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Supreme Court upholds Tamil Nadu law allowing jallikattu: What is this decade-old case?

Tamil Nadu, Maharashtra, and Karnataka had in 2017 passed amendments to the central law against cruelty to animals in order to allow traditional sports such as the taming of bulls during Pongal. This was done after the SC in 2014 banned jallikattu. A Constitution Bench has now ruled that the changes in the law were valid — but the issue of jallikattu must be decided by Parliament.

Written by [Khadija Khan](#)

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People protesting to end the SC ban on Jallikattu at Matunga in 2017. (Express photo by Prashant Nadkar)

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A five-judge Bench of the Supreme Court on Thursday (May 18) upheld the amendments made by the legislatures of Tamil Nadu, Maharashtra, and Karnataka to The Prevention of Cruelty to Animals (PCA) Act, 1960, **allowing bull-taming sports like jallikattu, kambala, and bullock-cart races.**

While the Bench led by Justice KM Joseph ruled that the amendments, made in 2017 were “valid legislations”, it said that the jallikattu issue was “debatable”, and must ultimately be decided by the House of the People (Lok Sabha). Making this decision requires social and cultural analysis in greater detail, and such an exercise “cannot be undertaken by the judiciary”, the Bench said. The five-judge Bench overruled the view taken by a two-judge Bench of the court in its 2014 ruling in ‘Welfare Board of India v. A. Nagaraja’, banning such sports including jallikattu. On December 8 last year, the Constitution Bench, also comprising Justices Ajay Rastogi, Aniruddha Bose, Hrishikesh Roy, and C T Ravikumar, had heard submissions from senior advocates including Mukul Rohatgi, who appeared for Tamil Nadu, and Siddharth Luthra who appeared for the petitioners, before reserving its judgment.

How did the case reach SC, and who filed it?

In this case, the Supreme Court overruled its 2014 ruling, where a two-judge Bench had essentially outlawed two common sports practised in the States of Tamil Nadu and Maharashtra popularly referred to as 'Jallikattu' and 'Bullock Cart Race' respectively. The erstwhile ruling has also held that "bovine sports" were contrary to the provisions of Sections 3, 11(1)(a) and (m) of the Prevention of Cruelty to Animals Act, 1960 which relate to the "duties of persons having charge of animals" and define animal cruelty respectively.

On January 7, 2016, a notification was issued by the Ministry of Environment, Forest and Climate Change prohibiting the "exhibition or training of bulls as performing animals". However, an exception was carved in the notification, which specified that bulls might still be trained as performing animals at events such as Jallikattu in Tamil Nadu, according to the customs and culture of different communities. It was also specified that this exception is subject to conditions such as reducing the pain and suffering of bulls utilised in such sports. However, two years later, a batch of petitions were filed challenging the exemption notification, relying on the 2014 ruling. Thus, the present batch of pleas was filed before the top court.

While the first of the pleas was filed by the Animal Welfare Board of India, during the course of the hearing, the Board changed its stance to support the stand of the State and Centre on grounds that the 1960 Act and State Amendments enacted in 2017 weren't contrary to each other. The Board also said that it framed guidelines preventing the suffering of bovine species during such events.

What is jallikattu?

Jallikattu, **also known as eruthazhuvuthal, is a bull-taming sport** traditionally played in Tamil Nadu as part of the Pongal harvest festival. The festival is a celebration of nature, and thanksgiving for a bountiful harvest, of which cattle-worship is part. However, the practice of jallikattu has long been contested, with animal rights groups and the courts expressing concern over cruelty to animals and the bloody and dangerous nature of the sport that sometimes causes death and injuries to both the bulls and human participants.

In the present case, the petitioners challenged the Tamil Nadu amendment that allowed jallikattu, contending that since the central law prohibits cruelty to

animals, there could not be an amending Act that perpetuates cruelty. The plea also named states like Karnataka and Maharashtra as parties to the case, since they too have similar bull-related sports.

What Is Jallikattu? | Tamil Nadu Jallikattu | Jallikattu Supreme Court Deci



Under what circumstances did Tamil Nadu pass its law?

