
CASE COMMENTARY: ANIMAL WELFARE BOARD V UNION OF INDIA (POPULARLY KNOWN AS THE JALLIKATTU CASE) [WRIT PETITION (C) NO. 145 OF 2011]

J. Ananya, SASTRA Deemed to be University

ABSTRACT

The Supreme Court's ruling in *Animal Welfare Board of India v. Union of India* (2014), which significantly altered the country's animal rights environment, is examined in this commentary. The Court argued that the compassion and dignity guaranteed by the constitution apply to animals as well as people when it banned the custom of Jallikattu. Cultural traditions were subordinated to the constitutional requirement to prohibit cruelty by the Court's wide interpretation of Article 21 and Article 51A(g)¹. The ruling establishes a precedent for striking a balance between tradition and basic obligations to non-human life, marking an important milestone in the development of an ethical and progressive view of rights. The case's legal logic, wider moral ramifications, and ongoing significance in the current constitutional debate are all highlighted in this piece.

Keywords: Animal Welfare, rights, cruelty, Jallikattu.

¹ (RADHAKRISHNAN 2014)

Case Title	Animal Welfare Board v Union of India (Popularly known as the Jallikattu Case)
Case no	WRIT PETITION (C) NO.145 OF 2011
Date of Judgement	7 th May 2014
Jurisdiction	Supreme Court of India
Author of Judgement	K.S.Radhakrishnan
Quorum	Pinaki Chandra Ghose, K.S. Radhakrishnan
Advocate Representing Petitioner	Shri Raj Panjwani
Advocate Representing Respondent	Shri Rakesh Dwivedi
Acts involved	The Prevention of Cruelty to Animals Act, 1960 Tamil Nadu Regulation of Jallikattu Act, 2009

Introduction to facts

Jallikattu is a traditional event conducted mainly in Tamil Nadu, particularly during the Pongal festival. The event involves the release of a bull into a crowd where participants attempt to grab the bull's hump and ride it or hold onto it as long as possible, often to demonstrate bravery and strength. Bulls were often subjected to practices such as tail pulling, force-feeding alcohol, twisting their tails, poking them with sharp objects, and other forms of cruelty to agitate them before release. The AWBI, a statutory body under the *Prevention of Cruelty to Animals Act, 1960* (PCA Act), conducted inspections and prepared detailed reports highlighting the severe cruelty and abuse faced by bulls during Jallikattu events. Based on these findings, AWBI moved the Supreme Court to prohibit such practices, arguing that they violated the PCA Act

and infringed upon animals' rights.

The Central Government, through the Ministry of Environment and Forests (MoEF), issued a notification dated 11th July 2011, under Section 22 of the PCA Act, which specifically prohibited the use of bulls as performing animals. Despite the notification, several State Governments, particularly Tamil Nadu, sought to continue the practice by issuing permissions and enacting regulations to supposedly "minimize cruelty" during Jallikattu.

Issues framed

Whether the traditional practice of Jallikattu is protected under the right to culture and tradition.

Whether Jallikattu and similar events comply with the standards of animal welfare mandated by the PCA Act.

Whether the constitutional duty under Article 51A(g) (compassion for living creatures) and rights under Article 21 (life and dignity) extend to animals.

Arguments by the Petitioner

A. Violation of the Prevention of Cruelty to Animals Act, 1960 (PCA Act)

The petitioner argued that Jallikattu inherently involves cruelty and is therefore prohibited under multiple sections of the PCA Act:

Section 3: Obligates all persons having charge of animals to ensure their well-being and prevent unnecessary pain or suffering.

Section 11(1): Lists various acts that amount to cruelty to animals — such as beating, kicking, overriding, overdriving, or otherwise treating animals cruelly.

Section 22: Specifically prohibits the exhibition or training of animals (including bulls) for performances when such training involves cruelty. It was pointed out that no amount of regulation could change the inherently cruel nature of Jallikattu.

B. Bulls are not "Performing Animals" by Nature

Scientific studies were cited to argue that bulls are naturally non-aggressive and are not anatomically suited for activities like racing or being provoked into fighting.

