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Jallikattu: The Supreme Court of India welcomes back the Bulls

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ABSTRACT

Jallikattu, a traditional bull-taming sport, holds cultural significance during the Pongal festival in Tamil Nadu. The event has been a subject of debate due to concerns about animal cruelty. The Supreme Court of India banned Jallikattu in 2014, citing violations of the Prevention of Cruelty to Animals Act. However, protests erupted across Tamil Nadu, demanding the lifting of the ban to preserve the cultural heritage associated with Jallikattu. In response to the public outcry, the Tamil Nadu government passed an amendment in 2017 to allow Jallikattu under certain regulations.

In May 2023, the Supreme Court upheld the 2017 amendment, recognising the historical and cultural significance of Jallikattu while considering the welfare of animals and legislative authority. The court emphasised that the amendment did not violate constitutional rights or fundamental duties, including the duty to protect the environment. The judgment reflected a balanced approach, respecting cultural traditions while upholding legal frameworks and constitutional principles. The debate surrounding Jallikattu highlights the delicate balance between cultural customs and animal rights. It also underscores the evolving societal values and the need for thoughtful decision-making. The recent ruling acknowledges the legislative activity surrounding Jallikattu and affirms the importance of cultural heritage. It signifies the significance of respecting traditions while ensuring the welfare of animals and upholding constitutional values.

Overall, the Jallikattu issue showcases the complexities surrounding cultural practices and the consideration of animal welfare. The Supreme Court's decision aims to strike a balance between tradition and compassion, demonstrating the ongoing evolution of societal norms and the need for a nuanced approach in resolving such disputes.

Keywords: *Jallikattu, Tamil Nadu, Supreme Court of India, Animal, Bulls, Cruelty.*

I. INTRODUCTION

Pongal is an auspicious celebration held in Tamil Nadu to commemorate the harvest season. The festivities are celebrated for four days filled with rituals and activities. One of such activity is Jallikattu. The initial day of the *Pongal* festival is referred to as *Bhogi* and is specifically

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dedicated to the veneration of Lord Indra, the deity associated with rain and abundance. The second day, known as *Surya Pongal*, is devoted to honouring the Sun God, who is regarded as a significant source of life and energy. *Mattu Pongal*, the third day of the Pongal festivities, holds special significance as it centres around the veneration of cows, an essential component of agricultural life. On this day, cows are adorned with garlands and worshipped for their indispensable role in farming activities. Farmers express their gratitude towards these animals, which have been instrumental in their livelihood and sustenance. *Kaanum Pongal*, observed on the fourth day, emphasises the importance of community and strengthening interpersonal bonds. Families come together to partake in a sumptuous meal, symbolising unity and harmony.² Therefore bringing together four main components of a successful harvest season, ie. rainfall, sunlight, livestock and the farmer.

One notable cultural event that occurs on the third day of Pongal is Jallikattu or Sallikattu. It is eagerly anticipated by many people, as it represents a significant cultural phenomenon. Jallikattu is a traditional bull-taming sport, deeply rooted in Tamil culture, where participants showcase their courage and skill by attempting to control raging bulls. The event attracts large crowds, creating a vibrant atmosphere filled with anticipation and excitement. The literal meaning of the word "Jallikattu" is "tying the ornaments." On a day fixed and promoted by beat of drums at the nearby week after week showcases, various cows, to the horns of which fabrics have been tied, are loosed consistently, with hardly a pause in between, from a huge pen or other nook, in the midst of an enraged tom-tomming and noisy yells from the horde of collected observers. The creatures have first to go through the test of endurance down a long path shaped of nation trucks, and afterward jog off ridiculously toward each path. The game comprises in attempting to catch the fabrics attached to their horns. To do this requires quick feet and impressive bravery, and the people who are fruitful are the legends of great importance. Those who are less skilled receive cuts and bruises, and occasionally, some of the excited cattle charge into the onlookers and send a few of them flying.³ Therefore multiple controversies and ban has been surrounded around the sport for more than a decade.

