerce: A Constitutional Battle

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Abstract: *Under the Prevention of Cruelty to Animals laws, the Ministry of Environment of the Indian Central Government, headed by the Bhartiya Janata Party, placed a ban on the selling and purchase of cattle for slaughter at animal markets across India on May 26, 2017. Various slaughterhouses were forced to close as a result of the prohibition. Despite the fact that the slaughter of goats and chickens is legal, small shops selling these animals have been forced to close. Many communities that have historically relied on the meat trade for their livelihood are now facing unemployment. The majority of butchers are Muslims, and many believe they are being disproportionately targeted. They say that their companies are being shut down due to procedural issues. Here is where the question now as to whether such an Act is legal or whether it infringes on citizens' constitutional rights where freedom of trade and commerce being the most affected one on the made decision. This situation leads us to the necessity on analysing this topic with respect to the constitutionality of our country, discussing the issue of beef ban on the major part.*

Keywords: Beef ban, Cow slaughtering, Prevention of Cruelty to Animals Act, Freedom to trade, commerce

1. Introduction

The legal fight over beef and its subsequent ban in India has sparked intense debate not only within the country but also internationally. The subject has clearly piqued the interest of people all over the world, with global news media giants such as the BBC and the New York Times covering it. The state is required by Article 48 of the Indian Constitution to prohibit the slaughter of cows, calves, and other milch and draught cattle.

The Supreme Court of India upheld the constitutional validity of anti-cow slaughter laws passed by various state governments in India in a landmark decision on October 26, 2005. Currently, 20 of India's 28 states have laws banning the slaughter or selling of cows. There are no limits on cow slaughter in Kerala, Goa, Karnataka, Arunachal Pradesh, Mizoram, Meghalaya, Nagaland, and Tripura. Beef (meat from cows, oxen, and calves) cannot be exported under India's current meat export policy.

Under the Prevention of Cruelty to Animals laws, the Ministry of Environment of the Indian Central Government, headed by the Bhartiya Janata Party, placed a ban on the selling and purchase of cattle for slaughter at animal markets across India on May 26, 2017. Various slaughterhouses were forced to close as a result of the prohibition. Despite the fact that the slaughter of goats and chickens is legal, small shops selling these animals have been forced to close. Many communities that have historically relied on the meat trade for their livelihood are now facing unemployment.

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Role of Prevention to Cruelty to Animal Act (Livestocks Market Regulation) Of 2017:

Prevention of cruelty to Animal Act along with the Article 25 were the grounds and major reason for banning cow slaughter and beef meat that follows. In accordance with the Animal Cruelty Prevention Regulations, it imposes a virtual ban on the selling of animals on the market for animal slaughter through its activity. In rule 2 (e), "cattle, including the bull, bulls, cows, buffaloes, steers, heifers and calves with the camels," the extent of the ban on cattle is specified in Rule 2 (e).¹ Rule 22 (e) imposes an obligation on the Secretary-General of the Animal Market Committee that the animal is to be slaughtered or (iii) sacrificed for religious purposes by any buyer not to sell that animal.

The Rules 2017 notified by the Central government of Preventing Cruelty to Animals (Livestock Market Regulation) on the selling of bovine animals for slaughter purposes are effective right from May 23rd in the year of 2017. The rules include mainly provisions for controlling the cruel conduct of cattle, which are praiseworthy. However, the ban imposed by Rule 22 (b) (iii) of the Rules on the selling of cows' and other animals for meat doesn't really fit logically into the scheme of the Rules, since 22 (e) (i) looks so out of place.²

It is found that the imposed ban is in contradiction to the Parent Act, the Rules are laid down in Section 38 (1)³, which allows the Central Government to lay down Rules for implementation of the purposes of the Act, in the context of act of prevention of cruelty to animals 1960. The Act's purpose is to avoid needless pain and suffering on animals, as revealed in its preamble. In making a law, Parliament transfers the power to rule for the execution of the legislation to government. It cannot go outside the limits of the act of which the rules are drawn up. You cannot propose a proposal that does not fall under parent law. Animal

¹ The Prevention of Cruelty to Animals Act 1960.

