

Tamil Nadu Regulation Of Jallikattu Act, 2009**27 of 2009**

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Tamil Nadu Regulation Of Jallikattu Act, 2009**27 of 2009**

Statement of Objects and Reasons2 1. "Jallikattu" includes "manjuvirattu", "Oormadu", "Vadamadu" or "Erudhu vidum vizha". The said function consists of taming of bulls as a part of ancient culture and tradition of the Tamils. The said tradition is in vogue for more than 400 years. At present, there is no legislation to regulate the conduct of Jallikattu, manjuvirattu, Oormadu, Vadamadu, Erudhu vidum vizha or any such activity involving the taming of bulls. The Government have, therefore, decided to bring out a legislation to regulate the conduct of the Jallikattu in the State of Tamil Nadu by prescribing norms to hold such events and to ensure the safety of animals, participants and the spectators. 2. The Bill seeks to give effect to the above decisions. MEMORANDUM REGARDING DELEGATED LEGISLATION Clauses 1(2), 4, 5, 9 and 11 of the Bill authorise the Government to issue Notification or orders or to make rules, as the case may be, to carryout the purposes specified therein. 2. The powers delegated are normal and not of an exceptional character. PREAMBLE An Act to regulate the Jallikattu in the State of Tamil Nadu. Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixtieth Year of the Republic of India as follows:-- 1. Received the Assent of the

Governor of Tamil Nadu on August 5, 2009 -- Published in Tamil Nadu Government Gazette, Extraordinary, Part IV, Section 2, Extra., Iss. No.207, pages 109-111, dated August 7, 2009. 2. Vide L.A. Bill No.34 of 2009 -- Published in T.N. Govt. Gazette, Extra., Part IV, Section 1, Issue No. 181, pages 148-151 dated July 21, 2009.

1. Short Title And Commencement :-

(1) This Act may be called the Tamil Nadu Regulation of Jallikattu Act, 2009.

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

2. Definitions :-

(1) In this Act, unless the context otherwise requires,--

(a) "Collector" means the Collector of a District and includes any officer specially appointed by the Government to perform the functions of the Collector under this Act;

(b) "Government" means the State Government;

(c) "Jallikattu" includes "manjuvirattu", "oormaadu", "vadamadu", "erudhu vidum vizha " and all such events involving taming of bulls.

3. Regulation Of Jallikattu :-

(1) Notwithstanding anything contained in any other law for the time being in force or in any judgement, or decree or order of any court or other authority, no person shall conduct "Jallikattu" (hereinafter referred to in this Act as "the event") without prior written permission of the Collector.

(2) No permission under sub-section (1) shall be granted to any person, to conduct the event, unless the Collector satisfies himself that,--

(i) the event is conducted during the months from January to May of a year;

(ii) the place selected is suitable for orderly conduct of the event;

(iii) the event should have been conducted during the past five years continuously;

(iv) the event shall be held at a place notified by the Collector in the District Gazette.

(3) A permission granted under sub-section (1) shall be--

(a) valid for such area, for such period and for such purposes, as may be specified therein;

(b) subject to such conditions and restrictions as may be specified therein.

(4) A permission granted under sub-section (1) may be withdrawn or modified by the Collector at any time prior to the conduct of the event, after giving a reasonable opportunity of hearing to the person organising the event:

Provided that the permission may be withdrawn or modified by the Collector without giving a reasonable opportunity to the person organising the event if the Collector is satisfied, for reasons to be recorded in writing, that immediate action is necessary.

4. Responsibility Of Organizer :-

Every person who organises the event shall,--

(i) take all precautionary steps for the orderly conduct of the event;

(ii) inform in writing to the Collector thirty days prior to the date of the event and obtain his permission;

(iii) double-barricade the arena or the way through which the bulls pass through, in order to avoid injuries to the spectators and by-standers who may be permitted to remain within the barricades;

(iv) fix up the gallery for the spectators to sit and watch the event and the gallery shall be made up with strong sticks to permit occupation;

(v) arrange to obtain prior permission of the Collector to the persons, who wish to bring their bulls to participate in the event;

(vi) ensure that the bulls are put to proper testing by the authorities of the Animal Husbandry Department to ensure that performance enhancement drugs are not administered to the bulls in any form and shall obtain a certificate to this effect in such form and in such manner as may be prescribed;

