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KERALA'S CATTLE RACE AMENDMENT: BALANCING CULTURAL RIGHTS AND ANIMAL WELFARE

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ABSTRACT

The Kerala Amendment of 2025 to the Prevention of Cruelty to Animals Act significantly redefines the legal landscape in India concerning traditional cattle races and long-standing agrarian events deeply embedded in Kerala's cultural heritage. This legislative change is part of a broader constitutional and jurisprudential dialogue on the intersection of cultural rights and animal welfare obligations.

The amendment formally legalizes traditional cattle races such as Maramadi, Kalapoottu, Kannupoottu, Uzhavu, and Pothottam by creating a statutory exemption to specific central law provisions (the Prevention of Cruelty to Animals Act, 1960). It establishes a regulatory framework mandating veterinary checks, district-level permissions, and humane treatment protocols. This move aligns Kerala with earlier state adaptations in Tamil Nadu (Jallikattu) and Karnataka (Kambala).

The legal significance lies in the constitutional balance it seeks to strike between safeguarding Article 29(1) cultural rights, which protect the preservation of distinct cultural practices, and fulfilling Article 51A(g) duties toward preventing unnecessary suffering and cruelty to animals. This tension raises critical questions: Can traditional cattle sports continue without violating animal welfare laws? How should states regulate culturally significant practices that carry inherent risks of animal distress? What safeguards suffice to harmonize these conflicting constitutional demands?

Kerala's 2025 amendment, therefore, stands as a test case for evolving Indian jurisprudence on culture and compassion, challenging courts, policymakers, and communities to define the contours of humane tradition and constitutional dignity.

BACKGROUND

Historical, Social, and Political Context

Kerala's relationship with cattle is deeply rooted in its agrarian history, where cows and bulls have played a central role in rice cultivation, rural livelihoods, and social rituals. The indigenous Vechur cow, for example, is integral to the state's farming heritage, prized for its adaptability and revered in both temple rituals and household economies. Cattle are cultural symbols of prosperity, often associated with the harvest and linked to major festivals such as Onam.

Kerala's Traditional Cattle Races and Cultural Importance

Traditional cattle races locally known as Maramadi, Kalapoottu, Kannupoottu, Pothottamm, and Uzhavu are long-standing agrarian festivals in Kerala. Typically held after the paddy harvest, these events are community celebrations where pairs of bulls race through freshly ploughed, waterlogged fields, accompanied by music, dancing, and collective feasting. Beyond entertainment, these races serve important social and cultural roles:

- They reinforce community bonds among rural populations.
- They help preserve indigenous cattle breeds and traditional farming skills.
- They symbolize the agricultural cycle and the celebration of rural identity.
- Prized bulls are meticulously cared for and represent family prestige and local pride.

In some regions, the bulls used for these races fetch significant sums, reflecting their social status and cultural value.

Earlier Bans and Legal Battles

In the 2000's concerns over animal welfare brought Kerala's cattle-bull festivals under increasing legal and regulatory scrutiny. The Supreme Court's 2014 decision in *Animal Welfare Board of India v. A. Nagaraja*¹, which declared similar events in Tamil Nadu (Jallikattu) as Violative of the Prevention of Cruelty to Animals Act, triggered bans on Kerala's cattle races as well. These bans led to police action against organizers, sporadic underground events, and a significant decline in public celebrations.

Despite strong local support and community organizations' efforts to secure legal recognition, attempts to pass a state-level exemption repeatedly stalled over the next decade. Legislative

¹ (2014) 7 SCC 547

proposals were introduced, but failed to pass, even as neighbouring states like Tamil Nadu and Karnataka enacted amendments to allow traditional bull sports under regulated conditions. Only recently, with the passage of the Prevention of Cruelty to Animals (Kerala Amendment) Act, 2025, did Kerala enact special provisions to protect and regulate its traditional cattle races, thus reopening a constitutional and legal debate about the balance between cultural communities and animal welfare.

