

JUDGING JALLIKATTU: THE HINDU EDITORIAL ON THE SUPREME COURT VERDICT

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A rural sport seen by courts for years as one inflicting cruelty on animals has now received judicial imprimatur. An upsurge in popular support for jallikattu led to legislative changes in early 2017, exempting it from the rigours of the law against animal cruelty. Six years after the amendments ended a Court-ordered ban, the [Supreme Court has upheld the changes made by the Tamil Nadu Assembly](#), as well as the cultural sentiment behind jallikattu, a traditional sport in which men try to control raging bulls. There has been an endless conflict between activists and proponents of the game, which culminated in a 2014 Court judgment banning the sport. The activists argue that any sport involving a physical contest between man and bull violates animal rights, while the other camp contends that none should stop something that is part of the State's tradition and culture. The State government responded to the ban by amending the central Prevention of Cruelty to Animals Act, 1960, in its application to the State, and obtained the President's assent. A Constitution Bench of the Supreme Court has now settled the issue, ruling in favour of jallikattu as a cultural event.

The verdict of the five-judge Bench is anchored to two key findings. That the fresh regulations minimise the game's potential for cruelty and pain formed the basis for the 2014 judgment. Those conditions were no more prevalent. Second, the Court has accepted the legislature's view that jallikattu is a sport conducted every year to follow tradition and culture. It has accepted the legislature's wisdom on what constitutes cultural heritage, holding that the Court cannot embark on such an inquiry. However, it does not mean the Court has in any way diluted the part of the earlier Bench's verdict reading into Indian law the full import of international rules in favour of animal rights. Rather, it has deferred to the cultural sentiment underlying the legislative scheme by which sports such as jallikattu, kambala, a buffalo race in Karnataka, and bullock-cart racing in Maharashtra are not interdicted by the law preventing animal cruelty. This means organisers as well as the respective governments, still bear the burden to prevent infliction of pain and cruelty on animals. These sports also pose an undeniable hazard to humans too; to the participants mainly, but sometimes spectators too. It may be time for organisers to mandate protective gear for the participants and strictly enforce rules for proper barricades to keep spectators safe. Cultural assertion, and kindness to animals and adherence to safety norms need not be mutually exclusive.

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