The Jallikattu Dispute

Why in news?

A Constitution Bench of the Supreme Court of India will soon deliver its verdict on the validity of Tamil Nadu's law permitting the practice of jallikattu in the State.

What is the issue?

- Jallikattu is a sport where men compete against each other to hold on to the humps of agitated bulls that are released into an open arena.
- It is usually held during the Pongal season.
- In 2014, in ***Animal Welfare Board of India v. A. Nagaraja,*** the Supreme Court declared jallikattu illegitimate stating that the practice was cruel and caused the animal unnecessary pain and suffering.
- Since then, Tamil Nadu has made efforts to resurrect the sport's legality.

How about the situation of animal welfare in India?

- **Directive Principles of State Policy (DPSP)** - **Article 48A** states that the State shall endeavour to protect, improve the environment and surroundings and to safeguard the forests and wildlife of the country.
- **Fundamental duty- Article 51A(g)** - Protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures
- In 1960, Union government enacted the **Prevention of Cruelty to Animals Act (PCA), 1960** that criminalised several different types of actions resulting in cruelty to animals.
- However, the act also defined a set of exceptions. They are,
    - The performance of experiments on animals aimed purportedly at advancing discovery of drugs
    - Concession for "killing any animal in a manner required by the religion of any community"
- The Supreme Court in *A. Nagaraja*, affirmed that jallikattu falls within the boundaries of the actions forbidden by the PCA Act.

What is the amendment made to PCA by Tamil Nadu?

> *The subject of preventing animal cruelty falls in the* ***Concurrent list*** *of the Seventh Schedule to the Constitution.*

- Tamil Nadu government claimed that it possess an equal authority to determine what actions constitute cruelty to animals within its respective territory.

- Based on this, Tamil Nadu legitimised jallikattu, by amending the PCA Act, and by exempting the practice entirely from the statute's demands.
- The amendment defines the practice of jallikattu as an event involving bulls conducted with a view to follow tradition and culture.
- Tamilnadu also argued that the amendment serves to preserve native varieties of bulls and the exemption in favour Tamil people's right to conserve their culture.

What is the argument of the petitioners?

- **Cruelty on animals** - The petitioners argued that excluding the practice of jallikattu from the PCA Act will mean that cruelty on animals is agreeable.
- **Violation of PCA and Article 51A(g)** - The petitioners submitted that the Supreme Court arrived at clear findings of fact and law in *A. Nagaraja*, which had held that jallikatu amounted to a violation of the existing provisions of the PCA Act, and Article 51A(g).
- **Interpretation of Article 21** - The Bench was conscious that the right to life in Article 21 is conferred only on human beings but acknowledged the expanded meaning of "life" that includes right against disturbance to the basic environment including animal life.
- This raises the question of whether animals have personhood.

What lies ahead?

- **For Supreme Court** - On hearing petitions against the latest law, the court had sought to address the questions of
  - whether jallikattu should be granted constitutional protection as a collective cultural right under Article 29 (1)
  - whether the 2017 law and rules perpetuate cruelty to animals
  - whether the 2017 law and rules were a means to ensure the survival and well-being of the native breeds of bulls
- **For the bureaucracy** - The revised law, by itself, could not ensure that no human lives were lost.
- There is a need to reinforce stricter enforcement of regulations.
- The bureaucracy should sensitise local communities to the need for the safe and smooth conduct of jallikattu.
- Every traditional practice undergoes changes over time and jallikattu is no exception to this rule.

Quick Facts

Animal Welfare Board of India (AWBI)

- AWBI is a statutory advisory body set up under the **Prevention of Cruelty to Animals Act, 1960** under the **Ministry of Fisheries, Animal Husbandry and Dairying.**
- **Shrimati Rukmini Devi Arundale** pioneered the setting up of the Board, with its Headquaters at **Chennai**.

- Chair - A senior MoEFCC official.
- The Board consists of 28 Members.
- The term of office of Members is for a period of 3 years.
- **Functions performed by AWBI**
    - To advice the Central Government on the matters relating to the medical care provided in animal hospitals.
    - To advice the Government related to the design of slaughter houses and vehicles to lessen the burden on draught animals.
    - To give financial assistance to animal welfare organizations, rescue establishments and animal hospitals

References

1. The Hindu | Preventing animal cruelty is a duty of the state
2. The Hindu | Tame, not lame: On jallikattu
3. AWBI | Animal Welfare Board of India

