



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY

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Part IV—Section 2

Tamil Nadu Acts and Ordinances

The following Ordinance which was promulgated by the Governor on the 21st January 2017 is hereby published for general information:—

TAMIL NADU ORDINANCE No. 1 OF 2017.

An Ordinance 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 breed of bulls.

WHEREAS the Legislative Assembly of the State is not in session and the Governor of Tamil Nadu is satisfied that circumstances exist which render it necessary for him to take immediate action for the purpose hereinafter appearing;

AND WHEREAS instructions of the President have been obtained in pursuance of the proviso to clause (1) of Article 213 of the Constitution;

NOW, THEREFORE in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor hereby promulgates the following Ordinance:—

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

Short title and commencement.

(2) It shall come into force at once.

Amendment of section 2.

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:—

Central Act 59 of 1960.

“(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 ‘erudhuvidumvizha’.”.

Amendment of section 3.

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:—

“(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 breed 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.”.

21st January 2017.

CH. VIDYASAGAR RAO,
Governor of Tamil Nadu.

EXPLANATORY STATEMENT.

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. Accordingly, the Government have decided to amend the said Central Act 59 of 1960 in its application to the State of Tamil Nadu.

2. The Ordinance seeks to give effect to the above decision.

(By order of the Governor)

S.S. POOVALINGAM,
*Secretary to Government-in-charge,
Law Department.*