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## Jallikattu and the Art of Legal Dodging

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Students and youth, seen here with props resembling the horns of the bull on January 22, 2017, laid a peaceful siege to the Marina for six days protesting the Supreme Court's ban on jallikattu, prompting the State government to bring in an emergency legislation overruling the ban. Photo: PTI.

*In mid-January, Tamil Nadu was witness to a popular youth protest against the Supreme Court's ban on holding Jallikattu—an annual rural sport in which men are pitted against a bull. The peaceful protest, however, ended on a violent note after police intervened to disperse the protesters following an ordinance by the State government to conduct the annual event, which left the student protesters unconvinced.*

*In this article, **Vasundhara Sirnate Drennan**, Chief Coordinator – Research, The Hindu Centre for Politics and Public Policy raises questions over the reasons behind a protest where people demand the right to play a sport that results in animal and human death and injury. She shares her views on the expansion of rights under Article 21 to animals, the masculine bases of identity and federalism, and the manner in which the executive can interfere with judicial decisions for political expediency.*

## I

### Introduction

There are some serious questions at stake in the discussion about *jallikattu*. One can broadly, categorise them as issues pertaining to politics and issues pertaining to rights. First, this is a matter that tests the strength of the State government of Tamil Nadu in the power vacuum left behind by the death of former chief minister J. Jayalalithaa on December 5, 2016. Second, the matter also tests the strength of a 2014 Supreme Court verdict in the court of popular opinion legitimised through street protests in Tamil Nadu. Third, the *jallikattu* matter forces us to think about the strength of the central government vis-à-vis its states, and the lengths to which it is willing to go to keep the peace with its State-based political collaborators. Fourth, the issue raises questions about the relationship between the Supreme Court and the Executive, which has, in Indian political history been rather tenuous. Fifth, the *jallikattu* issue, while clearly at an intersection of identity, economics and politics, and federalism, is also located in a larger debate about rights and the extension of rights to non-humans. Sixth, it offers an insight into how men (and, admittedly, some women) perceive masculinity, tradition, and politics and will fight for the right to retain their dominance over and abusive potential against lesser living beings. Finally, there is a discussion to be had, more broadly, on why antiquity becomes the basis for legitimacy of practices centuries down the line, even when it is clear that such practices militate against the democratic practice of rights and public responsibilities by the extension of such practices into the current century. In other words, is cultural and traditional relevance enough to allow a practice, which clearly involves abuse of life forms (both men and animals), to continue?

In this essay, I argue that the recent protests over *jallikattu* have offered antiquity as the basis of legitimacy for re-introducing a violent sport and, in doing so, have effectively stymied an attempted expansive reading of Article 21 of the Indian Constitution by the Indian Supreme Court in the *Animal Welfare Board of India vs. A. Nagaraja*, 2014. This was done with assistance from both the central and State governments, even when there was no clear and pressing need to strike down a Supreme Court verdict for the State of Tamil Nadu.

## II

### A Millennial Protest

The first time I heard of *jallikattu* was in the year 2014 when my cab driver, who was driving me to work on that rare pleasant January day in Chennai, saw me staring at a poster featuring a bull and a crowd near a traffic signal at the intersection of Wallajah Road and Anna Salai. The bull, with a massive set of horns, was in motion and an intense crowd surrounded it. In what was undoubtedly a trick of Photoshop, the bull appeared significantly larger than the people that surrounded it. The poster was in Tamil, so I asked the driver if he knew what it was about. “*Jallikattu*”, he exclaimed, and added that in his southern Tamil Nadu village “nearby Trichy” he was a *jallikattu* champion. As a recent import into Chennai, I had no idea what he was talking about. So, I asked him what the sport was. He explained that men had to “run after the bull” and take the prize from its horns. “Some coins... *salli*”, he said. From the way he spoke (he repeated that he was the local champion about three times in five minutes), I gathered that there was high status and some social capital attached to taking coins off the bull. Unlike a rodeo, where the interaction between man and horse with the aim of dominating a wild-ish horse is a one on one battle with strict rules, in *jallikattu*, a horde of men chase bulls down a path or an arena, with the bulls agitated enough to attack the crowd that has engulfed them. The Tamil Nadu Regulation of Jallikattu Act, 2009 does state that not more than one person can attempt to control the bull or hang off its hump, at a time. However, in practice this is not followed. In this melee, the bull that holds out the longest is considered to be the most virile and is allowed to impregnate the female bulls in the village, while other bulls that have been “tamed”, are used for