II. HISTORICAL BACKGROUND

Jallikattu is an ancient game that has a long history dating back to the Indus Valley Civilisation around 5000 years ago. This fact is supported by depictions of the sport found on seals from

² Ministry of Culture, Government of India, IIT Bombay Pongal- A Time to Start Anew! <https://indianculture.gov.in/food-and-culture/food-festivals/pongal-time-start-anew>

³ Madras (Indian :- state), Francis, W, Madurai (Indian : District) Gazetteers, Madras : Govt. Press MSN. (5th July 2023) <https://archive.org/details/madurafrancis01madr/page/168/mode/1up>

that period. In addition, references to Jallikattu can be found in Sangam literature, which consists of ancient Tamil poetry written between the 2nd century BCE and the 2nd century CE. In these texts, the sport is referred to as "*eruthazhuvuthal*," meaning "hugging the bull." The importance of education is emphasised in an ancient Tamil text called *Tirukkural*, which was written around 0 CE. In this text, wealth is equated with education, and the word for wealth is "*madu*," which also means cattle. This suggests that dairy cattle held a social significance, indicating the coexistence of humans and domesticated animals, and the various uses derived from them within society. Overall, the historical evidence from the Indus Valley Civilisation and the references in Sangam literature highlight the enduring nature of Jallikattu as a cultural tradition. Furthermore, the connection between education and wealth in ancient Tamil society sheds light on the social and economic significance attributed to cattle, emphasising their integral role in the lives of the people during that time.⁴

III. CULTURAL SIGNIFICANCE

A man who was scared of a bull fight would not marry a girl. The bulls would be let loose, and the girl would choose the young cowherd who could control the animal the best in an open competition as her life partner.⁵ Jallikattu is held generally in the southern locale of Madurai, Sivagangai, Pudukkottai, Tiruchy, Dindigul and in certain spots in Ariyalur, Thanjavur, Salem and Theni areas. The celebrations are always connected to church or village temple festivals. Different people group are engaged with the game, albeit initially it was the legacy of the dairy cattle keeping Konar people group. Even now, individuals from the same community manage the herds, and individual owners acquire male calves from them to raise as stud bulls.

Sivasenapathy of Senapathy Kangayam Cattle Research Foundation (SKCRF) believes, that "the support for the ban against celebration of Jallikattu based isolation could exist in more modest villas yet the fundamental towns where the occasions are held, it isn't true. There is rivalry to get the bulls claimed by people from different networks however there is no reason for not permitting support in the occasion. The organisations and panchayat committees call the events in places like Alanganallur and Palamedu. It is very similar to how the events are run by the government, with the Superintendent of Police (SP) and District Collector present. There is definitely no rank there. You couldn't actually discuss it. Occasions are held in Coimbatore and nobody can say who has a place with which local area." In numerous towns, there are customs where individuals from Dalit people group are expected to perform them, before the town

⁴ Rajiv Gandhi Institute for Contemporary Studies, The Jallikattu Movement, Tamil Nadu, India, March 2020. P. 4

⁵ T. Padmaja, 'Temples of Kṛṣṇa in South India: History, Art, and Traditions in Tamilnāḍu

celebration can be held. As a result of the Jallikattu protests and the lifting of the ban, cattle ownership among Dalit communities has also increased. “People asked us questions on economics of the sport, women issue, community, in Tamil Nadu every issue is seen from the caste-based angle,” states Elango Kallanai, a natural farmer and social activist.⁶

The bulls are mainly raised by women. Taking care of the bulls, serving them water are viewed as primarily as the obligations of ladies. The men are thought to be responsible for training them and transporting them to the events. There are numerous ladies who carry the actual bulls to the occasions and as of late, there are teenaged young ladies bringing them as well. This year, a bull named Raavanan, owned and trained by a woman sub-inspector of police from Nemmelipatti, Pudukottai district, received the best bull award at multiple events. Additionally, she won the Commonwealth weightlifting gold medal. This urban, elitist perspective depicts villages as feudal, casteist, and regressive, particularly toward women.⁷

IV. TAMIL NADU REGULATION ON JALLIKATTU

In 2006, Jallikattu celebration was at full-fledged in the Mandurai District. A 30 year old man was gored by a bull in an event at palamedu temple. A petition was filed with the Madurai Bench of the Madras High Court looking for the courts mediation to get police consent for directing a rekhla race regarding a sanctuary celebration in Ramanathapuram District. On March 29, after hearing the petition, a single Madurai Bench Judge disallowed it and ordered the State Government to take measures to stop animal cruelty in the form of rekhla race, oxen race, Jallikattu, or any other form of entertainment. The Appointed authority, Justice R. Bhanumathi, additionally coordinated the Central Secretary and the Chief General of Police to execute stringently the Prevention of Cruelty to Animals (PCA) Act, 1960, around the State.

