Animal Rights vs. Bullfights: The Horns of an Indian Dilemma

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Summary

Animal rights, which form a vital component of the rights of nature, featured predominantly in a recent, game-changing judgment of the Supreme Court of India (December 2014) that banned bullfights (*jallikattu*) in the southern state of Tamil Nadu. Bullfights are a popular sport in this province, associated with the harvest festival of Pongal and a long cultural history among the rural classes. The Supreme Court judgment argued that such events were "obviously not meant for the well-being of animals."

Animal rights activists in India have been at the forefront of a legal campaign against *jallikattu*—a form of bullfighting in the province of Tamil Nadu, where the tamer has to hold on to the bull over three strides, run a predetermined length with the bull, or hold it in check for a certain length of time. The tamer is not armed, nor is the bull killed (distinguishing it from Spanish bullfighting), but animal rights activists have drawn attention to such cruel practices as boring the bull's nose, intoxicating it, and rubbing its eyes with irritants, for instance. The frenzy at these public spectacles, too, is known to injure or take the lives of innocent animals and bystanders, though figures provided by proponents and detractors differ greatly.

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Bull versus man in Madurai, Tamil Nadu, India.

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Bullfighting, it is believed, goes back more than 1,500 years, and is perhaps the oldest sport with a continuous history right up to the present. The bulls are chosen from pugnacious native species that are raised in open pastures, and prizes are awarded to bull owners whose bulls outmaneuver their human competitors. This popular sport is associated with temple festivals and especially with the rice harvest festival known as Pongal. The bull is a component of both the great and little traditions of Hinduism, regarded as the vehicle of the deity Shiva, on the one hand, and offered as a sacrificial animal to local goddesses in this region, on the other.

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The challenger tames the bull in Avaniyapuram, Tamil Nadu, India.

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Over the centuries, some of the practices associated with the game have changed its form. For instance, winning the game was a mark of valor for men of the warrior class, and fathers, it is said, were proud to marry these brave men to their daughters. The prizes, bags of silver and gold coins tied to the horns, went to those who could yank them from the raging bulls. The new range of prizes now includes consumer goods, though I have come across a newspaper report of a temple being constructed to honor a village's *jallikattu* winner. Again, instead of being patronized by a king, bullfighting events are now sponsored by the big men of the villages and less often, by corporations. These events predictably draw huge numbers and tourists.

Strong criticisms expressed by the Madras High Court in response to appeals against bullfighting by animal rights activists led in 2009 to the Tamil Nadu State Regulation of Jallikattu Act (TSRJA), which aimed at improvements such as administrative and veterinary checks and barricades without enforcing radical change. However, the ineffectiveness of the act led the central government of India to include the bull in a list of animals—primarily circus animals such as tigers, panthers, and bears—that cannot be utilized for performance purposes under the Prevention of Cruelty to Animals Act legislated by the central government in 1960. The Tamil Nadu State Government Act was challenged by the Animal Welfare Board of India and PETA (People for the Ethical Treatment of Animals) in the Supreme Court, arguing that it ran counter to the Prevention of Cruelty to Animals Act.

A game-changing judgment by the Supreme Court of India dismissed the legality of the Tamil Nadu Act and banned bullfights (*jallikattu*) in the province in December 2014. The judgment stated that such events were "obviously not meant for the well-being of animals." It examined the sport from the standpoint of animal

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welfare, not from the "anthropocentric" perspective of its long cultural history or the implicit support of the state government. It decreed that the practice violated the provisions of the Prevention of Cruelty to Animals Act (PCA), and Article 51A of the Indian Constitution, which enjoins citizens to be compassionate towards living beings even though it does not confer nature with rights.

The judgment quotes the Isha Upanishads (ancient Indian texts dating back to 1500–600 BCE): "Let no one species encroach over the rights and privileges of other species." It also cites the World Charter of Nature adopted by the UN in 1982, which observes that "every form of life is unique, warranting respect regardless of its worth to man." It reiterates that we have to move away from speciesism, just as from casteism, racism, sexism, and other forms of discrimination.

However, the upper class and literati's deliberations on animal rights, non-violence, and vegetarianism contrasted sharply with the gestalt of agrarian castes, and classes that deploy animals in annual ritualized enactments of carnivalesque violence and raw emotion (on the function of the carnivalesque, see Bakhtin). The judgment raised several issues ranging from the social position of judges, the conservation of native breeds, and concerns about the place of agility against a capricious Nature, to the role of the grotesque and hazardous in the lives of agrarian subalterns who are still struggling to secure human rights. The symbolic dramatization of violence palpably brought bulls, actors, male spectators, and Tamil pride together in a manner akin to what Geertz describes as deep play in his analysis of cock-fights in Bali.

The battle between rural and urban worldviews is mediated by politics, apart from legal course correction. And since the 2014 judgment continued to cause political ripples in Tamil Nadu, the country's Environment Minister, Manohar Javadekar, promised to review the matter. On 8 January 2016, just prior to the festival of Pongal, the central government, by a special executive order, sought to make an exception for *jallikattu* in Tamil Nadu since it was a long-standing cultural practice (the exception included bullock cart races in other provinces too, which also were affected by the ban). This order led to celebrations in many of Tamil Nadu's villages and congratulatory telegrams were sent to the Prime Minister for undoing the unfair action of the previous government.

However, the relief in the province was short-lived. Following an appeal by the Animal Welfare Board, the Supreme Court stayed the order, arguing that there was no reason for it to change its mind since the last judgment. At the time of writing the matter is not yet closed, and an appeal by the state government still is to be heard.

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Further readings:

- Animal Welfare Board of India v. A. Nagaraja and Others. Supreme Court of India, Civil Appeal No. 5387 (2014).
- Bakhtin, Mikhail. *Rabelais and His World.* Bloomington: Indiana University Press, 1984.
- Geertz, Clifford. *The Interpretation of Cultures.* New York: Basic Books, 1973.

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Related links:

- PETA India Article: Supreme Court Bans Jallikattu, Bull Races and Bullfights
  http://www.petaindia.com/blog/sc-bans-jallikattu-bull-races-fights/

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Rita Brara is a Professor at the Department of Sociology in the Delhi School of Economics at the University of Delhi in India. Her work focuses on social constructions of the natural environment and climate change. For the past two years, she has been teaching a course on Climate Change and Society to MPhil students, culminating in two workshops: Imaginings of Climate Change (2014), and Environment and Climate Change: Framing Vulnerabilities (2015). The proceedings are currently being revised for publication.