“lesser” activities like farming. This ritual sport is undertaken, as its defendants claim, to isolate the strongest native individual bull and make sure that the most Darwinian genes are transferred to the next generation of bulls.

There was a problem with the cab driver’s story. The way he described it all those years ago had more to do with men’s contest to dominate the bull and not so much about the bull, its sacredness or selective breeding and so on. He talked about how dangerous the competition was and how many people died in the sport as the bulls attacked quite ferociously. He was animated about the sport and again reminded me that he had won the *jallikattu* contest more than once. Later, a helpful video on YouTube <sup>1</sup> allowed me to see the uniform clothes that the men wore often bearing the name of the local sponsoring company, how they ran around the bull and then ran at it in an attempt to hang off the creature’s hump, and sometimes, rump (although I am rather sure that the latter was an unintended hanging on as it constitutes a ground for disqualification). In other videos that document *jallikattu*, a man can be seen grabbing a bull’s tail and yanking it, twisting it, before taking it in his mouth and biting down hard on it, while another person smacks the bull hard on the rump. This is all done, as was explained to me, to incite the bull to ferocity. I have not linked the video here, due to the disturbing and abusive nature of the imagery.

The practice of *jallikattu* is “very old”, testified one interviewee. “And because it is old, it is our tradition”, he said. *Jallikattu* is indeed a dated tradition. Writing in *The Hindu*, S. Annamalai says <sup>2</sup> that an “ancient reference to bull taming is found in a seal discovered at Mohenjodaro, which is dated between 2,500 BC and 1,800 BC”. The seminal sport, reports S. Annamalai, was called *Eru thazuval* or “embracing the bull”. It evolved, over time, into what was understood as *jallikattu* (literally translated this means “coin package”), and a century later it is presented in its current form as a mash-up of something traditional, something economic and as a village-level league sport. Taming of bulls and other animals is an extant practice in many cultures around the world. In each case, the practice provides an ingredient to the cementing of a local or national identity, apart from serving as a tourism commodity. After all, the argument goes, an identity makes itself explicit not just through ascriptive differences in skin colour, religion, sartorial choices and culinary habits or through collective “imagination”. Identity is also performed—in this case through sport.

In this manner, a sport, which was perhaps endemic to the Madurai region (as one line of argument forwarded by K. Krishnaswamy says) and to the upper castes has become “a symbol of Tamil pride and identity” <sup>3</sup>. However, not everyone agrees with this statement. Puthiya Tamizhagam (PT) leader Dr. K. Krishnasamy has stated that the sport does not reflect Tamil pride because it excludes Dalits from participating or only offers token participation to them. This is belied by the fact, say others, that many bull tamers are Dalits <sup>4</sup>. Dr. Krishnaswamy also disagrees with this view. In a piece for *Scroll.in*, he is quoted as arguing that the sport allows for certain castes to entrench themselves even more soundly in the village <sup>5</sup>.

This year, around the day of Pongal (January 14) in Tamil Nadu, some curious social media posts appeared. In one such post, which showed up on my Facebook newsfeed, a man ranted about the manner in which north Indians treated Tamils like “slaves” and had decimated their tradition with the case in point being the ban on *jallikattu*. He warned north Indians living in Chennai and in other parts of Tamil Nadu that there could be riots against them. The post has since disappeared from Facebook as the writer received some virulent pushback for encouraging violence against non-Tamils. A few days later on Tuesday, January 17, a massive protest occurred on the Marina Beach in Chennai, followed by a march on January 19 in Thiruvannamiyur neighbourhood and on January 20 at the Elliot’s Beach in Besant Nagar. These were part of coordinated protests across Tamil Nadu against a 2014 Supreme Court ruling that banned *jallikattu*.