Following the ruling that Our Hon'ble Madras High Court issued against Jallikattu Sport, the Tamil Nadu State Government enacted the Tamil Nadu Regulation of Jallikattu Act, 2009, to regulate the sport. Section.3 of the above said act enables the locale gatherer to direct the game and furthermore expresses the obligation of the coordinators to lead the game and to forestall human and basic entitlements infringement yet the equivalent was struck somewhere around the Judgment of Hon'ble High Court, in the mean time the notice gave by MoEF/ Ministry of Environment, Forest and Climate Chang (MoEFCC) restricted the utilisation of bulls as performing creatures by utilising its powers under Section 22 of the Prevention of Cruelty to Animals Act. As a result, bullock cart races, Jallikattu, Kambala, and all other similar events

⁶ Rahul N, Jallikattu :- An appraisal , Bodhi Commons, 23 January 2017.

⁷ Ibid

were outlawed. The 2011 Warning of the MoEF was tested on a few grounds by defenders of Jallikattu in the Madras High Court which maintained its legitimacy. The matter came up for thought under the watchful eye of the High Court in *Animal Welfare Board of India vs a Nagaraja and Ors.*⁸

In the case of *Animal Welfare Board of India vs. Nagaraja and Others*⁹, the high court made a just decision by ruling that the acts committed during the preparation of Jallikattu were cruel and in violation of the Prevention of Cruelty to Animals Act, 1960. The court rightly recognised that the misuse of animals cannot be justified under the guise of cultural traditions. By upholding the principles of animal welfare and the law, the court emphasised the importance of compassion and justice over outdated customs.

V. 2014 JUDGEMENT

In 2014, the Apex Court had decided that the Prevention of Cruelty to Animals Act, 1960, "over-shadows or abrogates the supposed practice and culture". The court drew upon Upanishadic insight and encouraged Parliament to "raise freedoms of creatures to that of established privileges in order to safeguard their nobility and honour". "Bulls are beaten, jabbed, pushed, bothered and bounced on by various individuals. They have their tails nibbled and turned and their eyes and noses loaded up with chemicals" the judgment said.

The significant restriction on Jallikattu that was raised and upheld in 2014 was not the main boycott against Jallikattu requested by the public Indian government. On the basis of safeguarding the bulls' rights, the Tamilnadu government passed a law in 2009 to regulate Jallikattu so that Pongal celebrations could continue. However, after an amendment transferred authority to deal with cows under animal protection laws from the state to the central government, this ordinance was swiftly overturned by the national Indian government. The battle between the neighbourhood and public state run administrations ultimately got comfortable 2011 for not permitting Jallikattu to continue no matter what any presented guidelines. The next years likewise saw more fight in court during which Jallikattu was permitted by the state and afterward wrecked by the central government.

On January 7, 2016, a notice was given by the Ministry of Environment, Forest and Climate Change prohibiting the "exhibition or training of bulls as performing animals". Nonetheless, an exemption was cut in the warning, which determined that bulls could in any case be prepared as performing creatures at occasions like Jallikattu in Tamil Nadu, as per the traditions and

⁸ (2014 (6) SCALE 468)

⁹ *ibid*

culture of various networks. It was likewise determined that this special case is liable to conditions, for example, lessening the aggravation and enduring of bulls used in such games.

Argument For the Ban	Argument Against the Ban
(1) Animal Welfare Board of India, a legal body, reported that bulls become highly terrified by the aggressive crowd during Jallikattu events.	Mr. Karthikeya Sivasenapathy formed the Biodiversity Conservation Council of India ,strictly enforces a rule that no blood should be spilled from the bulls during Jallikattu , highlighting their commitment to the animals' well-being .
(2) PETA India has alleged that during bull races, individuals harm the animals using various means, including bare hands and sticks studded with nails, causing significant harm such as tailbone fractures at every joint.	Mr. Rohatgi, the former Principal Legal Officer of India, stated that in Jallikattu, fatalities occur among humans and not the bulls . Specific breeds of bulls are trained and cared for, and they serve a crucial purpose in breeding programs.
(3) Niranjana Shanmuganathan, a worker of PETA, highlighted that Jallikattu exploits the natural fear response of bulls by deliberately subjecting them to a frightening situation where they are forced to flee from perceived threats.	Nityanand Jayaraman, a journalist and environmentalist, has reported on the minimal incidents of harm or fatalities associated with Jallikattu , countering the notion of widespread cruelty.

