

The Prevention of Cruelty to Animals (Maharashtra Amendment) Act, 2017

MAHARASHTRA

India

The Prevention of Cruelty to Animals (Maharashtra Amendment) Act, 2017

Act 45 of 2017

- Published on 31 July 2017
- Commenced on 31 July 2017
- [This is the version of this document from 31 July 2017.]
- [Note: The original publication document is not available and this content could not be verified.]

The Prevention of Cruelty to Animals (Maharashtra Amendment) Act, 2017 (Maharashtra Act No. 45 of 2017) (First published, after having received the assent of the President in the "Maharashtra Government Gazette", on the 31st July 2017). An Act to amend the Prevention of Cruelty to Animals Act, 1960, in its application to the State of Maharashtra. 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. Short title and commencement.

(1) This Act may be called the Prevention of Cruelty to Animals (Maharashtra Amendment) Act, 2017. (2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Amendment of section 2 of 59 of 1960.

- 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 :- "(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 ;".

3. Amendment of section 3 of 59 of 1959.

- 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."

4. Amendment of section 11 of 59 of 1960.

- 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".

5. Amendment of section 22 of 59 of 1960.

- 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."

6. Amendment of section 27 of 59 of 1960.

- 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. Insertion of section 28A in 59 of 1960.

- After section 28 of the principal Act, the following section shall be inserted, namely :-"28A. Saving in respect of bullock cart race. - 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. Insertion of section 38B in 59 of 1960.

- After section 38A of the principal Act, the following section shall be inserted, namely :-"38B. Power of State Government to make rules. - (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.(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."