In May 2014, the Indian Supreme Court had struck down the Tamil Nadu Regulation of Jallikattu Act, 2009, and had banned the practice altogether along with bullock-cart racing in both Tamil Nadu and Maharashtra. In *Animal Welfare Board of India vs. A. Nagaraja* <sup>6</sup>, the court stated, “Forcing a bull and keeping it in the waiting area for hours and subjecting it to the scorching sun is not for the animal’s well-being. Forcing and pulling the bull by a nose rope into the narrow, closed enclosure or ‘vadi vassal’ (entry point), subjecting it to all forms of torture, fear, pain and suffering by forcing it to go to the arena and also over-powering it in the arena by bull tamers, are not for the well-being of the animal <sup>7</sup>.” Nine months later, in January 2016, the Indian government reversed the Supreme Court’s ban.

The protests started sporadically in the first week of January this year. Two weeks later, the village of Alanganallur, a place near Madurai traditionally famous for its *jallikattu* event, was the space for a protest against the 2014 Supreme Court ruling. Here, 200 protestors were arrested on the morning of January 17 <sup>8</sup>. In another seemingly absurd, but in what was considered appropriate and preventive action by the local authorities, it was reported that some bulls were also gathered up and detained so that they could not be deployed for the sport. Social media was crucial to the organisation of the statewide protests that followed. In a few hours, groups were formed all over the State calling for students to protest peacefully against the central government and the Supreme Court. Times, dates and locations were shared through social media.

I visited the Marina Beach in Chennai on January 18, a Wednesday. A massive group of students, numbering over a thousand, sat along the Marina promenade. Most of the signs they wielded were in Tamil. The only English word often seen was “PETA” referring to the People for Ethical Treatment of Animals—the pro-animal rights group that had filed one of the initial petitions against the practice of *jallikattu*. It did not take long to figure out what exactly the crowd felt about PETA. One protestor emphatically stated that PETA was an “outside influence” and they were trying to dilute or destroy Tamil identity. “We are Tamil, *jallikattu* is our tradition,” he said. There were a few women in the crowd as well, but they were greatly outnumbered by the men. Many of the youth gathered there said that they were college and university students and they had come there because their traditions mattered to them.

In Alanganallur, the protests that occurred on January 16, 2017 had turned violent. Police and protestors had clashed. In contrast, the protesters squatted peacefully at the Marina Beach two days after that incident. As the sun beat down, many were seen drinking water out of plastic bottles while an enterprising one had hastily tied a wet handkerchief around his head to protect himself from the scorching rays. The same day, the Elliot’s Beach in Chennai saw its first swarm of protestors facing the promenade dotted by several global restaurant chains. With each passing day, the number of protestors at the Marina Beach increased, as did those at the Elliot’s Beach. By day four of the protest, the number of people gathered at the beaches was estimated to be over a lakh. Young protestors showed up with local drums and began tom-tomming a slow percussive call to all who would listen; with the sound of the drums filtering down to the residential neighbourhood nearby. The small shacks on the sands selling fish, peanuts, ice-cream, *bajjis* and other quick eatables did brisk business on those days.

The massive numbers of students, estimated at around two million statewide, that were involved in the coordinated protests exerted enough pressure on Tamil Nadu Chief Minister, O. Paneerselvam, to force him to make a trip to New Delhi on January 20 and meet Prime Minister Modi to lobby for a possible way out of the impasse. Paneerselvam and the State government were advised to draft an ordinance that would temporarily allow *jallikattu* to be practiced this year. Paneerselvan made the announcement to the public with the hope that the protests would stop.