LEGAL FRAMEWORK AND CASE LAW

Prevention of Cruelty to Animals Act, 1960 (PCA Act)²

The PCA Act is the foundational statute in India for preventing unnecessary pain and suffering to animals. It prohibits acts such as beating, overloading, improper confinement, neglect, abandonment, and any cruel practice leading to animal suffering. Specifically, it forbids:

- Beating or torturing animals causes unnecessary pain.
- Overworking diseased or unfit animals.
- Carrying or confining animals painfully.
- Abandoning animals likely to suffer from starvation or thirst.
- Organizing or permitting animal fights or baiting for entertainment.

The Act provides penalties, including fines and imprisonment, for cruelty offenses. It also establishes the Animal Welfare Board of India to oversee enforcement.

Relevant Provisions of the Indian Constitution

- **Article 21³**: Guarantees the right to life with dignity, which has been interpreted to include animals' rights to be free from cruelty.
- **Article 29(1)⁴**: protects the interests of minorities and cultural groups, including the right to preserve their distinct languages, scripts, or cultures.

² THE PREVENTION OF CRUELTY TO ANIMALS ACT, 1960, Act No. 59 of 1960, Parliament of India, enacted 26th December 1960.

Accessible at:

https://indiacode.nic.in/handle/123456789/1487?sam_handle=123456789/1362

³ THE CONSTITUTION OF INDIA, Article 21, available at

https://indiacode.nic.in/show-data?actid=AC_CEN_5_23_00005_195026_1517807320585§ionId=7639§ionno=21&orderno=21

(last visited Nov. 2025)

⁴ THE CONSTITUTION OF INDIA, Article 29(1), available at

https://indiacode.nic.in/show-data?actid=AC_CEN_5_23_00005_195026_1517807320585§ionId=7652§ionno=29&orderno=29

(last visited Nov. 2025)

- **Article 48⁵**: Directive Principle promoting the protection and improvement of livestock.
- **Article 51A (g)⁶**: Fundamental duty to protect and improve the natural environment, including animals.

LEADING CASES

1. **Animal Welfare Board of India v. A. Nagaraja (2014)⁷**: The Supreme Court upheld a ban on the traditional bull-taming sport Jallikattu on grounds of animal cruelty under the PCA Act, reinforcing that cultural practices causing unnecessary suffering are not protected under cultural rights.
2. **Animal Welfare Board of India & Ors. v. Union of India & Ors. (2023)⁸** With Petition (Civil) No. 23 of 206, decided 18 May 2023 by the Supreme Court, upheld state amendments from Tamil Nadu and Karnataka permitting traditional bull sports under stringent regulations ensuring animal welfare. The judgment recognized the constitutional balancing act between protecting cultural heritage (Article 29(1)) and preventing cruelty (Article 21 and PCA Act). It allowed regulated exceptions subject to welfare safeguards.

Kerala's 2025 Amendment

Kerala's 2025 Amendment to the Prevention of Cruelty to Animals Act introduced significant changes with notable legal impacts:

Main Changes in Kerala's 2025 Amendment

Legal Recognition of Traditional Cattle Races

- The amendment formally permits traditional cattle races such as Maramadi, Kalapoottu, Kannupoottu, Uzhavu, and Pothottam, which were previously banned due to concerns about animal cruelty.

⁵ THE CONSTITUTION OF INDIA, Article 48, available at https://indiacode.nic.in/show-data?actid=AC_CEN_5_23_00005_195026_1517807320585§ionId=7726§ionno=48&orderno=48

(last visited Nov. 2025)

⁶ THE CONSTITUTION OF INDIA, Article 51A(g), available at https://indiacode.nic.in/show-data?actid=AC_CEN_5_23_00005_195026_1517807320585§ionId=7730§ionno=51A&orderno=51A (last visited Nov. 2025)

⁷ (2014) 7 SCC 547

⁸ (2023) 5 SCC 547

- Regulatory Framework for Events
 - i. It empowers state authorities to regulate these events through a licensing system requiring veterinary certification to ensure the health and welfare of participating animals.
 - ii. District collectors and relevant officials have the authority to grant permissions, imposing welfare conditions based on scientific assessments.
- Animal Welfare Safeguards
 - i. Strict penalties are introduced for violations of prescribed welfare norms during these events.
 - ii. The amendment requires the humane treatment of animals and aims to mitigate cruel practices within the tradition.
- State Authority under Concurrent List
 - i. The amendment asserts Kerala's right to legislate on these activities within the Concurrent List subject, balancing central animal welfare laws with cultural autonomy.

