



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 13]

CHENNAI, MONDAY, JANUARY 23, 2017
Thai 10, Thunmugi, Thiruvalluvar Aandu-2048

Part IV—Section 1

Tamil Nadu Bills

BILL INTRODUCED IN THE LEGISLATIVE ASSEMBLY OF THE STATE OF TAMIL NADU

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 23rd January, 2017 is published together with Statement of Objects and Reasons for general information:—

L.A. Bill No. 1 of 2017.

A Bill to amend the Prevention of Cruelty to Animals Act, 1960 so as to preserve the cultural heritage of the State of Tamil Nadu and to ensure the survival and wellbeing of the native breeds of bulls.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-seventh Year of the Republic of India as follows:—

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

Short title and
commence-
ment.

(2) It shall be deemed to have come into force on the 21st day of January 2017.

Central Act 59
of 1960.

2. In Section 2 of the Prevention of Cruelty to Animals Act, 1960 (hereinafter referred to as the principal Act), after clause (d), the following clause shall be inserted, namely:—

Amendment of
section 2.

“(dd) “Jallikattu” means an event involving bulls conducted with a view to follow tradition and culture on such days from the months of January to May of a calendar year and in such places, as may be notified by the State Government, and includes “manjuviratu”, “vadamadu” and “erudhuidumvizha”.”.

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

Amendment of
section 3.

“(2) Notwithstanding anything contained in sub-section (1), conduct of ‘Jallikattu’, subject to such rules and regulations as may be framed by the State Government, shall be permitted.”.

Amendment of section 11.

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

“(f) the conduct of ‘Jallikattu’ with a view to follow and promote tradition and culture and ensure preservation of native breeds of bulls as also their safety, security and wellbeing.”.

Amendment of section 22.

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

“Provided that nothing contained in this section shall apply to conduct of ‘Jallikattu’.”.

Amendment of section 27.

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

“(c) the conduct of ‘Jallikattu’ with a view to follow and promote tradition and culture and ensure survival and continuance of native breeds of bulls.”.

Insertion of new section 28-A.

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

“28-A. Saving in respect of ‘Jallikattu’.— Nothing contained in this Act shall apply to ‘Jallikattu’ conducted to follow and promote tradition and culture and such conduct of ‘Jallikattu’ shall not be an offence under this Act.”.

Repeal and saving.

8. (1) The Prevention of Cruelty to Animals (Tamil Nadu Amendment) Ordinance, 2017 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

Tamil Nadu
Ordinance 1
of 2017.

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 recognizes the need to exempt the application of its provisions in certain circumstances. The Supreme Court of India, in its judgment in **Animal Welfare Board of India Vs. A. Nagaraja** (Civil Appeal No.5387 of 2014) has found that the conduct of 'Jallikattu' is violative of the provisions of the Central Act 59 of 1960, particularly, Sections 3, 11 and 22 of that Act. Considering the vital role played by the event of 'Jallikattu' in preserving and promoting tradition and culture among people in large parts of the State of Tamil Nadu and also considering the vital role of 'Jallikattu' in ensuring survival and continuance of native breeds of bulls, the Government of Tamil Nadu have decided to exempt the conduct of 'Jallikattu' from the provisions of the said Central Act 59 of 1960. Therefore, the Government decided to amend the said Central Act 59 of 1960 in its application to the State of Tamil Nadu. Accordingly, the Prevention of Cruelty to Animals (Tamil Nadu Amendment) Ordinance, 2017 (Tamil Nadu Ordinance 1 of 2017) was promulgated by the Governor on the 21st January 2017 and the same was published in the *Tamil Nadu Government Gazette* Extraordinary, dated the 21st January 2017.

2. The Bill seeks to replace the said Ordinance.

P. BALAKRISHNA REDDY,
Minister for Animal Husbandry.

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 purposes specified therein.

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

STATEMENT UNDER RULE 168 OF THE TAMIL NADU LEGISLATIVE ASSEMBLY RULES EXPLAINING THE CIRCUMSTANCES WHICH NECESSITATED THE PROMULGATION OF THE PREVENTION OF CRUELTY TO ANIMALS (TAMIL NADU AMENDMENT) ORDINANCE, 2017 (TAMIL NADU ORDINANCE 1 OF 2017).

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 recognizes the need to exempt the application of its provisions in certain circumstances. The Supreme Court of India, in its judgment in **Animal Welfare Board of India Vs. A. Nagaraja** (Civil Appeal No.5387 of 2014) has found that the conduct of 'Jallikattu' is violative of the provisions of the Central Act 59 of 1960, particularly, Sections 3, 11 and 22 of that Act. Considering the vital role played by the event of 'Jallikattu' in preserving and promoting tradition and culture among people in large parts of the State of Tamil Nadu and also considering the vital role of 'Jallikattu' in ensuring survival and continuance of native breeds of bulls, the Government of Tamil Nadu decided to exempt the conduct of 'Jallikattu' from the provisions of the said Central Act 59 of 1960. Accordingly, the Government decided to amend the said Central Act 59 of 1960 in its application to the State of Tamil Nadu.

2. As the Legislative Assembly of the State was not in session at that time, it became necessary to promulgate an Ordinance to give effect to the above decision. Accordingly, the Prevention of Cruelty to Animals (Tamil Nadu Amendment) Ordinance, 2017 (Tamil Nadu Ordinance 1 of 2017) was promulgated by the Governor on the 21st January 2017 and the same was published in the *Tamil Nadu Government Gazette* Extraordinary, dated the 21st January 2017.

A.M.P. JAMALUDEEN,
Secretary.