Protestors saw The Prevention of Cruelty to Animals (Tamil Nadu Amendment) Ordinance, 2017<sup>9</sup>, which was to be enacted on Monday, January 23, as a temporary fix, even while the Chief Minister stated that the Ordinance was a State amendment in perpetuity to the central Prevention of Cruelty to Animals Act, 1960 (PCA, 1960)<sup>10</sup>. The original PCA Act, 1960 was enacted to prevent animal abuse from occurring in India on a wide scale and includes as cognisable offences acts of *phooka*, *doom dev*<sup>11</sup>, experimentation on animals and has strict rules to safeguard the well being of performing animals. As part of the implementation of the Act, the Animal Welfare Board of India was set up to investigate and regulate cases of animal cruelty (beating, kicking, confinement, abuse, starvation, trafficking, mutilation) and suffering. To put it concisely, the Tamil Nadu Amendment Ordinance makes the provisions of Chapter III and Chapter V of the PCA Act, 1960 inapplicable to Tamil Nadu. More specifically, these are sections which deal with cruelty to animals and fitting punishment for the same, and, limitations of the PCA Act, 1960 on performing animals; since *jallikattu* places the bull in the category of a performing animal and the PCA places restrictions on the owners of such animals and prohibits training them for exhibition or entertainment.

Even with a State amendment to a central law that also interrogates a ruling from the highest court in the land, the protestors refused to stop, saying that they wanted no time limit on their traditional “right” to conduct *jallikattu*. On Monday morning, January 23, police tried to forcibly evict protestors from the Marina Beach. This led to clashes between the protestors and the police, including the use of batons and tear gas. Some reports filtered in that fisher folk, who live in hamlets close to the Marina Beach area in abject conditions in shanties and lean-tos, were beaten up by the police. These included women as well. The Elliot’s Beach, on the other hand, was peaceful. The small marquee put up by the protestors just days ago only had a handful of people. When questioned, they reported that most of the protestors had headed towards the Marina to “help” the others. Police patrolled the neighborhood and the promenade.

Early on Monday morning, all roads leading to the Marina were cordoned off by the police as they attempted to oust the protestors from the sands. The police action reportedly incited youth in some parts of Chennai to block the main thoroughfares of the city. Traffic on some major roads, like the arterial Poonamallee High Road (Kilpauk, Chetpet and Egmore areas) and Anna Salai, came to a grinding halt with motorists spending anywhere between two to six hours in the jam. The blockade caused a cascading effect on all other connecting roads. As the news of violence spread, schools and colleges were shut down and parents hurried to pick up their children.

Following the police action, sections of the agitated youth spread to a few parts of the city and fought pitched battles with the personnel in khaki. Instances of arson and stone pelting were captured and beamed live in local television channels. But what sparked outrage in social media were visuals of police personnel setting fire to vehicles, breaking mirrors on vehicles and torching poorer huts in a few parts of Chennai city.

Suddenly in the morning, peaceful Marina was transformed into a battlefield. The clashes then spread to other areas close by. Vehicles, including fire tenders and police vehicles, were set on fire. The police caned unruly protestors, who returned favour by pelting stones. The six glorious days of peaceful protests, which had captured the attention of the country and were lauded by many of eminence as being a bright lesson in the show of dissent in a democracy, were suddenly history.

### III

Can an Animal have rights under Article 21?

