



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

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असाधारण क्रमांक ६६

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Prevention of Cruelty to Animals (Maharashtra Amendment) Bill, 2017 (L. A. Bill No. XXIX of 2017), introduced in the Maharashtra Legislative Assembly on the 6th April 2017, is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

PRAKASH H. MALI,
Principal Secretary to Government,
Law and Judiciary Department.

L. A. BILL No. XXIX OF 2017.

A BILL

to amend the Prevention of Cruelty to Animals Act, 1960, in its application to the State of Maharashtra.

59 of 1960. WHEREAS it is expedient to amend the Prevention of Cruelty to Animals Act, 1960, in its application to the State of Maharashtra, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-eighth Year of the Republic of India as follows :—

1. (1) This Act may be called the Prevention of Cruelty to Animals (Maharashtra Amendment) Act, 2017.

Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment
of section 2 of
59 of 1960.

2. In section 2 of the Prevention of Cruelty to Animals Act, 1960, in its application to the State of Maharashtra (hereinafter referred to as "the principal Act"), after clause (b), the following clause shall be inserted, namely :—

59 of
1960.

“(bb) “bullock cart race” means an event involving bulls or bullocks to conduct a race, whether tied to cart with the help of wooden yoke or not (by whatever name called), with or without a cartman with a view to follow tradition and culture on such days and in any District where it is being traditionally held at such places, as may be previously approved by the District Collector, and also known as “*Bailgada Sharyat*”, “*Chhakadi*” and “*Shankarpat*” in the State of Maharashtra ;”.

Amendment
of section 3 of
59 of 1960.

3. Section 3 of the principal Act shall be re-numbered as sub-section (1) thereof; and after sub-section (1) as so re-numbered, the following sub-sections shall be added, namely :—

“(2) Notwithstanding anything contained in sub-section (1), the bullock cart race may be conducted with the prior permission of the Collector, subject to the condition that no pain or suffering as envisaged by or under the Act is caused to the animal by any person or person in charge of the animal used to conduct bullock cart race and subject to such other conditions as may be prescribed by rules under section 38B by the State Government.

(3) If any person or person in charge of the animals conducts bullock cart race in contravention of the conditions laid down in sub-section (2) or rules made thereunder relating to the bullock cart race or causes pain or suffering to the animal, he shall be punished with fine which may extend upto rupees five lakhs or imprisonment for a term which may extend upto three years.”.

Amend-
ment of
section 11 of
59 of 1960.

4. In section 11 of the principal Act, in sub-section (3), after clause (c), the following clause shall be inserted, namely :—

“(c-1) the conduct of bullock cart race in accordance with the provisions of sub-section (2) of section 3 or participation therein with a view to follow and promote tradition and culture and ensure preservation of native breeds of bulls as also their purity, safety, security and well being; or”.

Amend-
ment of
section 22 of
59 of 1960.

5. In section 22 of the principal Act, the following proviso shall be added, namely :—

“Provided that, nothing contained in this section shall apply to the conduct of bullock cart race in accordance with the provisions of sub-section (2) of section 3.”.

Amend-
ment of
section 27 of
59 of 1960.

6. In section 27 of the principal Act, after clause (a), the following clause shall be inserted, namely :—

“(a-1) the conduct of bullock cart race in accordance with the provisions of sub-section (2) of section 3, with a view to follow and promote tradition and culture and ensure survival and continuance of native breeds of bulls ; or ”.

7. After section 28 of the principal Act, the following section shall be inserted, namely :—

Insertion of section 28A in 59 of 1960. Saving in respect of bullock cart race.

“28A. Nothing contained in this Act shall apply to the bullock cart race conducted in accordance with the provisions of sub-section (2) of section 3, to follow and promote tradition and culture and such conduct shall not be an offence under this Act.”.

8. After section 38A of the principal Act, the following section shall be inserted, namely :—

Insertion of section 38B in 59 of 1960.

“38B. (1) The State Government may, subject to the condition of previous publication, by notification in the *Official Gazette*, make the rules, not inconsistent with the rules made by the Central Government, if any, for carrying into effect the provisions of sub-section (2) of section 3 of the Act.

Power of State Government to make rules.

(2) Every rule made under this section shall be laid, as soon as may be, after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in rule or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall, from the date of publication of such notification, have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.”.

STATEMENT OF OBJECTS AND REASONS.

Bulls and bullocks are traditionally worshipped on festivals called '*Bail Pola*' or '*Bendur*' in the State of Maharashtra. Bull is considered as a symbol of strength. The "bullock cart race" consists of running race of bulls or bullocks conducted on the particular day or days of fair (*Jatra, Yatra, etc.*) in villages in the State as a part of ancient culture and tradition of the Maharashtra. The said tradition is in vogue from ancient time. Such bullock cart races exhibit stamina and state of health of bulls and bullocks. Bullock cart race has played a vital role in preserving native breeds as well as maintaining the purity of breeds of bulls and bullocks and state of health of bulls and bullocks in the State. Bullock cart race is also named as "*Bailgada Sharyat*", "*Chhakadi*" or "*Shankarpat*" in various parts of the State of Maharashtra.

The Prevention of Cruelty to Animals Act, 1960 (59 of 1960) was enacted to prevent infliction of unnecessary pain or suffering on animals. The said Act also recognizes the need to exempt the application of its provisions in certain circumstances. The Hon'ble Supreme Court of India, in its judgment in the case of *Animal Welfare Board of India Vs. A. Nagaraja*. (Civil Appeal No. 5387 of 2014), has declared that the conduct of bullock cart race is violative of the provisions of said Central Act, particularly sections 3, 11 and 22 of that Act. Considering the vital role played by traditional events of bullock cart race in preserving and promoting tradition and culture among the people in large parts of the State of Maharashtra and ensuring survival and continuance of native breeds of bulls, the Government of Maharashtra considers it expedient to suitably amend the said Central Act, in its application to the State of Maharashtra, so that the conduct of bullock cart race in the State would not violate the provisions of the said Central Act, in its application to the State of Maharashtra.

2. This Bill seeks to achieve the above objectives.

Mumbai,
Dated the 5th April 2017.

MAHADEV JANKAR,
Minister for Animal Husbandry,
Dairy Development and Fisheries.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

The Bill involves the following proposals for delegation of legislative power, namely :—

Clause 1(2).—Under this clause, power is taken to the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 8.—Under this clause, power is taken to the State Government to make rules, by notification in the *Official Gazette*, for carrying into effect the provisions of section 3(2) of the Act.

2. The above-mentioned proposals for delegation of legislative power are of a normal character.