Following are the Argument Supporting and Against the Ban^{10 11}

Fig :- 1.1

VI. MARINA PROTEST (2017)

Over 20,000 people attended a rally in Chennai on January 8, 2017, at the Marina. This got broad live inclusion and roused numerous to voice out for the game. As a result, the over four-year campaign had established the conditions for the January 2017 protests. The vital

¹⁰ PETA Indian, Jallikattu Investigation 15 January - 3 February 2019. P.3

¹¹ Reddy Sai Shiva Jayanth, Balaji Ganesan, & Gopalakrishnan Narayanamurthy, Jallikattu - Beyond a Heroism Sport for SKCRF. <https://core.ac.uk/download/pdf/237466187.pdf>

components of the mission were bringing the ban's legal, political, scientific, and economic aspects to light through information that raised awareness, exposing the funding for animal welfare and the manner in which it is controlled by non-stakeholders, collaborating with political parties by presenting demands and seeking legal resolutions, exchanging among on the web and disconnected crusades effortlessly and utilising each other to amplify the effect and insisting on the federal nature of the Union of India and the Constitution's rights for the states.¹²

As the aftereffect of these protest against the prohibition on Jallikattu requested by our Hon'ble High Court, the fights emitted across the Province of Tamil Nadu to lift the restriction on Jallikattu, reaction to these fights, the Legislative leader of the Territory of Tamil Nadu proclaimed a Law dated 21.01.2017 altering the PC Act to permit Jallikattu to be held. Following that, on January 23, 2017, the Prevention of Cruelty to Animals (Tamil Nadu Amendment) Act, 2017 was passed by the Legislative Assembly of the State of Tamil Nadu, which replaced the Ordinance, which was issued on January 21, 2017, thereby modifying the Act. amending sections 3¹³, 11¹⁴, 22¹⁵, 27 and 28.¹⁶ Tamil Nadu government had to get a revision the PCA Act 1960 because of a huge Marina protest at Marina Ocean side, Chennai and the change was brought out on the grounds of social legacy of the Territory of Tamil Nadu and to guarantee the endurance and prosperity of the local types of bulls.

Section 3 of the PCA Act was revised by adding a sub-section 2 which allowing Jallikattu with the principles and guidelines outlined by state government. A new sub clause was added to sections 11 and 27 of the PCA Act, bolstering the Jallikattu's goal of preserving native bull breeds. The revision likewise lifts the boycott to display and preparing the bulls for Jallikattu by amending section 22 and furthermore embedded saving Condition as section 28 in the PCA

¹²Rajiv Gandhi Institute for Contemporary Studies, The Jallikattu Movement, Tamil Nadu, India, March 2020. (24-26).

¹³ 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 to ensure the well-being of such animal and to prevent the infliction upon such animal of unnecessary pain or suffering.

¹⁴ Section 11(1) in The Prevention of Cruelty to Animals Act, 1960

(1) If any person—

(2) (a) beats, kicks, over-rides, over-drives, over-loads, tortures or otherwise treats any animal so as to subject it to unnecessary pain or suffering or causes or, being the owner permits, any animals to be so treated; or [m] solely with a view to providing entertainment— (i) confines or causes to be confined any animal (including tying of an animal as a bait in a tiger or other sanctuary) so as to make it an object of prey for any other animal; or (ii) incites any animal to fight or bait any other animal;

¹⁵ Section 22 in The Prevention of Cruelty to Animals Act, 1960
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.

¹⁶ Mr. D Pattabiraman ML, Jallikattu :- An analysis, INTERNATIONAL JOURNAL OF LEGAL SCIENCE AND INNOVATION [ISSN 2581-9453], Volume 3 Issue 2, 2020. 493

Act to save Jallikattu sport.¹⁷ The Nagaraja judgment held that the hidden premise of the occasion is one that is brutal. Thus, the main manner by which the Amendment Act may legitimately deliver the Nagaraja judgment insufficient is to direct an altogether unexpected occasion in comparison to the one that is alluded to and depicted as Jallikattu in old texts, verifiable records which it had not done.

VII. SUPREME COURT ALLOWS JALLIKATTU

Tamil Nadu, Maharashtra, and Karnataka in 2017 had passed an amendment to the central law against cruelty to animals to permit conventional games like the Jallikattu during Pongal. This was finished after the SC in 2014 restricted Jallikattu. On May 18 2023, a five judge bench seat of the supreme court maintained the amendment made by the lawmaking bodies of Tamil Nadu, Maharashtra, and Karnataka to The Prevention of Cruelty to Animals (PCA) Act, 1960, permitting bull-restraining sports like Jallikattu, kambala, and bullock-truck races.¹⁸

In 2014, the High Court, in the A. Nagaraja judgment had held Jallikattu as cruelty to bulls. The bone of dispute is the the Prevention of Cruelty to Animals (Tamil Nadu Amendment) Act of 2017 and the Prevention of Cruelty to Animals (Conduct of Jallikattu) Rules of 2017, which had re-paved the way for the direct of the well known bull-taming sport for the sake of culture and custom notwithstanding a 2014 Ban by the Apex court. The essential inquiry included was whether Jallikattu ought to be conceded sacred security as an aggregate social right under Article 29 (1) of the Indian Constitution.¹⁹