Let me now assess the issues that I raised at the beginning of this essay. The protests have come at a crucial moment in Tamil Nadu politics. The death of J. Jayalalithaa led to a leadership vacuum in the party and, by extension, the State. A mild-mannered O Paneerselvan, who was 'elected' to be the chief minister by the AIADMK legislature party, attempted to fill the void, even while popular party opinion ruled in favour of Ms. V.K. Sasikala, Jayalalithaa's long-time confidante and the new general secretary of the party. She has maintained a studied silence on the protests. For all of Ms. Jayalalithaa's political gimmicks, scandals and populism, one thing that she is popularly remembered for is her strong handling of law and order situations. Some opinions indicate that had Jayalalithaa been alive, she would have 'handled' such protests with the political deftness that she was known for. Mr. Paneerselvan, on the other hand, is a different kettle of fish. After he took over, his administration has had to deal with the unrest following Jayalalithaa's death, the trail of destruction left behind by Cyclone Vardah and the impact of demonetisation. Just when he stopped to catch his breath, another wave of unrest hit the State in the form of the *jallikattu* protests. As a chief minister, Mr. Paneerselvan's response has been to scurry to New Delhi seeking the centre's intervention, establishing in the process that he not only has to bow to the massive power of Tamil students, but also lacks the power to exert effective personal control over them. The political issue is salient for yet another reason. For many years now, national parties like the Indian National Congress and the Bharatiya Janata Party (BJP) have been trying to gain a foothold in Tamil Nadu with very little success. This has primarily been due to the massive political clout enjoyed by the Dravidian parties—the AIADMK and the DMK— both of which have powerful and populist leaders taking on each other in bouts of competitive populism to garner votes. These parties have never been beholden to New Delhi and instead have been able to exercise strong influence over coalition building at the centre. With Jayalalithaa's death, the dynamics have changed quite dramatically. The lack of a strong and prominent leader could well make the AIADMK vulnerable to manipulation by any national party towards facilitating the entry of such a national party into the Tamil Nadu electoral arena. The BJP has not been shy about wooing Tamil Nadu. And perhaps it is no coincidence that this protest-based expression of Tamil nationalism has taken centre stage at a time when a national party can make a serious push into Tamil Nadu through one of the Dravidian parties or another smaller regional party. It was in a similar way that the BJP made inroads into Assam, by partnering with the Asom Gana Parishad, a party that emerged out of a student rebellion against the Indian state in favour of a pan-Assamese identity, but under the BJP's influence turned into something more inward-looking and parochial by merging its Assamese nationalism with a broader Indian Hindutva nationalism.

Second, we must examine the role of the Indian Supreme Court in this matter. The Indian Supreme Court has often, in its decades-long history, given judgments that can be seen as liberal interpretations of old laws. These judgments do not always reflect the conservative aspirations and beliefs of the society that it is legislating on. However, there are enough instances where the Supreme Court unfortunately votes in keeping with the public sentiment on particular issues. For instance, in December 2013, the Indian Supreme Court ruled against a 2009 Delhi High Court judgment that decriminalised same-sex intercourse by repealing Section 377 of the Indian Penal Code. In January 2014, the Supreme Court dismissed the government's petition to reconsider its decision on the matter.

However, in the case of the Animal Welfare Board of India vs. A Nagaraja, the Indian Supreme Court stayed ahead of the thinking of the society it is embedded in. It attempted to read the Constitution as a transformative document through which Indian society could evolve into something better; where rights could be extended to more groups

(in this case non-humans) than previously included. It is for these reasons that this particular judgment requires not only scrutiny, but also support.

In 2014, the Supreme Court was dealing with a variety of cases that culminated into the *jallikattu* ban on May 7 of the same year. The first was a case filed by the Animal Welfare Board of India (AWBI) that challenged a March 9, 2007 verdict of the Division Bench of the Madurai High Court. The second was a case filed by PETA against the Tamil Nadu Regulation of Jallikattu Act, 2009. In addition to this, there were a separate set of cases dealing with Maharashtra and bullock-cart racing. The AWBI claimed in its petition that *jallikattu* and bullock-cart racing violated specific provisions (Sections 3, 11 and 22) of the Prevention of Cruelty to Animals Act, 1960. It furnished documentary and photographic evidence to show that bulls were abused during the sport. It further claimed that there is not enough proof to demonstrate that the sport is culturally significant or a part of Tamil tradition and that even if this were the case, the PCA Act, 1960, being a parliamentary law, superseded all arguments in favour of *jallikattu*.