(vii) arrange to enroll the names and other particulars of the bull tamers in the event with the Collector at least fifteen days prior to the holding of the event and the bull tamers shall also be put to thorough check up by a medical team constituted by the Collector for this purpose;

(viii) ensure that every bull tamer to wear an exclusive dress for the sake of identification with necessary identification card issued by the Collector;

(ix) deposit with the Collector, a sum as may be determined by the Collector, which shall not be less than rupees two lakhs, for the

benefit of the victim including the members of the family of the victim in case of accident or injury during the event:

Provided that nothing in this Clause, shall be deemed to make the Government or any of its authorities liable to make payment of compensation for the injury or loss caused during the course of conduct of event unless it is established there is a default on the part of the authorities in complying with the provisions of this Act; and

(x) carryout any other responsibility that may be prescribed.

5. Arrangements To Be Made By The Collector :-

The Collector shall,--

(i) ensure double barricading of the arena at the minimum of six feet height so that bulls will not jump the double barricading and avoid causing of injuries to the spectators;

(ii) ensure the number of spectators in the gallery shall not exceed the limit prescribed by the Public Works Department;

(iii) ensure Safety Certificate is obtained from the Public Works Department for the double barricading and for the safety of the gallery;

(iv) ensure that the bulls are free of any diseases and not intoxicated or administered with any substance like nicotine, cocaine with the object of making them more aggressive or ferocious with the assistance of the Animal Husbandry Department;

(v) arrange to provide adequate Police protection at the places where the event is held;

(vi) arrange to provide adequate medical facilities including the ambulance at the place where the event is held, to give medical treatment and constitute a medical team for such purpose;

(vii) arrange for necessary drinking water supply as well as sanitation facilities in the place where the event is to be held;

(viii) authorise an officer not below the rank of a Deputy Collector to look after each item of event and arrangement like checking up of bulls, checking up of bull tamers, checking up of the barricading and gallery arrangements, medical facilities, water supply, sanitary arrangements and safety of spectators and any other requirement in connection with the event;

(ix) arrange to give wider publicity of the provisions of the Prevention of Cruelty to Animals Act, 1960 (Central Act 59 of 1960) and the Rules framed thereunder and the risk involved in participating in the event;

- (x) ensure the presence of Animal Welfare activists representing the Animal Welfare Board established under the Prevention of Cruelty to Animals Act, 1960 (Central Act 59 of 1960) during the conduct of the event;
- (xi) videograph the entire event and provide the same to the Government or any other authority as and when required; and
- (xii) make all such other arrangements as may be prescribed.

6. Appeal :-

(1) Where the Collector refuses to give permission under sub-section (1) of Section 3, any person aggrieved by such order of refusal may file an Appeal to the Government within a period of fifteen days from the date on which such order is communicated to him:

Provided that the Government may entertain an appeal after the expiry of the said period of fifteen days if it is satisfied that the appellant has sufficient cause for not preferring an appeal within the period of fifteen days.

(2) On receipt of the Appeal under sub-section (1), the Government shall after examining the case and after giving the appellant an opportunity of being heard pass such order as they deem fit.

7. Penalty :-

Whoever contravenes the provisions of this Act shall, on conviction, be punishable with imprisonment which may extend to one year, or with fine which may extend to ten thousand rupees or with both.

8. Protection Of Action Taken In Good Faith :-

No Suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or a Rule or order made thereunder.

9. Power To Remove Difficulties :-

If any difficulty arises in giving effect to the provisions of this Act, the Government may by order published in the Tamil Nadu Government Gazette make such provisions, not inconsistent with the provisions of this Act, as appear to them to be necessary or expedient for removing the difficulties.

10. Operation Of Other Laws Not Affected :-

The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

11. Power To Make Rules :-

(1) The Government may make Rules for carrying out all or any of the purposes of this Act.

(2) (a) All Rules made under this Act shall be published in the Tamil Nadu Government Gazette and unless they are expressed to come into force on a particular day shall come into force on the day on which they are so published.

(b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are so published.

(3) Every Rule made or notification or order issued under this Act shall as soon as possible, after it is made or issued, be placed on the Table of the Legislative Assembly and if, before the expiry of the session in which it is so placed or in the next session, the Legislative Assembly makes any modification in any such Rule or notification or order, or the Legislative Assembly decides that the Rule or notification or order should not be made or issued, the Rule or notification or order shall thereafter 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 under that Rule or notification or order.