

1	CHIEF JUSTICE AND C.M. POONACHA	<u>14/11/2025</u>
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(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The petitioner – a company registered under Section 25 of the Companies Act, 1956 – has filed the present petition as a public interest litigation, inter alia, seeking a direction to restrain respondent No.1 (the State of Karnataka) from issuing any permission for holding bull races, whether styled as “Kambala” or otherwise, anywhere outside the rural areas of Dakshina Kannada and Udupi Districts of Karnataka. The petitioner also seeks directions for enforcing the Prevention of Cruelty to Animals Act, 1960 [PCA Act] as well as the observations of the Supreme Court in Animal Welfare Board of India and others v. Union of India and others : (2023) 9 SCC 322.

2. The petitioner essentially seeks orders to prevent the holding of the sport/event of Kambala in the parts of Karnataka other than the Districts of Dakshina Kannada and Udupi.

3. The challenge to holding of bull races like Jallikattu and Kambala was considered by the Supreme Court in Animal Welfare Board of India v. A. Nagaraja and others: (2014) 7 SCC 547. The Supreme Court held that the events such as Jallikattu and bullock cart races were cruel and were violation of the PCA Act.

4. The petitioner filed a public interest litigation (W.P No.8992/2016) before this Court challenging the holding of Kambala. This Court, following the observations made by the Supreme Court in A.Nagaraja (supra), had passed interim orders. Thereafter, on 13.02.2017, the Prevention of Cruelty to Animals (Karnataka Second Amendment) Bill, 2017 was tabled and passed by the Legislative Assembly.

5. Subsequently, the Prevention of Cruelty to Animals (Karnataka Second Amendment) Act, 2017 [the Second Amendment Act] was enacted and was published in the Official Gazettee on 20.02.2018. In the meanwhile, the petitioner had also filed a petition challenging the Prevention of Cruelty to Animals (Karnataka Second Amendment) Bill, 2017 which was tabled and passed earlier.

6. Prior to the enactment of the Second Amendment Act, the Government of Karnataka had also issued an Ordinance — the Prevention of Cruelty to Animals (Karnataka Amendment) Ordinance, 2017. The said Ordinance was challenged in Writ Petition (C) No.1015/2017 before the Supreme Court. The petitioner filed yet another petition, being Writ Petition (C) No.1152/2018, challenging the Second Amendment Act. Since the Second Amendment Act was notified, the writ petition challenging the Prevention of Cruelty to Animals (Karnataka Amendment) Ordinance, 2017, being Writ Petition (C) No.1015/2017, was dismissed by the Supreme Court.

7. In the meanwhile, the State of Tamil Nadu also enacted the Prevention of Cruelty to Animals (Tamil Nadu Amendment) Act, 2017 and the State of Maharashtra enacted the Prevention of Cruelty to Animals (Maharashtra Amendment) Act, 2017. The said enactments were also assailed in separate writ petitions before the Supreme Court.

8. In the said proceedings, by an order dated 02.02.2018, a Division Bench of the Supreme court formulated questions for being referred to the Constitution Bench and directed that the matter be placed before the Hon'ble Chief Justice of India. Pursuant to the said reference, a batch of writ petitions involving similar issues was considered by the Constitution Bench and the petitions were disposed of by a common order, being Animal Welfare Board of India and others v. Union of India and another: (2023) 9 SCC 322.

9. Paragraph 12 of the said decision which sets out the questions referred for consideration of the Constitution Bench are set out below:

"12. A Division Bench of this Court by an order passed on 2-2-2018 [Animal Welfare Board of India v. Union of India, (2018) 2 SCC 645] formulated five questions to be answered by a Constitution Bench and the papers were directed to be placed before the Hon'ble the Chief Justice of India. The Division Bench had formulated the following 5 questions which we have to answer in this judgment : (SCC p. 646, para 4)

"4. ... 4.1. Is the Tamil Nadu Amendment Act referable, in pith and substance, to Schedule VII List III Entry 17 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 colourable legislation which does not relate to any entry in the State List or Entry 17 of the Concurrent List?

4.2. The Tamil Nadu Amendment Act states that it is to preserve the cultural heritage of the State of Tamil Nadu. Can the impugned Tamil Nadu Amendment 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?

4.3. 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?

4.4. Does the Tamil Nadu Amendment Act go contrary to Articles 51-A(g) and 51-A(h), and could it be said, therefore, to be unreasonable and violative of Articles 14 and 21 of the Constitution of India?

4.5. Is the impugned Tamil Nadu Amendment Act directly contrary to the judgment in A. Nagaraja [Animal Welfare Board of India v. A. Nagaraja, (2014) 7 SCC 547 : (2014) 3 SCC (Cri) 136] , and the review judgment dated 16-11-2016 [State v. T.N. v. Animal Welfare Board, (2017) 2 SCC 144] 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?"

