

AS INTRODUCED IN LOK SABHA

Bill No. 352 of 2019

THE WILD LIFE (PROTECTION) AMENDMENT BILL, 2019

By

SHRI DHAIRYASHEEL SAMBAJIRAO MANE, M.P.

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BILL

further to amend the Wild life (Protection) Act, 1972.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Wild life (Protection) Amendment Act, 2019.

Short title and
commencement.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 2.	<p>2. In section 2 of the Wild life (Protection) Act,1972 (hereinafter referred to as the principal Act), clause (20A) shall be renumbered as clause (20AA), and before clause (20AA) as so renumbered, the following clause shall be inserted, namely:—</p>	53 of 1972.
	<p>“(20A) “<i>Nag Panchami</i>” means an event involving worship of snakes with a view to follow tradition and culture on such days from the months of July to August of a calendar year and at such places, as may be notified by the Central Government;”.</p>	5
Amendment of section 9.	<p>3. After section 9 of the principal Act, the following section shall be inserted, namely:—</p> <p>“9A. Notwithstanding anything contained in section 9 or any judgement, decree or order of any court, the capture and exhibition of snakes for the purpose of worship on ‘<i>Nag Panchami</i>’ shall be permitted under this Act.”.</p>	10

STATEMENT OF OBJECTS AND REASONS

The Vedas contain hymns revering the snake. It forms a strong part of the Hindu religion — the garland of Shiva, the protector of Balarama, the bed of Vishnu, the girdle of Ganesh, the sacred thread of the Brahmin, the upholder of the Earth. Lord Krishna's brother Balarama is considered a snake chieftain. Manasa, the snake goddess, is one of the main deities of Bengal. On *Nag Panchami*, the fifth day of the lunar month of *Shravana* (July/August) the snake god is worshipped.

A division bench of Justice A.S. Oka & Justice A.S. Chandurkar of the Bombay High Court in the case of *Ajit Shridhar Patil v. Union of India*, (Public Interest Litigation No.75 of 2011) banned the capture and exhibition of snakes on *Nag Panchami*. In *Gram Sabha of Battis Shirala v. Union of India*, (Writ Petition No. 8645 of 2013) citing references to the Wild life (Protection) Act of 1972, the court rejected the writ petition filed by Battis Shirala to oppose the ban. It also set aside the town's contention that the festival was centuries old, pointing out that the Gazette published in 1858 had no mention of the festival in the town.

The High Level Committee chaired by Mr. TSR Subramanian in 2014 had also supported cultural traditions and has stated in its report that Schedule of Wild life (Protection) Act, 1972 should provide appropriate provision for taking into account the needs of local festivals, subject to no harm or injury to animals. India has a varied and glorious cultural tradition; while there are many national festivals, there are also local festivals which are of great local importance in different States. Nature and animal worship has been part of the national culture. Thus, for example *Nag Panchami* is celebrated in many States and snakes worshipped during five days in *Shravana* month, as a thousands years-old tradition. It is to be noted that the snakes are never harmed — indeed are worshipped during this period.

The town of Battis Shirala in Sangli district of Maharashtra which falls under Parliamentary constituency of Hatkanangale is well known for celebration of *Nag Panchami* where snakes are worshipped and not harmed. The worship of snake during *Nag Panchami* is an essential religious practice under articles 25 and 26 and, therefore, in order to conserve the traditional practices this Bill seeks to amend section 2 and 9 of the Wild life (Protection) Act, 1972 for creating an exception for snakes which are worshipped in *Nag Panchami* as part of Schedule II to the Act.

The ban imposed by Bombay High Court on worshipping snakes during *Nag Panchami* has led to a halt on celebrating *Nag Panchami* across Maharashtra which is an issue of faith for lakhs of devotees who cause no harm to snakes but just worship them as a matter of tradition for the past 250 years and records of the same have also been found in historical documents like Panhala Fort. Therefore, the Bill seeks to protect the tradition from the judicial restriction imposed by a High Court order and carve an exception to allow devotee to worship snakes without harming them and also follow the spirit and intent of Wild life (Protection) Act, 1972.

Hence this Bill.

NEW DELHI;
November 6, 2019.

DHAIRYASHEEL SAMBHAJIRAO MANE

ANNEXURE

EXTRACT FROM THE WILD LIFE (PROTECTION) ACT, 1972

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AMENDMENT OF SECTION 2

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Definitions 20. "National Board" means the National Board for Wild Life constituted under section 5A;"

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(Shri Dhairyasheel Sambhajirao Mane, M.P.)