Another cause of disagreement between the State of Tamil Nadu and the AWBI was regarding the status of the bull as a performing animal. The State of Tamil Nadu said the bull was a performing animal, while the AWBI stated otherwise. In 2011, the Ministry of Environment and Forests had added bulls to the list of animals that could not be trained for exhibition or performances. The counsel for the AWBI, Mr. Raj Panjwani, argued that in spite of the Tamil Nadu Regulation of Jallikattu Act (2009), the animal exhibited a “flight response”, meaning it experienced fear and pain. So, even with the sport being regulated, there was nothing to prevent the actual experience of the animal, which was going to be one of abuse and fear. The State of Tamil Nadu made a unique argument through its counsel Rakesh Dwivedi. It maintained that the PCA Act, 1960, did not ban “all forms of pain and suffering” and that in *jallikattu* the bull is not subject to “unnecessary” pain.

The Supreme Court verdict ended its discussion of the petitioners’ varied points of view with an impressive statement. It stated that it had to decide the matter

“keeping in mind the welfare and the well-being of the animals and not from the stand point of the Organisers, Bull tamers, Bull Racers, spectators, participants or the respective States or the Central Government, since we are dealing with a welfare legislation of a sentient being, over which human beings have domination and the standard we have to apply in deciding the issue on hand is the “Species’ Best Interest”, subject to just exceptions, out of human necessity”.

In its decision, it gives emphasis to the findings of the AWBI’s investigation into *jallikattu*. The AWBI’s investigation at three *jallikattu* sites Palamedu, Avaniapuram and Alanganallur, according to the verdict, revealed ear-cutting of the bulls, beating, lack of sanitation, mutilation, deliberate taunting, dislocation of the tail bone, biting and twisting the bull’s tail, poking the bull with sharp objects and using irritants (like spices) in the bull’s nasal passage and eyes. The full description can be found in the verdict <sup>12</sup> .

The Supreme Court attempted an assessment of the *jallikattu* ban based on the overwhelming evidence of abuse and cruelty that the AWBI placed before it. It stated,

“In matters of welfare legislation the provisions of law should be liberally construed in favour of the weak and infirm.”

It further maintained,

“Pain and suffering are biological traits. Pain, in particular, informs an animal which specific stimuli it needs to avoid and an animal has pain receptors and a memory that allows it to remember what caused the pain”.

Commenting on the legal basis of culture, the Court first argued that inflicting pain on the bull was not Tamil culture. In doing so, it stated,

“The Statement of Objects and Reasons of the TNRJ Act refers to ancient culture and tradition and does not state that it has any religious significance. Even the ancient culture and tradition do not support the conduct of Jallikattu or Bullock cart race, in the form in which they are being conducted at present. Welfare and the well-being of the bull is Tamil culture and tradition, they do not approve of infliction of any pain or suffering on the bulls, on the other hand, Tamil tradition and culture are to worship the bull and the bull is always considered as the vehicle of Lord Shiva.”

The court said that the Prevention of Cruelty to Animals Act, 1960, trumped the sport, as it was an act of parliament. It stated,

“The PCA Act<sup>13</sup>, a welfare legislation, in our view, over-shadows or overrides the so-called tradition and culture. Jallikattu and Bullock cart races, the manner in which they are conducted, have no support of Tamil tradition or culture.”

Citing a previous SC judgment, it explained its case by saying,

“Any custom or usage irrespective of even any proof of their existence in pre-constitutional days cannot be countenanced as a source of law to claim any rights when it is found to violate human rights, dignity, social equality and the specific mandate of the Constitution and law made by Parliament <sup>14</sup>.”

Finally, the Court rounded off its verdict by looking to animal protection laws globally and returned to a criticism of speciesism or human superiority over other creatures. It then rooted the right to life for animals in an expanded understanding of Article 21 (Right to Life and Personal Liberty) of the Indian Constitution.