10. The operative part of the decision of the Supreme Court answering the aforesaid questions is set out below:

"45. In the light of what we have already discussed, we answer the five questions referred to us in the following terms:

45.1. The Tamil Nadu Amendment Act is not a piece of colourable legislation. It relates, in pith and substance, to Schedule VII List III Entry 17 to the Constitution of India. It minimises cruelty to animals in the sports concerned and once the Amendment Act, along with their Rules and Notification is implemented, the aforesaid sports would not come within the mischief sought to be remedied by Sections 3, 11(1)(a) and (m) of the 1960 Act.

45.2. Jallikattu is a type of bovine sport and we are satisfied on the basis of materials disclosed before us, that it is going on in the State of Tamil Nadu for at least last few centuries. This event essentially involves a bull which is set free in an arena and human participants are meant to grab the hump to score in the “game”. But whether this has become integral part of Tamil culture or not requires religious, cultural and social analysis in greater detail, which in our opinion, is an exercise that cannot be undertaken by the Judiciary. The question as to whether the Tamil Nadu Amendment Act is to preserve the cultural heritage of a particular State is a debatable issue which has to be concluded in the House of the People. This ought not be a part of judicial inquiry and particularly having regard to the activity in question and the materials in the form of texts cited before us by both the petitioners and the respondents, this question cannot be conclusively determined in the writ proceedings. Since legislative exercise has already been undertaken and Jallikattu has been found to be part of cultural heritage of Tamil Nadu, we would

not disrupt this view of the legislature. We do not accept the view reflected in A. Nagaraja [Animal Welfare Board of India v. A. Nagaraja, (2014) 7 SCC 547 : (2014) 3 SCC (Cri) 136] that performance of Jallikattu is not a part of the cultural heritage of the people of the State of Tamil Nadu. We do not think there was sufficient material before the Court for coming to this conclusion. In the Preamble to the Amendment Act, Jallikattu has been described to be part of culture and tradition of Tamil Nadu. In A. Nagaraja [Animal Welfare Board of India v. A. Nagaraja, (2014) 7 SCC 547 : (2014) 3 SCC (Cri) 136], the Division Bench found the cultural approach unsubstantiated and referring to the manner in which the bulls are inflicted pain and suffering, the Division Bench concluded that such activities offended Sections 3 and 11(1)(a) and (m) of the 1960 Act. Even if we proceed on the basis that legislature is best suited branch of the State to determine if particular animal-sports are part of cultural tradition of a region or community, or not, if such cultural event or tradition offends the law, the penal consequence would follow. Such activities cannot be justified on the ground of being part of cultural tradition of a State. In A. Nagaraja [Animal Welfare Board of India v. A. Nagaraja, (2014) 7 SCC 547 : (2014) 3 SCC (Cri) 136], the sports were held to attract the restriction of Sections 3 and 11(1)(a) and (m) of the 1960 Act because of the manner it was practised. The Amendment Act read with the Rules seeks to substantially minimise the pain and suffering and continue with the traditional sports. The Amendment having received Presidential assent, we do not think there is any flaw in the State action. "Jallikattu" as a bovine sport has to be isolated from the manner in which it was earlier practised; and organising the sport itself would be permissible, in terms of the Tamil Nadu Rules.

45.3. The Tamil Nadu Amendment Act is not in pith and substance, to ensure survival and well-being of the native breeds of bulls. The said Act is also not relatable to Article 48 of the Constitution of India. Incidental impact of the said Amendment Act may fall upon the breed of a particular type of bulls and affect agricultural activities, but in pith and substance the Act is relatable to Schedule VII List III Entry 17 to the Constitution of India.

45.4. Our answer to this question is in the negative. In our opinion, the Tamil Nadu Amendment Act does not go contrary to Articles 51-A(g) and 51-A(h) and it does not violate the provisions of Articles 14 and 21 of the Constitution of India.

45.5. The Tamil Nadu Amendment Act read along with the Rules framed in that behalf is not directly contrary to the ratio of the judgment in A. Nagaraja [Animal Welfare Board of India v. A. Nagaraja, (2014) 7 SCC 547 : (2014) 3 SCC (Cri) 136] and the judgment of this Court delivered on 16-11-2016 dismissing the plea for review of A. Nagaraja [Animal Welfare Board of India v. A. Nagaraja, (2014) 7 SCC 547 : (2014) 3 SCC (Cri) 136] judgment as we are of the opinion that the defects pointed out in the aforesaid two judgments have been overcome by the State Amendment Act read with the Rules made in that behalf.