To make them aggressive for Jallikattu:

Bulls are subjected to extreme pain and fear. Practices like twisting their tails, force-feeding alcohol, poking with sharp objects, and using irritants in their eyes and nostrils were rampant. Thus, compelling bulls to perform in such events violated the natural behavior of the animal, amounting to cruelty.

C. Constitutional Morality Over Cultural Practices

The petitioner forcefully argued that culture and tradition cannot override fundamental rights and constitutional values. Even if Jallikattu was a tradition, it could not survive if it violated the principle of compassion embodied in Article 21 Right to life and dignity (extended to animals). Article 51A(g) Fundamental duty to show compassion towards living creatures. The "compassionate constitutional interpretation" was urged to be applied meaning, constitutional principles of compassion, dignity, and humane treatment must prevail over traditional customs.

Arguments by the Respondent

A. Jallikattu as an Ancient Cultural Tradition

The respondents strongly emphasized that Jallikattu is a centuries-old practice intrinsic to the culture, identity, and heritage of Tamil Nadu. It is not merely a sport, but a symbol of Tamil pride, especially associated with the festival of Pongal, a major harvest celebration. Traditions and customs, they argued, form an essential part of the right to cultural expression, which deserves protection under the Constitution.

B. Absolute Prohibition under the PCA Act

It was argued that the Prevention of Cruelty to Animals Act, 1960 does not intend to completely prohibit the use of animals in traditional practices. The Act only prohibits unnecessary cruelty, and not the use of animals per se. Necessary safeguards and humane treatment, they claimed,

would satisfy the objectives of the Act without requiring a complete ban on the practice.

Order of the Court

The Supreme Court, in a path-breaking judgment, banned Jallikattu and events of similar nature, delivering a masterful exposition of animal rights in India.

Recognition of Animal Rights: The Court expanded the meaning of life under Article 21 to include the welfare and dignity of animals. The Court criticized the notion of speciesism — discrimination merely based on species — equating it morally with other forms of discrimination. Cultural practices, however ancient, were held subordinate to constitutional compassion and statutory mandates. The Court invoked international treaties and humane standards, underlining India's commitment to global ideals of animal welfare.

Justice K.S. Radhakrishnan, writing for the bench, observed:

"Bulls cannot be subjected to cruelty in the name of tradition and culture²."

Ratio Decidendi (Binding Reasoning):

The Prevention of Cruelty to Animals Act, 1960, read with constitutional principles (Article 21 and Article 51A(g)), mandates the protection of animals from unnecessary pain and suffering. Cultural practices that involve cruelty cannot claim protection under the guise of tradition or custom.

Animals have a right to live with dignity and free from unnecessary suffering under the expanded interpretation of Article 21 of the Constitution (right to life). The fundamental duty under Article 51A(g) — to show compassion towards all living creatures — has legal force and informs the interpretation of other constitutional rights. Tradition and culture cannot justify activities that are inherently cruel and violate statutory protections under the PCA Act. Bulls are not "performing animals" by nature, and forcing them into such activities involves pain, fear, and injury, hence violating the law.

² (RADHAKRISHNAN 2014)

Obiter Dicta

The moral progress of a nation and its compassion for animals are deeply linked. The greatness of a nation and its moral progress can be judged by the way it treats its animals.

The Court recognized "speciesism" (discrimination based on species) as a concept that must be rejected, similar to racism or casteism. Animals are sentient beings capable of experiencing pain and suffering they deserve constitutional protection. Compassion, empathy, and respect for all forms of life are foundational constitutional values. Legislatures and policymakers must constantly strive towards enhancing animal welfare standards. Economic interests, entertainment, or tradition cannot override the rights and welfare of animals.

Critical Analysis

The Supreme Court's judgment in *Animal Welfare Board of India v. Union of India* represents a bold and progressive interpretation of constitutional values, but it is not without its complexities and criticisms.

1. Progressive Expansion of Constitutional Morality

The Court's decision marks a significant step in evolving Indian constitutional law by recognizing animals as beneficiaries of the right to life and dignity under Article 21. This expansion of fundamental rights reflects a shift from an anthropocentric (human-centered) approach to an ecocentric philosophy, where all life forms deserve respect. By invoking Article 51A(g), the Court elevated a fundamental duty traditionally seen as non-justiciable into an interpretative tool to enforce legal rights, thereby strengthening the moral obligations of the state and citizens alike.

