

PIL No. 3 of 2024

Date of order: 31.05.2024

1. Shri. John F. Rymbai
2. Shri. Monush Lapang
3. Shri Simon Lapang

- Versus -

1. State of Meghalaya,  
through the Director Department of Animal Husbandry and  
Veterinary, Meghalaya.
2. Union of India,  
Ministry of Environment, Forest and Climate Change,  
through the Secretary, Law-U-Sib, Lumbatngen, Near, MTC  
Workshop, Sawlad, Madanrting, Shillong, Meghalaya 793021
3. Union Ministry of Animal Husbandry,  
Department of Animal Husbandry and Dairying,  
Krishi Bhawan, New Delhi 110001

**Coram:**

**Hon'ble Mr. Justice S. Vaidyanathan, Chief Justice**  
**Hon'ble Mr. Justice W. Diengdoh, Judge**

**Appearance:**

For the Petitioners : Ms. O.A.I. Bang, Adv.  
Ms. Z.S.L. Synrem, Adv.

For the Respondents : Mr. K. Khan, AAG with  
Mr. S. Sengupta, Addl.Sr.GA  
Mr. E.R. Chyne, GA

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|-----|---|--------|
| i)  | Whether approved for<br>reporting in Law journals etc.: | Yes/No |
| ii) | Whether approved for publication<br>in press:           | Yes/No |

## **ORDER**

***(Made by Hon'ble, the Chief Justice)***

The petitioners have come forward with the following prayers:

“(a) Prevent the State of Meghalaya from relocating or establishing animal markets at places like Shangbangla and Umsning Village or any other place not conducive for the location of a livestock market.

(b) To make clear direction on the guideline and orders of establishing a livestock market to prevent cruelty against animals.

(c) Pass any order to uphold the ends of justice.”

2. The main ground of attack in the present Public Interest Litigation is that though the distance of 25 km for livestock markets from any international border is specified in the old enactment Rules of 2017 but the Rules of 2018 published in the Gazette of India dated 22.03.2018 are the draft Rules in which objections/suggestions have been called for.

3. According to the petitioners, in the draft Rules, more so, Rule 8 deals with animal markets near international borders and no other provisions has been made with regard to maintenance of distance. Learned counsel for the petitioners would further contended that in terms of the Meghalaya State Agricultural Produce and Livestock Marketing (Promotion and Facilitation) Act, 2020 published in the Gazette of Meghalaya, Part-IV dated 01.06.2020, Rule 3 deals with the establishment of markets, more so, with regard to the intention of

regulating marketing of such agricultural produce and livestock in the State for which a notification has to be issued. For reference, Rule 3 is produced herein below:

“3. (1) The State Government may, by notification in the official gazette, declare its intention of regulating the marketing of such agricultural produce and livestock, in the State, as may be specified in the notification. The notification may be sought to notice of the interested public by publishing in local language and English in widely circulated platforms, media like newspapers, websites and other formats:

Provided that no area within the limits of municipality shall be included for regulation under this Act except after consultation with the municipal Board or municipal council, as the case may be.

(2) The notification under sub-section (1) shall state that any objections or suggestions which may be received by the State Government within such period considered by the State Government.

(3) State Government may hold consultations with Local bodies, and autonomous district councils, who own and operate rural periodical markets or haats or any other such markets for marketing of agricultural produce and livestock within their jurisdictional area, to bring such markets under the regulation of this Act, so as to develop these markets to efficiently function as marketing platform nearest to the farm gate.”

4. Learned counsel for the petitioners further stated that even though the Act has come into force, as on date, no notification has been issued. The petitioners in their prayers has specifically sought that there should be prevention from relocating or establishing animal markets at places like Shangbangla and Umsning Village or any other place not conducive for the location of a livestock market.

4. Mr. K. Khan, learned AAG submitted that another petitioner has approached this Court by way of PIL No. 7 of 2023 with regard to shifting of the livestock markets in terms of Rule 8 of the Rules of 2017 and a distance of 25 km from any international border to be maintained. As the draft Rules have not come into force and that there is no time limit prescribed in terms of Rule 3, which is extracted *supra*, we are not inclined to grant the relief as such, as prayed for by the petitioners.

5. This Court has expressed its view that it is open to the petitioners to get impleaded as interveners in PIL No. 7 of 2023 which is pending before this Court in order to put forth their case. Though learned counsel vehemently addressed her arguments, when this Court expressed that the relief cannot be granted in the present petition, she sought permission to get the petitioners impleaded in PIL No. 7 of 2023.

6. Taking note of the submissions made, the present PIL is disposed of by giving liberty to the petitioners for impleading themselves in the pending matter being PIL No. 7 of 2023.

**(W. Diengdoh)**  
**Judge**

**(S. Vaidyanathan)**  
**Chief Justice**

Meghalaya  
31.05.2024  
"Sylvana PS"