



KARNATAKA LEGISLATIVE ASSEMBLY
FOURTEENTH LEGISLATIVE ASSEMBLY
FIFTEENTH SESSION

**THE PREVENTION OF CRUELTY TO ANIMALS
(KARNATAKA SECOND AMENDMENT) BILL, 2017**

(L.A. Bill No. 42 of 2017)

A Bill further to amend the Prevention of Cruelty to Animals Act, 1960 in its application to the State of Karnataka.

Whereas, it is expedient further to amend the Prevention of Cruelty to Animals Act, 1960 (Central Act 59 of 1960), in its application to State of Karnataka, for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature 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 (Karnataka Second Amendment) Act, 2017.

(2) It shall be deemed to have come into force with effect from the 20th day of July, 2017.

2. Amendment of section 2.— In section 2 of the Prevention of Cruelty to Animals Act, 1960 (Central Act 59 of 1960) (hereinafter referred to as the Principal Act),-

(i) after clause (a), the following shall be inserted, namely:-

“(aa) **“Bulls race or Bullock cart race”** means any form of bulls race including race of Bullock cart as a traditional sports involving Bulls whether tied to cart with the help of wooden yoke or not (in whatever name called) normally held as a part of tradition and culture in the state on such days and places, as may be notified by the State Government.”; and

(ii) after clause (d), the following shall be inserted, namely:-

“(dd) **“Kambala”** means the traditional sports event involving Buffalo’s (male) race normally held as a part of tradition and culture in the state on such days and places, as may be notified by the State Government.”

3. Amendment of section 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 renumbered, the following sub-section shall be inserted, namely:-

“(2) Notwithstanding anything contained in sub-section (1) conduct of “Kambala” or “Bulls race or Bullock cart race” shall be permitted, subject to condition that no unnecessary pain or suffering is caused to the animals, by the person incharge of that animal used to conduct “Kambala” or “Bulls race or Bullock cart race” as the case may be and subject to such other conditions as may be specified, by the State Government, by notification.”

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

“(f) the conduct of “Kambala” with a view to follow and promote tradition and culture and ensure preservation of native breed of buffalos as also their safety, security and wellbeing.

(g) the conduct of “Bulls race or Bullock cart race” with a view to follow and promote tradition and culture and ensure preservation of native breed of cattle as also their safety, security and wellbeing.”

5. Amendment of section 22.- In section 22 of the principal Act, at the end, the following proviso shall be inserted, namely:-

“Provided that nothing contained in this section shall apply to conduct of “Kambala” or “Bulls race or Bullock cart race” as the case may be.”

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

“(c) the conduct of “Kambala” with a view to follow and promote tradition and culture and ensure survival and continuance of native breeds of buffaloes.

(d) the conduct of “Bulls race or Bullock cart race” with a view to follow and promote tradition and culture and ensure survival and continuance of native breeds of cattle.”

7. Insertion of new section 28A.- After section 28 of the principal Act, the following shall be inserted, namely:-

“28A. Savings in respect of "Kambala" or “Bulls race or Bullock cart race”.- Nothing contained in this Act, shall apply to “Kambala” or “Bulls race or Bullock cart race” conducted to follow and promote tradition and culture and such conduct of “Kambala” or “Bulls race or Bullock cart race” shall not be an offence under this Act.”

8. Repeal and savings.- (1) The Prevention of Cruelty to Animals (Karnataka Amendment) Ordinance, 2017 (Karnataka Ordinance No.1 of 2017) is hereby repealed.

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

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.

Considering the significant role played by the traditional sports event of "Kambala" or "Bulls race" or "Bullock cart race" in preserving and promoting tradition and culture among the people in the State of Karnataka and also considering the vital role of "Kambala" or "Bulls race or "Bullock cart race" in ensuring survival and continuance of native breeds of cattle, the Government of Karnataka have decided to exempt the conduct of "Kambala" or "Bulls race" or "Bullock cart race" in the state.

Government of India suggested certain modifications in the Karnataka Prevention of Cruelty to Animals (Karnataka Amendment) Bill, 2017 (LA Bill No. 02 of 2017) Government of Karnataka has considered those changes. Accordingly by adopting the changes proposed by Government of India and as the Karnataka State Legislative Assembly was not in session and was not likely to meet in the near future, the Hon'ble Governor was pleased to promulgate the Karnataka Prevention of Cruelty to Animals (Karnataka Amendment) Ordinance, 2017 on 20th July, 2017 with previous instructions of the President as required under the proviso to Article 213 of the Constitution.

This Bill seeks to replace the said ordinance.

Hence, the Bill.

EXPLANATORY STATEMENT AS REQUIRED BY SUB-RULE (1) OF RULE 80 OF THE RULES OF PROCEDURE AND CONDUCT OF BUSINESS IN THE KARNATAKA LEGISLATIVE ASSEMBLY.

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FINANCIAL MEMORANDUM

There is no extra expenditure involved in the proposed Legislative measure.

A. MANJU
Minister for Animal Husbandry
and Sericulture

S. Murthy
Secretary (I/c)
Karnataka Legislative Assembly

ANNEXURE**EXTRACT FROM THE PREVENTION OF CRUELTY TO ANIMALS ACT,
1960 (CENTRAL ACT 59 OF 1960)****XXX****XXX****XXX**

Section 3 - Duties of persons having charge of animals.- It shall be the duty of every person having the care or charge of any animal to take all reasonable measures for ensure the well-being of such animal and prevent the infliction upon such animal of unnecessary pain or suffering.

XXX**XXX****XXX****Section 11 - Treating animals cruelty.-****XXX****XXX****XXX**

(3) Nothing in this section shall apply to.-

(a) the dehorning of cattle, or the castration or branding or nose-ropeing of any animal, in the prescribed manner; or

(b) the destruction of stray dogs in lethal chambers or 8 [by such other methods as may be prescribed]; or

(c) the extermination or destruction of any animal under the authority of any law for the time being in force; or

(d) any matter dealt with in Chapter IV; or

(e) the commission or omission of any act in the course of the destruction or the preparation for destruction of any animal as food for mankind unless such destruction or preparation was accompanied by the infliction of unnecessary pain or suffering.

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Section 22 - Restriction on exhibition and training of performing animals.- No person shall exhibit or train-

(i) any performing animal unless he is registered in accordance with the provisions of this Chapter;

(ii) as a performing animal, any animal which the Central Government may, by notification in the Official Gazette, specify as an animal which shall not be exhibited or trained as a performing animal not be exhibited or trained as a performing animal.

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Section 27 - Exemptions.- Nothing contained in this Chapter shall apply to,-

- (a) the training of animals for bona fide military or police purposes or the exhibition of any animals so trained; or
- (b) any animals kept in any zoological garden or by any society or association which has for its principal object the exhibition of animals for educational or scientific purposes.

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