² *Ibid.*

³ Section 38 of the Prevention of cruelty to Animals Act 1960.

slaughtering is permitted under the Act for food purposes. Thus, ultra vires are the limits imposed on cattle selling under the Rules, as these are disgusting to the Act and go beyond the purposes of the Act. The prohibition to sell cattle for slaughter, as laid down in the Law, is invalid. Here we can understand the Act being a major part in imposing ban on beef meat and cow slaughtering.

In the month of May, in the year of 2017, the Ministry of the Environment notified the animals in view of the rules governing livestock market 2017 with the title 'Preventive of animal cruelty' that all kinds of cattle were prohibited nationally except in Jammu Kashmir. It includes all kinds of cattle such as bulls and animals like camels, etc.⁴ The environmental ministry issued a press release titled "Rules on Preventing Animal Cruelty with regards to Regulation of Livestock Market to ensure Animal Health and Protect Animals from Cruelty." "The Rule's main goal is to protect animals on the cattle market by providing adequate shelter, feeding, feed processing, water supply, water troughs, ramps, sick animal enclosures, veterinary treatment, and proper drainage, among other things. The District Animal Market Monitoring Committee for animal market registration and the Animal Market Committee for market management at the local authority level have been established to facilitate this.

The primary goal of the legislation is to protect animals from cruelty, rather than to regulate the existing cattle trade in slaughterhouses. On the market, bovine welfare will be guaranteed, and only safe animals will be sold for agricultural purposes for the benefit of farmers. During this process, livestock markets will serve as hubs for agricultural animal trade, and farmers will be required to purchase animals for slaughter. The proposed legislation would limit the scope of illicit livestock sales and trafficking, which is a major source of concern.

The main objective of the legislation is to protect animals from cruelty rather than to regulate the existing trade of cattle in slaughterhouses.⁵ Bovine welfare is envisaged on the market, and only safe animals for agriculture are sold for the benefit of farmers. During this process, the livestock markets are meant to be hubs for animal farming and farmers are required to buy slaughtered animals. The regulations reported would eliminate the extent of the illicit selling and trade of animals, which are of great concern.

Constitutional Rights and Fundamental Rights Violation:

The impose of beef ban and cow slaughter in many of the states, looking in depth, actually violates different types of Articles in the constitution such as, article 301, article 19 (1) G, article 21 in the Indian Constitution. Article 301 is subject to its scope and substance by means of three terms used in provisions such as 'trade' and 'commerce' and 'exchange between persons, ' 'within the territory of our

⁴ Aayush Akar, *Beef Ban in India: A Legal Perspective*, LATEST LAW (May. 14, 2021, 9:21 AM), <https://www.latestlaws.com/articles/beef-ban-in-india-legal-perspective-by-aayush-akar/>.

⁵ *Ibid.*

country.⁶ Involvement of trade implies the purchase or sale of products. 'Commerce' covers all transport modes, like by ground, means of water, means of air or other means of transport. Intercourse involves moving goods from one location to another. That rather than leaving the notion of relationship implied, the framers of the Indian constitution were explicitly incorporated by Article 301 as the process of judicial interpretation.⁷

Relationship between Article 301 and Article 19 (1) G:

Article 301 contains precise definitions for the terms exchange, commerce, intercourse and trade. Trade refers to the buying and sale of goods, while trade refers to the transportation of goods by air, sea, or land, and intercourse refers to the transfer of goods from one location to another. Though the Article declares all of these individuals to be free to travel throughout the country, this freedom is not granted in its entirety and is limited by certain provisions found in Articles 302-307. Furthermore, the essence of these restrictions must not infringe on Article 19 (1) 's right to expression (g).

