

CONTROL, NOT BRUTALITY: CONDUCTING JALLIKATTU

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Paper - II
(Indian Polity)

In a democracy, no one can overlook the cultural sensitivity of the people.

Come Pongal and many parts of Tamil Nadu are alive with preparations for jallikattu, a traditional sport involving bulls. On December 8, a five-member Constitution Bench of the Supreme Court reserved its verdict on a batch of pleas challenging the Tamil Nadu law allowing jallikattu. The court is expected to give its judgment before the commencement of this year's event, which goes on for nearly four months in various parts.

Jallikattu Case

It is likely to rule on the validity of the Prevention of Cruelty to Animals (Tamil Nadu Amendment) Act, 2017, which does not talk of the "taming of bulls" while giving legal sanction to jallikattu. Though the traditional sport was not allowed for a few years thanks to the apex court's ruling in May 2014, the demand for its revival assumed serious proportions soon after the death of Chief Minister Jayalalithaa in December 2016.

As the court had declared void the Tamil Nadu Regulation of Jallikattu Act, 2009, which referred to the "taming of bulls", the framers of the 2017 law defined jallikattu as "an event involving bulls conducted with a view to follow tradition and culture". 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); and whether the 2017 law and rules "perpetuate cruelty to animals" or were a means to ensure "the survival and well-being of the native breeds of bulls".

Faith and Sensitivity

In a democracy, no one can overlook the cultural sensitivity of the people. Six years ago, the perception that those in power, both at the Centre and in the State, did not respect this factor gained ground, compelling the Union and the State governments to come up with a State-specific amendment to the Prevention of Cruelty to Animals Act, 1960, a Central law. The amendment, allowing the event subject to rules and regulations, had ended the crisis that had engulfed the State then in the wake of a huge assembly of people on the Marina Beach for days together. But the revised law, by itself, could not ensure that no human lives were lost, let alone prevent instances of torture to the animal.

Now What Next

There is a need to reinforce stricter enforcement of regulations. Also, 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. This message should be conveyed forcefully to all the stakeholders.

Why in News

A Constitution Bench of the Supreme Court reserved for judgment a batch of petitions seeking to strike down a Tamil Nadu law which protects Jallikattu by claiming that the bull-taming sport is a cultural heritage of the State and is protected under Article 29 (1) of the Constitution.

Jallikattu

Jallikattu is a traditional sport that is popular in the Indian state of Tamil Nadu.

The sport involves releasing a wild bull into a crowd of people, and the participants attempt to grab the bull's hump and ride it for as long as possible, or attempt to bring it under control. It is celebrated in the month of January, during the Tamil harvest festival, Pongal.

Why Concern

- The primary question involved was whether Jallikattu should be granted constitutional protection as a collective cultural right under Article 29 (1). Article 29 (1) is a fundamental right guaranteed under Part III of the Constitution to protect the educational and cultural rights of citizens. The court examined if the laws “perpetuate cruelty to animals” or were actually a means to ensure “the survival and well-being of the native breed of bulls”.
- The five-judge Bench heard parties on whether the new Jallikattu laws were “relatable” to Article 48 of the Constitution, which urged the state to endeavor to organize agriculture and animal husbandry on modern and scientific lines. The Constitution Bench also looked into whether Jallikattu and bullock-cart races laws of Karnataka and Maharashtra would actually sub-serve the objective of “prevention” of cruelty to animals under the Prevention of Cruelty to Animals Act of 1960.

Jallikattu Legal Battle

- Jallikattu first came under legal scrutiny in 2007 when the Animal Welfare Board of India and the animal rights group PETA moved petitions in the Supreme Court against Jallikattu as well as bullock cart races. The Tamil Nadu government, however, worked its way out of the ban by passing a law in 2009, which was signed by the Governor.
- In 2011, the UPA regime at the Centre added bulls to the list of animals whose training and exhibition is prohibited.
- In May 2014, days before the BJP was elected to power, the Supreme Court banned the bull-taming sport, ruling on a petition that cited the 2011 notification.

So, is it legal or banned now?

- In January 2017, massive protests erupted across Tamil Nadu against the ban, with Chennai city witnessing a 15-day-long Jallikattu uprising. The same year, the Tamil Nadu government released an ordinance amending the central Act and allowing Jallikattu in the state; this was later ratified by the President.
- The amendment was subsequently approved by the President of India, effectively overturning the Supreme Court ban and allowing the sport to be played without any legal hurdle.
- PETA challenged the state move, arguing it was unconstitutional (Article 29(1)). In 2018, the Supreme Court referred the Jallikattu case to a Constitution Bench, where it is pending now.

Expected Question

Que. Consider the following statements-

1. Article 29 (1) of the Indian Constitution is a fundamental right guaranteed under Part III of the Constitution to protect the educational and cultural rights of citizens.
2. According to Article 48 of the Constitution of India, the State shall endeavor to organize agriculture and animal husbandry on modern and scientific lines.

Which of the statements given above is/are correct?

- (a) Only 1 (b) Only 2
(c) Both 1 and 2 (d) Neither 1 nor 2

Answer : C

Mains Expected Question & Format

Que.: What are the challenges to our Cultural Practices in the name of Secularism?

Answer Format :

- ❖ Define Secularism.
- ❖ Evaluate our Cultural Practices in today's perspective.
- ❖ Give a balanced conclusion.

Note: - The question of the main examination given for practice is designed keeping in mind the upcoming UPSC mains examination. Therefore, to get an answer to this question, you can take the help of this source as well as other sources related to this topic.