The five-judge bench overruled the view taken by a two-judge bench of the court in its 2014 decision ruling in 'Welfare Board of India v. A. Nagaraja, prohibiting such games including²⁰' Jallikattu. Legal interference in the cultural matter was the focal point of the discussion. Decision with regards to cultural and social aspect cannot be placed merely in the hands of the judiciary. Justice KM Joseph decided that the changes, made in 2017 were "legitimate regulations", it said that the Jallikattu issue was "debatable", and should eventually be discussed and decided by the Lok Sabha (the house of the people).

In its judgment, the supreme court held that the Tamil Nadu Amendment Act is "not a piece of colourable regulation" and that it connects with Entry 17 of List III of the Seventh Schedule to

¹⁷ *ibid* p. 491

¹⁸ FP Explainers, Explained: Why is Jallikattu so controversial? Which other countries have faced flak for bull festivals?, firstpost, 18th May 2023.

¹⁹ ¹⁹ Khadija Khan, Supreme Court upholds Tamil Nadu law allowing Jallikattu: What is this decade-old case?, Indian Express, 19th May 2023 <https://indianexpress.com/article/explained/explained-law/supreme-court-upholds-tamil-nadu-jallikattu-explained-8616020/>

²⁰ (2014 (6) SCALE 468)

the Constitution concerning animal cruelty. Adding that the 2017 amendment “limits cruelty to creatures in the concerned games”, the court held that whenever it's executed and perused with the rules, the games shall not be characterised as cruelty as mentioned in the 1960 Act. "Jallikattu" as ox-like games must be disconnected from how they were before and coordinating the actual games would be reasonable, as per the Tamil Nadu Rules," the court held.²¹

Furthermore, the judgement also pointed out that Jallikattu has been happening in Tamil Nadu throughout the previous few centuries and structures a piece of its social legacy, as seen as by the "legislative activity" directed by the governing body, the court explained that it would have rather not upset the legislative view. The court likewise said that the 2017 amendment doesn't disregard Articles 51-A (g) and 51-A (h), which force obligations, through the fundamental duties on Indian Indian citizens to safeguard the environment and develop scientific temper, humanism, the spirit of inquiry, and reform, respectively. Further, it likewise held that the revision didn't disregard Articles 14 (Right to equality) and 21 (Right to Life) of the Constitution.²²

VIII. CONCLUSION

In conclusion, Jallikattu, a traditional bull-taming sport, holds cultural significance during the festival, but its practice has been a subject of debate due to concerns about animal cruelty. Various court judgments have highlighted the importance of animal welfare and the need to uphold the Prevention of Cruelty to Animals Act, 1960, over cultural customs. Despite the ban and subsequent protests, the Tamil Nadu government enacted amendments to the law, allowing Jallikattu and similar traditional sports under certain regulations. The recent Supreme Court ruling upheld these amendments, recognising the cultural heritage associated with Jallikattu while also emphasising the importance of animal welfare and legislative authority. The debate surrounding Jallikattu reflects the delicate balance between cultural traditions, animal rights, and legal considerations, ultimately highlighting the ongoing evolution of society's values and the need for thoughtful and compassionate decision-making.

In the recent judgment regarding Jallikattu highlighted its historical significance and its place as a part of Tamil Nadu's social heritage. The court recognised the legislative activity surrounding Jallikattu and chose not to disrupt the legislative view. It also emphasised that the

²¹ Mr. D Pattabiraman ML, Jallikattu :- An analysis, INTERNATIONAL JOURNAL OF LEGAL SCIENCE AND INNOVATION [ISSN 2581-9453], Volume 3 Issue 2, 2020.

²² Khadija Khan, Supreme Court upholds Tamil Nadu law allowing Jallikattu: What is this decade-old case?, Indian Express, 19th May 2023 <https://indianexpress.com/article/explained/explained-law/supreme-court-upholds-tamil-nadu-jallikattu-explained-8616020/>

2017 amendment, which allowed Jallikattu with certain regulations, did not violate the fundamental duties of Indian citizens to protect the environment and promote scientific temper, humanism, and social reform. Furthermore, the court held that the amendment did not infringe upon the constitutional rights to equality and the right to life. This judgment reflects a balanced approach, acknowledging the cultural and historical aspects of Jallikattu while considering the legal framework and constitutional principles. It signifies the importance of respecting cultural traditions while ensuring the welfare of animals and upholding constitutional values.