Some of the important key pointers to take note while the discussing these provisions are that the article 19 (1) g is a fundamental right whereas article 301 is a constitutional right. Article 19 (1) g is applicable for specially citizens of our country whereas article 301 is applicable to non-citizens as well. Moreover, it was also distinguished between the two articles in a case⁸ that the article 19 (1) g can be considerable when the trade, business, or the even the right of occupation can be happening at rest. While, the article 301 is considerable when the trade, business occurs upon the movement of the activity during which the activity is taking place.

Where the limitation of the right referred to in Article 19 (1) (g) is fair whether by legislature of the state or even by the parliament, it does not necessarily have to be considered as the freedom referred to in Article 301 if, in the course of the procedure referred to in Article 301, the restriction imposed by State law is examined. The term court saw these two articles are the same fact of right to freedom of trade.⁹ Until the business of trade was viewed as an individual activity in the eyes of the article 19 (1) g where in the trade was viewed as the nation's trade, commerce and exchange rate as a wholesome in the eyes of the article 301 on the Indian constitution in a landmark case of *Automobiles Transport Ltd v. State of Rajasthan*.¹⁰ The court was also convinced that Article 301 guards a trading movement within state and outside of the state in the county rather than between individual to individual in the *Saghir Ahmed Case*.¹¹

⁶ Article 301 Indian Constitution

⁷ Soham Chakraborty, Shamayita Pal, *Freedom of Trade, Business and Profession: In-Depth Analysis*, LEX INSIGHT, (May. 14, 2021, 9:26 AM), <https://lexinsight.wordpress.com/2019/10/30/freedom-of-trade-business-and-profession-in-depth-analysis/>.

⁸ *Motilal v. State of Uttar Pradesh*, AIR 1951 All 257

⁹ *Bombay v. Chamarbaughwala*, AIR 1957 SC 699

¹⁰ AIR 1958 Raj 114

¹¹ *Saghir Ahmed v. State of Uttar Pradesh*, AIR 1954 SC 728

The above mentioned are some of the relationship and differences between these two articles pertaining to freedom of trade and commerce and therefore imposing of beef ban and cow slaughtering is a huge blockage which is indeed considered as a violation of the above-mentioned articles of the Indian Constitution.

Right to Life of Article 21:

The fundamental right of right to life in the Indian constitution appears to be getting violated on the impose of beef ban or cow slaughtering in the certain states of the country. It says the that none in the country that should be deprived of one's life unless subjected to any procedural amendments of the law made by the courts of India. The concept of "living" is more than just animal nature. The right to live includes the right to life and everything, including the absolute necessities of life, like sufficient nutrition, clothing and shelter, and the right to live with and live-in human dignity and this was held in the case of Francis Corralie Mullin v. Union Territory Delhi Administrator.¹²

Following which and therefore, it was held that the fundamental right to life is not only mere right to life but also right to food in a landmark case of Shantisar Builders v. Administrator of Union Territory Delhi as well.¹³ The right to Privacy is also mingled along with the right to life and this was held the another landmark case as well in Rajagopal v. Tamil Nadu.¹⁴ In such manner one cannot question the other individual preference of food or one cant demand the other on what to eat for his survival as it is right to choose what he can eat for his living. This is clearly mentioned in the Hinsa sangh case pertaining to choose food that one wants to eat.¹⁵ It is also a fact that the right to privacy is actually guaranteed right under the article 21 of the Indian Constitution which was held in the KS Putaswami case.¹⁶ Post the case, there was also Journal article regarding the right to privacy which has always been along with the right to life.¹⁷

On imposing such bans on meat, it comes to the general people on to become vegetarian or non-vegetarian is also ones wish and choice pertaining to right to privacy which is in hand of the right to life of article 21 in the Indian Constitution.¹⁸ Therefore, complete ban of beef is unreasonable as it is one's choice of what to consume in this secular country. However, article 48 is a directive principle of state policy, implementing on the ban of beef, slaughtering of cows and so on, it would be a clash between directive principle of state policy and fundamental rights of article 19 (1) g, article 21 and article 25 on the Indian Constitution. But then, if at all, a clash between the Directive Principle of State policy and Fundamental Rights occurs, then it was held that the fundamental rights would be

more superior compared to the directive principles of state policy in a landmark constitutional case.¹⁹