Legal Impact

- Balancing Cultural Rights and Animal Welfare

The amendment exemplifies judicial and legislative recognition of cultural practices under Article 29(1) of the Constitution while adhering to animal welfare obligations under the Prevention of Cruelty to Animals Act and Article 21.
- Following Supreme Court Precedent

It aligns with the 2023 Supreme Court judgment in *Animal Welfare Board of India & Ors. v. Union of India & Ors.*, which upheld state amendments allowing regulated traditional cattle sports, provided animal welfare measures are enforced.
- Model for Harmonizing Conflicts

Kerala's legislation acts as a model for resolving conflicts between intangible cultural heritage and statutory animal protection laws through a clearly defined legal framework.
- Empowering Local Administration

By decentralizing approval and enforcement powers to district-level authorities, the amendment ensures swift and localized governance of these events.

In summary, Kerala's 2025 Amendment represents a nuanced legal approach enabling traditional cultural practices to continue under carefully regulated conditions, harmonizing constitutional

cultural rights with modern animal welfare imperatives.

Analysis: Intersection of Cultural and Animal Rights

Constitutional Protection for Culture (Article 29(1)) vs. Animal Welfare Duties (Article 51A(g))

Article 29(1) of the Indian Constitution safeguards the interests of minorities by protecting their right to conserve their distinct language, script, or culture, including traditional practices such as cattle races that form a part of local agrarian culture and identity. This provision reflects India's commitment to cultural diversity and the preservation of heritage.

Conversely, Article 51A(g) imposes a fundamental duty on every citizen to protect and improve the natural environment, including forests, lakes, rivers, and wildlife, which is directly linked to animal welfare. This duty embodies the ethical responsibility to prevent animal cruelty and promote humane treatment.

These provisions thus represent a constitutional tension: the protection of cultural expression versus the obligation to prevent cruelty and promote animal welfare. This creates a need to balance cultural preservation with ethical standards in animal treatment.

Judicial Reconciliation of the Conflicts

The Supreme Court has played a pivotal role in navigating these conflicting rights. In *Animal Welfare Board of India v. A. Nagaraja* (2014), the Court prohibited the traditional bull-taming sport Jallikattu, emphasizing animal welfare under the Prevention of Cruelty to Animals Act (PCA Act) and Article 21 (right to life with dignity) over cultural claims where cruelty is proven.

However, in the 2023 Constitution Bench decision in *Animal Welfare Board of India & Ors. v. Union of India & Ors.*, the Court upheld state amendments in Tamil Nadu and Karnataka that legalized traditional bull sports under regulated conditions. The Court recognized that cultural practices are protected under Article 29(1) but emphasized that this protection is contingent upon strict safeguards against unnecessary pain or suffering. This ruling allowed for the coexistence of cultural rights and animal welfare by requiring states to impose veterinary checks, permissions, and humane conduct rules.

The balancing act involves ensuring cultural practices do not permit cruelty, interpreting cultural rights as subject to welfare obligations, and requiring transparent regulatory frameworks.

Comparison of Regulatory Models: Kerala, Tamil Nadu, and Karnataka

- **Kerala (2025 Amendment)**⁹

Kerala's amendment legalizes traditional cattle races such as Maramadi, Kalapoottu, Kannupoottu, Uzhavu, and Pothottam. It includes veterinary certification mandates, event-specific permissions by district collectors, and explicit welfare conditions aimed at preventing cruelty. Kerala follows the constitutional path set by Tamil Nadu and Karnataka by embedding a statutory exemption within the PCA Act framework, with strict state oversight and penalties for non-compliance.

- **Tamil Nadu (Jallikattu, 2017 Amendment)**¹⁰

Tamil Nadu's model legalizes Jallikattu under a state amendment to the PCA Act. The legal framework requires prior permission for events, veterinary fitness certification, prohibition of irritants, and post-event veterinary checks.