2. Bold Stand Against Cultural Relativism

The Court's refusal to grant impunity to cruel traditional practices under the guise of "culture" or "heritage" is commendable. It reinforces the principle that traditions must evolve in light of constitutional morality, and that not every practice rooted in history is worthy of preservation. This has deep implications for other practices that conflict with fundamental rights, such as animal fights, child exploitation in rituals, or caste-based discriminations.

3. Recognition of Sentient Rights of Animals

By acknowledging animals as sentient beings, capable of feeling pain and suffering, the Court took a moral and ethical leap. This recognition harmonizes Indian law with international animal welfare standards and philosophical movements like animal rights theory. It raises important questions about legal personhood for animals — a topic gaining momentum globally.

4. Challenges and Practical Criticisms

Despite its moral strength, the judgment attracted criticism on practical grounds:

- **Lack of nuance:** Critics argue that the Court did not sufficiently explore whether regulated forms of Jallikattu (without cruelty) could exist. A blanket ban might have ignored the possibility of reforms through humane practices.
- **Cultural Alienation:** The judgment sparked anger and resentment in Tamil Nadu, where Jallikattu is deeply tied to regional pride and rural identity. Many saw the decision as a failure to accommodate pluralistic values in a diverse society.
- **State Autonomy Question:** Some critics noted that regulating cultural practices linked to agriculture and rural livelihoods falls within the State List. Thus, the judgment raised concerns about judicial overreach into the domain of state legislatures.

5. Impact and Subsequent Developments

After the judgment, political and public pressure led to legislative interventions (like the Prevention of Cruelty to Animals (Tamil Nadu Amendment) Act, 2017) seeking to reintroduce Jallikattu under regulatory frameworks. This highlighted the fragility of judicial enforcement in matters deeply connected to popular sentiments. The constitutional challenge to these amendments (pending before the Supreme Court) underscores the tension between judicial ideals and political realities.

Conclusion

The *Animal Welfare Board of India v. Union of India* case stands as a landmark moment in the evolution of Indian constitutional jurisprudence, extending the principles of dignity,

compassion, and non-violence beyond human beings to the animal kingdom. The Supreme Court's judgment reasserted those cultural practices and traditions, no matter how ancient or celebrated, must bow to constitutional morality and the progressive values embedded within the law.

By recognizing that animals possess a right to life and dignity under Article 21 and elevating the fundamental duty under Article 51A(g) to a meaningful constitutional obligation, the Court expanded the horizons of rights jurisprudence in India. The decision courageously challenged the anthropocentric worldview, rejecting "speciesism" and affirming that ethical treatment of animals is a measure of a society's moral advancement.

However, the judgment also sparked significant debate on the balance between cultural preservation and animal welfare, reflecting the ongoing tension between tradition and constitutional values. Despite subsequent legislative efforts to reintroduce Jallikattu through state amendments, this ruling remains a critical milestone that emphasizes that compassion, empathy, and respect for all forms of life are essential pillars of Indian constitutional governance.

Ultimately, the case reminds us that true progress lies not in the blind perpetuation of traditions but in the continual reaffirmation of humane and just values that honour all sentient life.

The judgement is,

*“Thus rose a law, a beacon tall,
To honour life, the great and small.
A judgment penned with gentlest hand —
A kinder, nobler, truer land.”*

Related Case Laws

1. State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat (2005) 8 SCC 534

Challenging the constitutional validity of a ban on cow slaughter, the Supreme Court upheld the ban, stating that animal protection is part of the Directive Principles of State Policy (Articles 48 and 48A). Protection of animal life and welfare was considered an essential part of achieving

an ecological balance. It recognized that cattle preservation served a larger constitutional purpose beyond religious sentiments

2. Indian Handicrafts Emporium v. Union of India (2003) 7 SCC 589

The issue was a ban on the trade of wild animals and animal articles. Protection of wildlife and prevention of exploitation is essential under the Wildlife (Protection) Act, 1972. Economic considerations cannot outweigh animal welfare concerns.

References

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