Withdrawing beef ban and cow slaughtering may question the article 25 of Indian Constitution, with respect to Hinduism, Jainism, Buddhism or even Zoroastrianism where they view cattle, cows as a sacred animal and a holy creature and therefore the Prevention of cruelty to Animals Act of 1960 along other prohibition of cow slaughtering along with preservation of animals Act have imposed such ban against just for this one breed and creature. Now, Prevention of Cruelty of Animals Act as the definition²⁰ suggest, this is an act for creatures or than human, which means it includes all animals. In such manner, why such an act which treats all animal equally as one creature, which has been enacted for the welfare all the animals, is not taking any necessary actions on the slaughtering of other animal such as goat, roosters, pig in the same name of Hindu Rituals is still a question to many.

Application of beef ban implied in various states in India

The issue of beef ban, or more particularly cattle slaughtering and sale of beef is very contentious in India. The issue has various aspects and contentions linked with it, chief of which are the religious and livelihood aspects. Added to the confusion are the numerous laws that each state has passed individually for regulating such the slaughter. Many of the states such as Madhya Pradesh, Maharashtra, Haryana, Gujarat and many more have strict laws that prevent slaughtering of cows, even bullocks while some of the other states have less stringent laws such as in Tamil Nadu and West Bengal where all types of cattle can be slaughtered but upon procuring a 'fit-for-slaughter' certificate issued by the authorities which is given based on some criteria. In some states such as Meghalaya, Kerala and Nagaland there are no legislations enacted regarding the slaughter of cattle.²¹

The debate surrounding this issue has been centred on the religious grounds based on Art.25 and freedom of trade and profession guaranteed under Art.19 (1) (g) and 301. According to Article 48 of the Indian Constitution, the legislature must make every effort to preserve and improve species, as well as prevent the killing of calves, cows and other milch and draught animals. Although this article forms a part of the DPSPs and hence not enforceable by law itself, many states have passed laws of varying degrees of stringency with regard to cattle slaughtering. Under Entry 15 of List II (State List), state governments may pass legislation to carry out the directive mentioned in Article 48 prohibiting cow slaughter since they are authorized by the Indian Constitution to pass legislation associated with stock preservation, security, and improvement. This aspect also came under scrutiny with the introduction of Cow Protection Bill, 2017.

¹² AIR 1981 SC 746

¹³ 1990 1 SCC 520

¹⁴ AIR 1995 SC 264

¹⁵ 2008 5 SCC 33

¹⁶ AIR 2017 SC 4161

¹⁷ Faizan Mustafa, Vivek Mukherjee, *Holy Cow, Privacy, and Unholy Laws*, 2(51), 54,54-57 (2017).

¹⁸ *Supra* note 15

¹⁹ State of Madras v. Champakam Dorairajan, AIR 1951 SC 226.

²⁰ Definition 2(a), Prevention of Cruelty to Animals 1960.

²¹ DEPARTMENT OF ANIMAL HUSBANDRY AND DAIRYING, <http://dahd.nic.in/hi/related-links/annex-ii-8-gist-state-legislations-cow-slaughter> (last visited May. 15, 2021).

This controversy is, however, not new in India and has a long legal history associated with it. The first landmark case was the *Qureshi v. State of Bihar*²², where the petitioner was a member of the Muslim community whose primary source of livelihood was the butcher trade. He filed a petition alleging that his fundamental rights have been violated by Bihar's animal laws²³ banning him from slaughtering cattle. The main issues that were discussed in the case were:

- Would banning the petitioner from slaughtering cows violate his or her fundamental rights?
- Is it justified or reasonable to ban cattle slaughter in the scope of the public at large?
- Calling into question the constitutionality of the ban based on state legislation.

The court stated that ban on slaughter did not violate the petitioner's right to religion under Art.25 as it was not a mandatory practice in Islam but an optional one. The court also held that a complete ban on slaughter of bulls and bullocks, which were deemed to be of no further use, would be an unconstitutional restriction on the fundamental rights under Art.19 (1) (g).