In 2017, Tamil Nadu amended the PCA Act to allow jallikattu in the state. The amending Act sought to preserve the cultural heritage of Tamil Nadu, and to ensure the survival and well-being of the native breeds of bulls.

This came after the top court had, in its 2014 judgment, said bulls cannot be used as performing animals either for jallikattu events or bullock-cart races, and banned their use for these purposes across the country.

While the initial petitions filed in the case of 'Animal Welfare Board of India v. Union of India' had sought a direction to the states to comply with the 2014 SC ruling in 'Welfare Board of India v. A. Nagaraja', the passage of The Prevention of Cruelty to Animals (Tamil Nadu Amendment) Act in 2017 led to a scenario where the petitions had to be modified to include the quashing of the 2017 Act among its prayers.

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Following this, an SC Bench comprising then Chief Justice of India (CJI) Dipak Misra and Justice Rohinton Nariman opined that the jallikattu issue involved substantial questions of interpretation of the Constitution, and referred the matter to the Constitution Bench.

The Bench was tasked with deciding whether Tamil Nadu could preserve jallikattu as its cultural right under Article 29(1) of the Constitution, which states that “any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same”.

And what was the 2014 ruling of the court?

This was the ‘Welfare Board of India v. A. Nagaraja’ case. An SC Bench of Justices K S Radhakrishnan and Pinaki Chandra Ghose ruled that the Prevention of Cruelty to Animals Act, 1960 “over-shadows or overrides the so-called tradition and culture”, and advised Parliament to “elevate rights of animals to that of constitutional rights... so as to protect their dignity and honour”.

The judgment banned the practice of jallikattu and said, “Bulls are beaten, poked, prodded, harassed and jumped on by numerous people. They have their tails bitten and twisted and their eyes and noses filled with irritating chemicals.”

This came after the Animal Welfare Board of India, which is a statutory body under the Centre, and animal rights groups like People for the Ethical Treatment of Animals (PETA), provided documentary evidence to the court suggesting that the jallikattu animals were physically and mentally tortured.

And what did the other states do?

Following in the footsteps of Tamil Nadu, the Karnataka cabinet in January 2017 decided to amend the PCA Act, 1960, to pave the way for kambala, a sport involving a pair of buffaloes tied to the plough and anchored by one person. The buffaloes

are made to run in parallel muddy tracks in a competition in which the fastest team wins.

Acting on a PIL filed by PETA, the Karnataka High Court had passed an interim order banning all kambala races until the SC had decided the matter. “This honourable court will wait for the Supreme Court order on Jallikattu (bull taming sport) and accordingly decide on Kambala,” then Chief Justice Subhro Kamal Mukherjee, heading a division Bench had said in his order.

Then, in July of that year, Maharashtra passed an amendment to the PCA Act, 1960, allowing “bullock cart races” involving bulls 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”. However, in the same year, the Bombay High Court passed an interim order restraining the Maharashtra government from giving permission for bullock-cart races.

What did the court hold?

In its judgement, the top court held that the Tamil Nadu Amendment Act is “not a piece of colourable legislation” and that it relates to Entry 17 of List III of the Seventh Schedule to the Constitution which relates to the prevention of cruelty to animals. Adding that the 2017 amendment “minimises cruelty to animals in the concerned sports”, the court held that once it’s implemented and read with the rules, the sports will not come under the definition of cruelty defined in the 1960 Act. “The Amendment having received Presidential assent, we do not think there is any flaw in the State action.” Jallikattu” as bovine sports have to be isolated from the manner in which they were earlier practised and organising the sports itself would be permissible, in terms of the Tamil Nadu Rules,” the court held.

Highlighting that Jallikattu has been going on in Tamil Nadu for the last few centuries and forms a part of its cultural heritage, as found by the “legislative exercise” conducted by the legislature, the court clarified that it did not want to disrupt the legislature’s view.

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The court also said that the 2017 amendment does not violate Articles 51-A (g) and 51-A (h), which impose duties on Indian citizens to protect the environment and develop a scientific temper, humanism, spirit of inquiry, and reform, respectively. Further, it also held that the amendment didn't violate Articles 14 (Right to Equality) and 21 (Right to Life) of the Constitution.

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