46. Our decision on the Tamil Nadu Amendment Act would also guide the Maharashtra and the Karnataka Amendment Acts and we find all the three Amendment Acts to be valid legislations.

47. However, we direct that the law contained in the Act/Rules/Notification shall be strictly enforced by the authorities. In particular, we direct that the District Magistrates/competent authorities shall be responsible for ensuring strict compliance of the law, as amended along with its Rules/ Notifications."

11. As apparent from the above, the Supreme Court rejected the contention that permitting the sport of Jallikattu in terms of the Amendment Acts (including the Second Amendment Act) offended Articles 51-A(g) and 51-A(h) and it violates the provisions of Articles 14 and 21 of the Constitution of India. However, the Supreme Court also emphasized that the PCA Act as amended would require to be strictly enforced.

12. Before proceeding further, it would be relevant to refer to clauses (aa) and (dd) of Section 2 of the PCA Act, as introduced by the Second Amendment Act. The said clauses define "bull race or bullock cart race" and "Kambala" as under:

"(aa) "Bulls race or Bullock cart race" means any form of bulls race including race of Bullock cart as a traditional sports involving Bulls whether tied to cart with the help of wooden yoke or or not (in whatever name called) normally held as a part of tradition and culture in the state on such days and places, as may be notified by the State Government."; and

"(dd) "Kambala" means the traditional sports event involving Buffalo's (male) race normally held as a part of tradition and culture in the state on such days and places, as may be notified by the State Government."

13. Section 3 of the PCA Act enjoins every person having care or charge of any animal to take all reasonable measures to ensure the well-being of such animal and to prevent the infliction upon such animal of any unnecessary pain or suffering. Section 3 as it stood prior to the Second Amendment Act, was renumbered as Sub-section (1) of Section 3 and Sub-section (2) was added. Section 3 of the PCA Act as amended by the Second Amendment Act is set out below:

"3. Duties of persons having charge of animals. – (1) It shall be the duty of every person having the care or charge of any animal to take all reasonable measures to ensure the well-being of such animal and to prevent the infliction upon such animal of unnecessary pain or suffering.

(2) Notwithstanding anything contained in sub-section (1) conduct of "Kambala" or "Bulls race or Bullock cart race" shall be permitted, subject to condition that no unnecessary pain or suffering is caused to the animals, by the person incharge of that animal used to conduct "Kambala" or "Bulls race or Bullock cart race" as the case may be and subject to such other conditions as may be specified, by the State Government, by notification."

14. It is clear from the above that the 'bullock cart races' and Kambala are expressly permitted by virtue of Section 3(2) of the PCA Act, as amended by the Second Amendment Act. Since the validity of the Second Amendment Act has been upheld by the Constitution Bench of the Supreme Court, the contention that the bullock cart races or Kambala must be outlawed as it violates Article 51-A(g) and 51-A(h) of the Constitution of India or the PCA Act, is required to be rejected.

15. Mr. Dhyani Chinnappa, learned Senior Counsel appearing for the petitioner had confined the challenge in the present petition to holding of the bullock cart races or Kambala at places in Karnataka other than the Districts of Dakshina Kannada and Udupi. Mr. Chinnappa earnestly contended that holding of such events is not a part of the tradition or culture of the areas other than the Districts of Dakshina Kannada and Udupi. He also referred to the Statement of Objects and Reasons of the Second Amendment Act and submitted that the object of the Second Amendment Act was to permit Kambala or bulls race or bullock cart race for preserving and promoting the tradition and culture among the people in the State of Karnataka. He submits that since the said bovine races were not part of the tradition or culture of the areas other than the Districts of Dakshina Kannada or Udupi; therefore, such events

could not be permitted to be held at location other than those falling within the said districts. He submitted that such events could not be permitted to be held in Bengaluru as the same were not part of the culture and tradition of the region.

16. Mr.Chinnappa placed strong reliance on the statement of objections filed on behalf of the State of Karnataka in Writ Petition No.1152/2018 before the Supreme Court. He drew the attention of the Court to the following averments:

"42. Kambala is being termed as one of the folk religious sports event of coastal district. It has got its own traditional custom which is being followed from centuries. Kambala is an event which is termed as socio economic and religious festival. In olden days Kambala used to be performed for months together. The origin of word Kambala itself has got a different and definite meaning. Kamba means slush field and kala means a vast land which joining together became Kambala. There will be a religious and traditional functions prior to 15 days from the date of kambala event. The owners of the Buffalos will treat the Buffalos with utmost care and Jockeys will get proper training in racing the buffalos.