This judgement subsequently acted as precedent in many of the cases having similar issues raised, particularly the case of *State of Gujarat v Mirzapur Moti Kureshi Kassab Jamat*.²⁴ However, this case has come under criticism for giving DPSP prominence without regard for the right to privacy and personal freedom, and thus conflicting with harmonious construction.²⁵

The current legislation regarding ban on cattle slaughter in various states can be classified into the following heads:

- Complete Ban: The slaughtering of cows and their offspring, like bulls and bullocks of all ages, is prohibited in states/UTs such as Haryana, J&K, Gujarat, Uttarakhand, Rajasthan, Himachal Pradesh, Delhi, U. P., and Punjab.
- Partial Ban on Buffalos: Although some states have strict legislation prohibiting the killing of cows, the slaughter of buffalo is permitted in some conditions. in states like U. P and Gujarat.
- Fit-for-Slaughter: Cows as well as other cattle aged one year or more are permitted to be slaughtered in many states like Tamil Nadu if a veterinary specialist issues a fit-for-slaughter certificate or if specific requirements of the state are met. Cows over the age of 10 and 14 are permitted to be slaughtered in Assam and West Bengal, respectively.
- No Legislation: Five states, Mizoram, Kerala, Meghalaya, Arunachal Pradesh and Nagaland, have any legislation in place regulating the slaughter of cattle.

²² Hanif Qureshi v. State of Bihar, 1959 SCR 629.

²³ Bihar Preservation and Improvement of Animals Act, 1955, § 3, No. 2, Acts of Bihar, 1955 (India).

²⁴ State of Gujarat v. Mirzapur Kureshi Kassab Jamat, 2005 8 SCC 534

²⁵ Faizan Mustafa & Vivek Mukherjee, Holy Cow, Privacy, and Unholy Laws, 52 ECONOMIC & POLITICAL WEEKLY 54, 55 (2017).

As apparent from the above classification there is a lack of uniformity in regulating the slaughter of cattle across the nation. What this non-uniformity has led to is the establishment of illegal slaughterhouses in various states and the cows and other banned cattle being transported from one state where there are strict laws to another state where the laws are more lenient for slaughtering, even though such transportation is illegal in most states. This is apparent in the case of Kerala where there is no regulation on cattle slaughter. Cattles from other neighbouring states like Tamil Nadu, Andhra Pradesh and Karnataka are smuggled in for slaughter which is illegal according to respective state laws.²⁶

Many Indian states have passed laws and regulations restricting the slaughter as well as sale of bulls, cows, and buffaloes. In India, 11 states (commonly referred to as cow belt) have outlawed the slaughter by imposing absolute ban in cattle (irrespective of the gender) slaughter. Aged (a bit older) bulls as well as bullocks which have been licensed as "cattle fit to slaughter" are allowed to be slaughtered in 9 Indian states. In 2016, The High Court of Bombay, dismissed the newly enacted provision related to beef ban by Maharashtra, ruling that "food consumption which is not harmful to human health is indeed a component of a person's autonomy or his/her right to just be left alone." As a result, it is indeed a violation of his/her right towards privacy." (In the case of *Shaikh Zahid vs. State of Maharashtra* 2017, refer paragraph no.176). On the other hand, the court upheld the constitutionality of the Section 5C (which makes it illegal to obtain the meat of just about any bullock, cow or bull slaughtered in violation of the act's provisions), and besides restricted its application by stating that perhaps the possession must be "conscious" and therefore should not be otherwise. The term "conscious" which is used in this context creates legal uncertainty. This has been contended that the particular term "the possession" implies mens-rea, or motive to embody, by itself (in *Mustafa* 1992). One more aspect of something like the privacy judgement that broadened the scope and extent of such privacy rights has been Justice Chandrachud's perception:

Privacy is indeed a protected right under the Constitution of India that stems predominantly from the Article 21 which guarantees' life as well as personal liberty. Privacy issues occur in a variety of instances from some other aspects of dignity and freedom guaranteed as well as recognized by the IIIrd part of fundamental rights. (in the case of *Justice. K Puttaswamy & Anr vs. Union of India* in 2017)

This may lead to the conclusion that Articles 25 as well as 19 (1) (g) of the Indian Constitution must just be read in conjunction with life as well as personal liberty based on which every individual's privacy rights are stems. The supreme source code of the liberty isn't any longer just in Article 21. Fundamental human rights are indeed a logical continuation of the lawful principle of liberty, isn't a

²⁶ Department of Animal Husbandry and Dairying, <https://web.archive.org/web/20131109002416/http://www.dahd.nic.in/dahd/reports/report-of-the-national-commission-on-cattle/chapter-ii-executive-summary.aspx#it17> (last visited May, 15, 2021).

collection of insular points. In practice, an individual's right to consume food, whatever food one wants has little significance only if the food has been reasonably purchasable. The freedom or right to export or trade beef will be a rational consequence of the broadening interpretation of privacy. The privacy rights as well as freedom to follow any religion must also be considered in accordance. Butchers had already challenged beef-ban laws as infringing on everyone's right towards trading, as well as the court upheld them as "the reasonable restrictions." Also with privacy verdict, a new flashpoint has opened up. Beef consumption is not prohibited by religions of Abrahamic or even tribes. As a secular country, India cannot command non-Hindus as to what they should or shouldn't eat. These laws are analogous to Pakistan's blasphemy law, which requires non-Muslim individuals to respect and value the beliefs of Islam's.

Impact of Beef Ban and Cow Slaughtering on the Freedom to Trade and Commerce:

Many cases have been through the courts of India regarding the ban of beefs and cow slaughtering. Supreme Court heard the case of *Hasmattullah*²⁷, where it borrowed the judgement from famous *Hanis Quaraishi*²⁸, which challenged the beheading of cows in the states of Bihar, MP and UP. The laws prohibiting such activities have been questioned on 3 counts that follow. The reason was that, under 19 (1) g the Indian constitution, the rights to trade in butchers were violated and that the ban was ultimately against the other faith which required sacrificing Cow for religious purposes in that particular religion. Lastly, was against the interest of public in general. Since 19 (1) g is getting violated, it also violates article 301 as per the previous case law²⁹, which prevents butchers from involving in trade, business and exchange.

However, sad to say, in the case of *State of Gujarat v Mirzapur Kureshi Kassab Jamat*³⁰, the Supreme Court overruled this fair distinction between "productive" and "pointless" cattle. In this decision, the Court borrowed or perhaps reinvented an assertion from *Kesavananda Bharati v State of Kerala*³¹ where it said that "The interest of a person or segment of a society, however significant, is secondary to the interest of the nation or society in general."

According to me, *Kesavananda Bharati* interpretation was entirely uncontextual. Furthermore, the interpretation contradicts the law and the Constitution. The articles that set out fundamental duties to ensure peace among all people which is being explained in the Article 51A subclause E of the Indian Constitution, to promote scientific temper and humanism which is mentioned article 51A subclause H, and to protect the economic interests of weaker sections of the population which is brought out the Article 46 of the Indian Constitution that represent our constitutional ethos.

The High Court of Madurai bench was the nation's first court to judge the Central Government's prohibition of beef and cattle slaughter. The decision in the case of *Selvagomathy*, to lift the central government's ban on the selling and purchase of beef in India would apply to the rest of the country. It also informed the government that cattle slaughter is permitted under that same law. It also stated that the prohibition on cow butchering is on the state list, implying that individual states are allowed to enact legislation on the subject, and that it also violates the freedom to trading, commerce and intercourse within individual or state, with respect to article 301 and 19 (1) g of the Indian Constitution.³² The question is therefore whether the slaughter ban, which alleges that it violates their right to foods, may be restricted by fair restrictions, as the right to privacy has a firm norms founded upon the Constitution.³³ The state must demonstrate the overriding interest of the state to show that food damages the individual who eats it which in essence to say that the test of rationality and lawfulness must then be passed.