I have dwelled on the Supreme Court verdict at length for a variety of reasons. This verdict is far-reaching because it uniquely suggests that the right to life is not restricted only to *homo sapiens*, but includes all living beings. In doing so, the verdict sets the stage for an expansion of rights and admits non-humans as “persons” with rights. This judgment is far more liberal in its understanding of rights than is normally seen in most liberal polities. In other words, through this judgment the Supreme Court validates that voiceless beings, who have no script and ability to argue, also have rights that can be considered almost at par with those of humans. It suggests that while legislations have been made for other “weaker” communities to bestow rights on them legally, in a society where groups that are more powerful would not do so easily, the same legislations can also be extended to protect those that are even weaker. It also argues, convincingly, that tradition cannot be the basis for the continuation of the practice as the effects of that practice have to be evaluated keeping in mind not ambiguous cultural/emotional benefits, but the well being of persons and animals in keeping with modern understanding of such well-being may comprise.

Animal welfare was not the primary concern of the protestors in Tamil Nadu. Indeed, the protestors showed remarkable resilience and restraint in the six days of peace. There were a few smaller protests against



the *jallikattu* protest by some pro-animal rights people, but these were sporadic and were overshadowed. In my conversations with the protestors, many were not aware that PETA was barely referenced in the 2014 verdict and that it was the findings of the AWBI that had sealed the case against *jallikattu*. A conversation with a protestor on the issue of animal abuse yielded a scripted response that tradition was important and an “integral part of our Tamil identity”.

By the time the protest entered the fourth day, I had heard this response with minor variations, several times. Reporting from Southern Tamil Nadu, Nithya Nagarathinam, a former Public Policy Scholar with The Hindu Centre, added that in one interview in Karur, a respondent said, “Our generation is old now. We used to be very involved in social issues as youngsters. These days the youth are giving in to vices like alcohol drinking. All these IT people run after money. This protest is a good sign that the youth care about culture.”

The protestors were hailed across the State for their non-violent resistance to the Indian state and the court system and for carrying the flag of an identity that was seen as being attenuated under a newly emerging consumer culture. As I have discussed before, this lasted for only a week before violence turned the protest into something far more physically disruptive. It seems, however, that in the public debate on the protests and about *jallikattu*, the far-reaching, conscious and empathic verdict of the Supreme Court has had no pride of place in an open discussion. The protests have been lauded for the collective action they symbolise, but very few have stopped to question what motivated the Supreme Court judgment. It cannot possibly be the case that a group of people get praise simply for not resorting to violence, even when the issue that they protest for or about or against is something far more fundamental to the extension of freedoms and rights to other living beings. Granted, there are enough number of social groups and individuals like Dalits and women, who have been failed repeatedly by the legal system and the courts, and cannot be said to enjoy full rights and freedoms. However, this still does not suggest that rights should not, in theory, be expanded to animals as well. After all, slavery was abolished in the United States only after the Civil War 1865 and a proclamation that freed all African American persons from the bonds of slavery in theory even if equality is still imperfect in practice. Similarly, women received the right to vote and be considered equal citizens and gained admission in universities only in the last century. It can be suggested then that perhaps the current century could be for the rights of non-human voiceless beings amongst us.

The Supreme Court verdict is perfectly reasonable based on unshakeable evidence of abuse of bulls furnished by the AWBI. The verdict was trying to create a space for the expansion of rights to other species, even while holding up the powers of Parliament and its own legislation (PCA Act, 1960). In a rare occurrence of collusion, both the State government and the central government bulldozed a court judgment. While the judiciary and the executive have in India clashed over verdicts historically, this one was still an easy one to think about. In 1985, Parliament made a law that would overturn the Shah Bano judgment in a populist move to not alienate an angered All India Muslim Personal Law Board as the Rajiv Gandhi government feared this would hurt the INC's chances with Muslim voters in future elections. Another point to be noted is that many of the protestors were unaware of the fact that the judgment was based on AWBI evidence or that the Supreme Court had explicitly stated that tradition and antiquity could not be dragged in as a main or residual line of argumentation to validate the existence of *jallikattu*.

