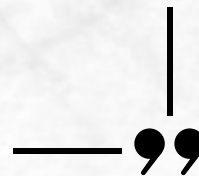


## **Constitutional Bench Update**

# **Animal Welfare Board of India v. Union of India**

## **Jallikattu - Bull Taming Sport**



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## **Bench**

**Justices K.M. Joseph,  
Ajay Rastogi, Aniruddha Bose,  
Hrishikesh Roy, C.T. Ravikumar**

**Case Admitted on  
January 11, 2016**

**Last Date of Hearing  
September 29, 2022**

**Next Date of Hearing  
November 23, 2022**

”

# Background



**2007:** Madras High Court banned the bull-taming sport of Jallikattu from Tamil Nadu.

**2009:** Tamil Nadu government, through the Tamil Nadu Regulation of Jallikattu Act, 2009 allowed the sport and laid down specific guidelines.

**2011:** Ministry of Environment, Forests and Climate Change (MoEF) prohibited the training and exhibition of bulls.



# Background

“

**May 2014:** Supreme Court in the case of Animal Welfare Board of India v. A. Nagaraja and Ors., MANU/SC/0426/2014 held that Jallikattu, Bullock-cart Race and such events per se violate Sections 3, 11(1)(a) and 11(1)(m)(ii) of Prevention of Cruelty to Animals Act, 1960. Consequently, Bulls cannot be used as performing animals, either for the Jallikattu events or Bullock-cart Races in Tamil Nadu, Maharashtra or elsewhere in India.

**2016:** Ministry of Environment, Forest and Climate Change issued circular excluding traditional customs, such as Jallikattu from the restriction on training and exhibiting animals.

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# Background

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**November 16, 2016:** Review Petition filed by State of Tamil Nadu against judgment in the case of Animal Welfare Board of India v. A. Nagaraja and Ors. MANU/SC/0426/2014 was dismissed.

Prevention of Cruelty to Animals (Tamil Nadu Amendment) Act, 2017 was passed which stated that the Prevention of Cruelty to Animals Act, 1960, would not apply to Jallikattu.

**February 2, 2018:** Division Bench of Supreme Court referred the matter to the Constitution Bench

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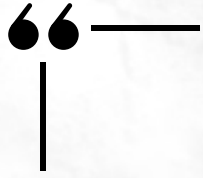
# Issues under Consideration

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- Is the Tamil Nadu Amendment Act referable, in pith and substance, to Entry 17, List III of the Seventh Schedule to the Constitution of India, or does it further and perpetuate cruelty to animals; and can it, therefore, be said to be a measure of prevention of cruelty to animals? Is it colorable legislation which does not relate to any Entry in the State List or Entry 17 of the Concurrent List?
- The Tamil Nadu Amendment Act states that its objective is to preserve the cultural heritage of the State of Tamil Nadu. Can the impugned Act be stated to be part of the cultural heritage of the people of the State of Tamil Nadu so as to receive the protection of Article 29 of the Constitution of India?

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# Issues under Consideration



- Is the Tamil Nadu Amendment Act, in pith and substance, to ensure the survival and well-being of the native breed of bulls? Is the Act, in pith and substance, relatable to Article 48 of the Constitution of India?
- Does the Tamil Nadu Amendment Act go contrary to Articles 51A(g) and 51A(h), and could it be said, therefore, to be unreasonable and violative of Articles 14 and 21 of the Constitution of India?



# Issues under Consideration

- “
- Is the impugned Tamil Nadu Amendment Act directly contrary to the judgment in Animal Welfare Board of India v. A. Nagaraja and Ors (MANU/SC/0426/2014), and the review judgment dated 16th November, 2016 in the aforesaid case, and whether the defects pointed out in the aforesaid two judgments could be said to have been overcome by the Tamil Nadu Legislature by enacting the impugned Tamil Nadu Amendment Act?
- ”

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