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45. Dakshina Kannada and other local coastal areas where the Kambala sport/festival is widely prevalent, has certain local breed of Buffalos. The efforts are being made to protect these Buffalos. The Kambala sport/festival is one of the reasons for these breeds continuing to remain protected and in fact given religious and social significance in the everyday life of the people of that region. If Kambala sport/festival is discontinued then it is very likely that these breeds would lose its significance, thereby causing loss of this important breed of Buffalos.

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48. It is respectfully submitted that Kambala sport/festival is a social event in the aforementioned areas of Karnataka and Kerala, which in addition to its social significance has a deep rooted religious sentiment attached to it. According to one belief, Kambala sport/festival originated in Karnataka's farming community around 1000 years ago. The festival is dedicated to Kadri's Lord Manjunatha, an incarnation of Lord Shiva. It's believed that the recreational sport is organized to appease the gods a good harvest. The Kambala sport/ festival is celebrated as a festival by the farming for community and is believed to produce a good harvest.."

17. Mr. Chinnappa submitted that the aforesaid averments made it amply clear that holding of events of Kambala and bullock cart races were supported on the basis that they were part of the tradition and culture of the people of Dakshina Kannada and Udupi. He submitted that, therefore holding of such sports must be confined to these regions.

18. We are not persuaded to accept the aforesaid contentions. The same are premised on the basis that the events, which are found to be steeped in tradition and culture of a part of the State must necessarily be confined to that part of the State. Once it is accepted that the holding of bullock cart races and Kambala are a part of the tradition and cultural heritage of people of a State, and holding of such events does not offend any law as has been accepted by the Supreme Court in Animal Welfare. Board of India v. Union of India (supra), it would not be permissible to restrain the same.

19. The contention that culture and traditions followed in one part of the State may necessarily be restricted to that part of the State, cannot be accepted. Apart from being divisive, the said contention has no base in law. We are not persuaded to accept that the cultural fabric of a State can be fragmented in a manner as suggested on behalf of the petitioner. Holding of Kambala is not a customary right of a particular sect of persons but a part of traditional celebrations and therefore, it cannot be confined to two districts alone, even though the sport/event may be traditionally conducted in those districts. The contention that the culture and traditions of one part of the State cannot be showcased in other parts of the State of Karnataka, must be rejected.

20. In any event, it would not be apposite for this Court to undertake the inquiry to determine whether as to how the traditions and culture of the people is required to be preserved or showcased. As observed by the Supreme Court, such questions are required to be concluded in the House of People.

21. The Statement of Objects and Reasons of the Second Amendment Act clearly sets out that the Legislature has considered it apposite to exempt the conduct of Kambala or bullock cart race "in the State" considering the significant role played by the traditional sports. The relevant extract of the Statement of Objects and Reasons of the Second Amendment Act is set out below:

"Considering the significant role played by the traditional sports event of "Kambala" or "Bulls race" or "Bullock cart race" in preserving and promoting tradition and culture among the people in the State of Karnataka and also considering the vital role of "Kambala" or "Bulls race" or "Bullock cart race" in ensuring survival and continuance of native breeds of cattle, the Government of Karnataka have decided to exempt the conduct of "Kambala" or "Bulls race" or "Bullock cart race" in the state."

[emphasis added]

22. In view of the above, we reject the prayer for restraining respondent No.1 from notifying any place outside the two districts of Dakshin Kannada and Udupi for holding Kambala.

23. The second question to be examined is whether holding of Kambala can be permitted at the given spot near Pilikula Biological Zoo.

24. There is no cavil that Kambala is a part of the tradition and culture of the people in Pilikula, which falls in the area of Dakshina Kannada. The petitioner's challenge to holding of the said event at Pilikula Biological Park is that it is in the immediate vicinity where the animals in the Pilikula Biological Zoo are housed. Since Kambala is a very noisy event, holding of such events causes distress to the animals. It is contended that the holding of the said event at the given location, violates Section 38J of the Wild Life (Protection) Act, 1972.

25. One of the controversy that arises in the present petition is the boundary of the Dr.Shivaram Karantha Pilikula Nisargadama, Mangaluru, Karnataka.

26. The parties are ad idem that the area of the biological park is 80 hectares.

27. The controversy is whether the spot where Kambala event is supposed to be held, falls within the said 80 hectares.

28. In terms of the Recognition of Zoo Rules, 2009, every zoo is required to bear a master plan, which is required to be approved by the Central Zoo Authority. Thus, the master plan of the zoological park in question would be available with the said Central Zoo Authority.

29. On an oral request of the learned Senior Counsel appearing for the petitioner, the Central Zoo Authority is made

as a party to the present petition.

30. Let a notice be served to the said authority. The said authority is directed to file an affidavit setting out the master plan of the zoological park spanning over 80 hectares as approved.

31. List on 17.12.2025.

Last Updated On: 2025-11-18 19:50:54