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PUNJAB VIDHAN SABHA SECRETARIAT

NOTIFICATION

The 20th February, 2019

No. 8-PLA-2019/7.-The Prevention of Cruelty to Animals (Punjab Amendment) Bill, 2019 is hereby published for general information under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

Bill No.8-PLA-2019

THE PREVENTION OF CRUELTY TO ANIMALS (PUNJAB AMENDMENT) BILL, 2019

A

BILL

further to amend the Prevention of Cruelty to Animals Act, 1960, in its application to the State of Punjab, so as to preserve the unique cultural heritage and sporting significance of the traditional Kila Raipur Rural Sports event and fair.

BE it enacted by the Legislature of the State of Punjab in the Seventieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Prevention of Cruelty to Animals (Punjab Amendment) Act, 2019.

Short title and commencement.

(4845)

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

Amendment in section 2 of Central Act 59 of 1960.

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

"(dd) "Kila Raipur Rural Sports Event" means a traditional rural sporting event and fair which takes place at Kila Raipur (Ludhiana), towards promoting the spirit of games and sports, and enriching the cultural heritage and tradition of the State of Punjab, which is also a great source of customary entertainment, especially for rural Punjab, on such days, as may be notified by the State Government;".

Amendment in section 3 of Central Act 59 of 1960.

3. In the principal Act, in section 3, the existing provision shall be numbered as sub-section (1) and after the said sub-section, the following sub-section shall be added, namely:-

"(2)Notwithstanding anything contained in sub-section (1), conduct of bullock-cart racing at the Kila Raipur Rural Sports Event, shall be permitted, subject to such rules, as may be made by the State Government."

Amendment in section 11 of Central Act 59 of 1960.

4. In the principal Act, in section 11, in sub-section (3), in clause (e), for the sign ".", the sign and word "; or" shall be substituted and thereafter, the following clause shall be added, namely:-

"(f) the conduct of bullock-cart racing at the Kila Raipur Rural Sports Event, with a view to preserve the unique cultural heritage and sporting significance of the Kila Raipur Rural Sports Event."

Amendment in section 22 of Central Act 59 of 1960.

5. In the principal Act, in section 22, in clause (ii), for the sign ".", the sign ":" shall be substituted and thereafter, the following proviso shall be added, namely:-

"Provided that nothing contained in this section shall apply to the conduct of bullock-cart racing at the Kila Raipur Rural Sports Event."

Amendment in section 27 of Central Act 59 of 1960.

6. In the Principal Act, in section 27, in clause (b), for the sign ".", the sign and word "; or" shall be substituted and thereafter, the following clause shall be added, namely:-

"(c) the conduct of bullock-cart racing at the Kila Raipur Rural Sports Event with a view to preserve the unique cultural heritage and sporting significance of the Kila Raipur Rural Sports Event."

7. In the Principal Act, after section 28, the following section shall be inserted, namely:-
- Insertion of section 28-A of Central Act 59 of 1960.

"28-A. Nothing contained in this Act shall apply to bullock-cart racing conducted at the Kila Raipur Rural Sports Event, with a view to preserve the unique cultural heritage and sporting significance of the Kila Raipur Rural Sports Event, and such conduct of bullock-cart racing shall not be an offence under this Act."

Saving in respect of bullock-cart racing at the Kila Raipur Rural Sports Event.

8. In the Principal Act, after section 38-A, the following section shall be inserted, namely:-
- Insertion of section 38-B of Central Act 59 of 1960.

"38-B. (1) The State Government may, subject to the condition of previous publication, by notification in the Official Gazette, make rules, not inconsistent with any rules made by the Central Government, if any, for carrying into effect the provisions of sub-section (2) of section 3 of this 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 the House of the State Legislature while it is in session for a total period of ten 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 successive sessions as aforesaid, the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule shall thereafter, have effect only in such modified form or be of no effect, as the case may be. However, 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

The Prevention of Cruelty to Animals Act, 1960 (Central Act 59 of 1960) was enacted to prevent the infliction of unnecessary cruelty and suffering on animals. The Act also recognises the need to exempt the application of its provisions in certain circumstances. The Supreme Court of India, in Animal Welfare Board of India vs. A. Nagaraja (Civil Appeal no. 5387 of 2014) has found that the conduct of “Jallikattu” as prevalent in the State of Tamil Nadu, as also Bullock Cart Racing, is violative of the provisions of the Central Act 59 of 1960, particularly Sections 3, 11, and 22 of that Act.

Considering the important role played by the traditional rural sporting event and fair which takes place at Kila Raipur (Ludhiana), towards promoting the spirit of games and sports, and enriching the cultural heritage and tradition of the State of Punjab, which is also a great source of entertainment, especially for rural Punjab, the Government of Punjab have decided to exempt the conduct of Bullock Cart Racing in Kila Raipur Rural Olympics from the provisions of the said Central Act 59 of 1960.

Therefore, the Government has decided to amend the said Central Act 59 of 1960 in its application to the State of Punjab. Accordingly, the Prevention of Cruelty to Animals (Punjab Amendment) Bill, 2019, is being passed.

BALBIR SINGH SIDHU,
Minister for Animal Husbandry, Fisheries and
Dairy Development, Punjab.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause (dd) of section 2 of, and sub-section (2) of Section 3 of, the Prevention of Cruelty to Animals Act, 1960 (Central Act 59 of 1960), proposed to be inserted by clauses 2 and 3 of the Bill, authorise the State Government to issue notification or to make rules, as the case may be, to carry out the purposed specified therein.

2. The powers delegated are normal and not of exceptional character.

Chandigarh
The 20th February, 2019

SHASHI LAKHANPAL MISHRA
Secretary.