Even so, the point remains that for a sitting prime minister to assist a State government, and indeed recommend to it that an ordinance be drafted to set aside a Supreme Court order sets a bad precedent. With one stroke, both the Centre and the State colluded to not only challenge an SC verdict (a reasonable one at that) and make it appear without teeth, but also invisibilised rights for certain animals; apart from also ensuring that similar litigious efforts spawn in other States with similar practices.

Third, there is also a pressing need to examine the effect of masculinity on the formation of local and nationalist identities. This has been an overbearing problem across most of South Asia and finds emphasis in the articulations of all sorts of nationalisms and sub-nationalisms in India. Women, essentially, do not get to decide what their nationalism/sub-nationalism is all about. They are expected to ride on the coat tails of aggressive masculine nationalisms from Kashmir to the Northeast of India, and now in Tamil Nadu. It was surprising to see women come out to support the protestors for a sport which they cannot partake in. Tamil cinema and media (like most other cinema and media in India), also determinants of Tamil national identity, are rife with sexist imagery and depictions of women, sometimes even legitimising stalking, voyeurism and other forms of female harassment. The primary reason why *jallikattu* in practice does not sit heavily on a society-wide moral conscience in Tamil Nadu is because while it is construed to be about the bull (and the Supreme Court has clearly stated it is concerned with only animal welfare in its judgment), it is more about the humans associated with the animal—the bull breeders and rearers, the advertisers and sponsors, the men competing for the prize (which often involved getting the pick of the marriageable girls in the village). The domination over the bull is a backdrop or a site to perform and re-establish male virility and dominance. The bull is abused not for sport, but so that some men can find pride and social advancement. And what no one has asked or questioned is whether this reason is good enough to keep the sport going.

Arguments that have been made in defence of *jallikattu* invoke economic considerations that rest on the assumption that without the sport the indigenous breeds of bulls will die out as none will find it lucrative to rear them. It is stunning that in a country with unique policy solutions to pressing other issues, the governments at both central and State levels are unable to come up with a policy measure to protect the livelihoods of bull-rearers in the form of special incentives for such breeders, tax benefits and/or access to unique financial instruments and state financial support for costs borne in rearing. This can be done. It is not impossible. The logic that only through an abusive sport can a bull be preserved from extinction and their breeders from economic destitution, is spurious at best. After all, pandas are not put into a ring to fight humans to save them from extinction, but their numbers continue to grow under protracted monitoring measures, breeding measures and care.

#### IV

It is tempting to assess this matter as one of tradition fighting modernity in a long drawn out, almost perpetual, binary opposition. However, that would be a mischaracterisation of the matter at hand since neither is *jallikattu* in its current form “traditional” and its current reliance on the capitalist economy as a league-driven sport removes it from any claims to antiquity, apart from the shibboleth that there is a seal that depicted the sport in 2500 BC in Mohenjodaro, a geographical space that is as far removed from Tamil Nadu as North Korea is from democracy. One of the major drawbacks of living in a country with a culturally rooted nationalist sentiment is that the antiquity of things keeps getting tossed around as a reasonable argument to keep a practice going. What is antique is perhaps quaint and also fit for an auction at Sotheby's, but cannot and should not over-ride an evolved understanding of what constitutes a right, common sense, logic and reason. Throughout modern Indian history, the courts have intervened to outlaw regressive and harmful practices like Devdasi dedication in temples, bride-burning or sati, dowry and untouchability. This is for the simple reason that rights of persons cannot be taken away by a regressive society simply because this is how things have been done in the past. The courts have been an important intervention in Indian society and have often (not always, to be sure) accelerated the pace of societal evolution. In doing so, antiquity and tradition has had to be shunned as the courts have recognised that left to itself Indian society will not willingly steer the path of societal evolution.

The big paradox of the protests in Tamil Nadu is that these are social media savvy, educated 21st century millennial youth, who consider antiquity to be as important as their smartphones. They have refused to admit the idea that the font of modern law is an ever-expanding notion of rights, duties and obligations, not tradition or age. They have willingly placed their emotive, cultural and entertainment needs over the actual pain and fear expressed by another species. Perhaps, this is what it now means to be a millennial.

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