



farmer's genuine need to sell and buy cows for agriculture and milk.

Historically, outlining the contours of nomadic cattle breeders' mobility, F.S.H. Bradley in his book *The Indigenous Breed of Cattle in Rajputana* (1911) explained that cattle were moved to ensure enough fodder in the desert landscape of Rajasthan. Bradley showed in his book how the nomadic cattle breeders from Rajputana travelled with their cattle to areas such as West Punjab, Gujarat and the Malwa region to supply plough and cart bullock needs to cultivators. He wrote, "the people of Nagaur as a rule travel South and West into Malwa and so far as the district Mhow, or into North Guzerat and Sindh".

This mobility of nomadic cattle breeders and traders/ dealers was intricately linked with cattle fairs that punctuated the Hindu calendar as per auspicious tithis (dates). As a brilliant ethnographic account of one such cattle fair, Kharwa Mela in Rajasthan by Deryck Lodrick (1984) suggests that cattle fairs that were held by feudal princes and istimardars (landowners) in the past continues to be held by their descendants, even as post-independence Cattle Fair Acts legislated by state governments hands over this function to state bureaucracy.

Documenting the Kharwala Mela of October 17-22 in 1981, Lodrick underlines a long distance movement of purchased cattle as well as a significant distance travelled by those who brought their cattle for sale: "It is common practice for cattle dealers to buy animals at fairs and transport them to other fairs in the area for re-sale... (Of fourteen traders interviewed at Kharwa), one dealer,

a Lohar from Pali district, sent animals from Kharwa to Bharatpur, some 150 kms to the northeast on the Rajasthan-Uttar Pradesh border; another a banjara from Uttar Pradesh, sold the animal he bought at Kharwa and other fairs in Rajasthan in Allahabad, 750 kms away; and a third buyer dealt with cattle agents in Maharashtra, Madhya Pradesh and Gujarat".

Even in the face of this history around cattle mobility, our lawmakers have repeatedly shown that the only party they listen to are vigilante crowds whose only claim to fame is that they consider any movement of cattle as 'smuggling'. Whether as agricultural cattle or as milch cattle for dairy development, the story of cattle development in India is punctuated by cattle mobility from the breeding tracts to other places.

There is no specific rule making power vested in the Central government to regulate animal markets. The Regulation of market committees, including market committees for cattle, fair including cattle fairs are state subjects and hence lies within the legislative domain of the State (Entry 28, List II). Further, the preservation, protection and improvement of stock and prevention of animal diseases; veterinary training and practice is also covered under Entry 15 of List II, and henceforth only the state government has powers over these subjects. These Rules are ultra vires to the Act to the extent that it seeks to regulates markets, livestock, and hence is not within the Competence of the Centre but the States. Besides, a combined reading of the sweeping definition of 'animal markets' and Rule 22 evident that there is a complete restriction of purchasing and selling