In this manner, two decisions are relevant. One is the verdict of *Mirzapur*³⁴ and the other is the verdict of *Hinsa Sangh*.³⁵ The important distinction of the *Mirzapur* case was that, on the grounds that a full ban on the slaughtering of cattle and animals is not in the essence of a prohibition but that it also merely "restricts" for some time, the Court has dismissed the argument that it does affect the essential right to practice any trade, occupation, intercourse or business. When the decision was made in the case of *Hinsa Sangh*, It is not a matter of the right to trade, but of the prohibition for 9 days, for the local butchers or regular wagers in such meat-shops. Justice M Katju has acknowledged and agreed that his decision might not be exactly correct, who determined the case in *Hinsa Sangh*.

In the *Mirzapur* case, the Court also made mistakes in relying on Article 51A of subclause g, which stipulates that a main idea is to have respect for all living beings and treat them the same. Slaughtering of cattle was found to be contrary to this constitutional value. Cow and cattle are also not the only living beings to merit compassion or to be concentrated on. What about the animals that are beheaded like goats, roosters and hens in the Hindu rituals in the name of right to religion of article 25 of the Indian Constitution and it is also the duty of Prevention of Cruelty to Animals Act of 1960 to look into this.

Removing or withdrawing beef ban or cow slaughter cannot be eradicated completely however it can be of in a such a manner where it doesn't clash with the fundamental rights and constitutional rights such as 19 (1) g, 21 and 301. Law requires consideration for individual interests and convictions. In the *Puttaswami* decision, the Supreme Court clearly held that dignity is the core which binds fundamental rights as the reason fundamental rights are intended to

²⁷ *Hasmattullah v. State of Madhya Pradesh* AIR 1996 SC 2076

²⁸ *Supra* note 22.

²⁹ *Supra* note 9.

³⁰ *Supra* note 24.

³¹ *Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461

³² *Selvagomathy v. Union of India*, 2017 SCC 23867 Mad

³³ *Supra* note 14.

³⁴ *Supra* note 24.

²⁹ *Supra* note 15.

³⁵

achieve dignity of life for each person.³⁶ A decision of the judge rightly held that unity and integrity of nation cannot survive unless privacy guarantees the dignity of every person. We should read together the three principles of freedom, equity and solidarity. The right to privacy recognizes individual autonomy because privacy is inherent in independence and freedom.

2. Conclusion

Although it seems to operate on the very same side, the fundamental right secured in Article 19 (1) (g), whereas Article 301 of the Constitutional Right, are merely complementary. They vary in their vital aspects but coexist to ensure that exchange, trade and relations work smoothly in the country in general, as a result of the economic growth of the nation throughout the country. The right provided for under Art 19 (1) (g) shall give the citizens' rights, while the right provided for in Art 301 does not apply to any individual in a fundamental way.

As such, from the foregoing debate, it is clear that imposing a full ban on beef is unjustifiable. A ban like the Rules, which prohibits the killing, ownership, and import of cows, calves, and other livestock, is unjust and arbitrary because it infringes on the right to freedom of trade and occupation, as well as the right to life. Although these rights are not absolute, the reasons for imposing restrictions are not rational in this situation. As fundamental rights under Article 13 of the Constitution, which reads as "there shall not be any law which removes or abrogates certain rights conferred on it, and as far as the infringements are concerned any law made under this clause shall be void." A full ban on beef cannot therefore be justified, as it violates a basic right which in turn violates the Constitution's Article 13.

In addition, the resulting lack of uniformity in the implementation of the ban makes the interpretation of law ambiguous and skewed. It's difficult to concretely state whether the prohibition is justified as punishments change from state to state. When evaluating the prohibition on beef, it is important not to assess the moral and cultural dimensions of it but its relevance of these sections. Although not obvious, cultural relations have been allegedly the motor of these legislation and this argument has been confirmed somehow in the recent cases of cows' vigilantes.

³⁶ *Supra* note 16.