Jallikattu is considered a cultural symbol tied to the indigenous breed, the conservation of Tamil identity. The 2023 Supreme Court ruling reaffirmed statutory exemptions for regulatory compliance.

- **Karnataka (Kambala, 2018 Amendment)**¹¹

Karnataka legalized Kambala, a buffalo-racing sport, via a state amendment. The regulation includes detailed guidelines for veterinary care, permits, and event management to ensure animal welfare. Like Tamil Nadu, Karnataka's legislation exempts Kambala from the general cruelty prohibitions, subject to strict adherence to

⁹ THE PREVENTION OF CRUELTY TO ANIMALS (KERALA AMENDMENT) ACT, 2025, Kerala Legislative Assembly, passed October 2025.

Summary and analysis: Times of India, "Kerala assembly passes bill legalising traditional cattle races", Oct. 9, 2025
¹⁰ THE PREVENTION OF CRUELTY TO ANIMALS (TAMIL NADU AMENDMENT) ACT, 2017, State Act No. 27 of 2017.

Discussed in: Supreme Court Constitution Bench decision, "Supreme Court holds Jallikattu as constitutional", SCC Online, May 17, 2023

¹¹ THE PREVENTION OF CRUELTY TO ANIMALS (KARNATAKA AMENDMENT) BILL, 2018, State Legislative

Assembly, passed with Presidential assent July 2018.

Discussed in: Times of India, "President approves Bill allowing Kambala in Karnataka", Jan. 31, 2018

welfare standards.

Critical Perspectives on Kerala's 2025 Cattle Race Amendment

Harmonizing Culture and Animal Welfare: Does One Prevail?

The Kerala 2025 amendment is a notable attempt to balance cultural preservation with animal welfare. While it legally protects traditional cattle races as cultural expressions under Article 29(1) and recognizes their socio-economic importance, critics argue that animal welfare remains vulnerable. The amendment heavily relies on regulatory safeguards rather than outright prohibition, potentially prioritizing cultural continuity with state oversight over absolute cruelty prevention. Whether the amendment truly harmonizes the two depends largely on the sincerity and rigor of enforcement on the ground— if welfare protections are weak or ignored, cultural interests may prevail at the expense of animal rights.

Implementation Challenges, Monitoring, and Safeguards

- **Monitoring and Enforcement:** Effective on-ground monitoring by district authorities and veterinary officers is critical. Past experiences in Tamil Nadu and Karnataka reveal challenges in ensuring compliance during high-profile, large community events.
- **Lack of Transparency and Public Debate:** The bill's passage in a single day without extensive legislative debate or public consultation raised concerns about transparency and accountability.
- **Varying Standards:** Ensuring uniformity in veterinary checks, permissions, and penalties across districts can be difficult, risking inconsistent welfare outcomes.
- **Penalties and Legal Recourse:** The amendment provisions for penalties must be vigorously implemented, with swift legal action to deter violations.
- **Community Cooperation:** Successful welfare enforcement also depends on the cooperation of participants and organizers who are culturally invested in the events.

Counter-Arguments and Alternative Approaches

- **Animal Rights Advocates' Position:** Animal welfare groups maintain that any animal-using practice involving races or fights intrinsically causes unnecessary suffering and should be banned outright, citing the Supreme Court's 2014 judgment in *AWBI v. Nagaraja*.
- **Legal Uncertainty:** The amendment risks protracted litigation over constitutionality— whether the state can override central animal welfare laws without clear, enforceable

safeguards.

- **Alternative Cultural Expressions:** Some suggest transitioning cultural festivals away from animal competition to preserve tradition without ethical conflicts.
- **Strengthening Welfare Laws:** Proposals include greater emphasis on scientific veterinary guidelines, mandatory animal welfare education for participants, and third-party monitoring to enhance protections.
- **National-Level Framework:** Advocates call for a unified, national legal policy that balances culture and welfare to avoid patchwork amendments across states.

Conclusion

Kerala's 2025 amendment to the Prevention of Cruelty to Animals Act marks a significant legal landmark by recognizing and legalizing traditional cattle races, which are integral to the state's agrarian culture and identity. This amendment reflects a thoughtful attempt to reconcile cultural rights with constitutional and statutory animal welfare duties. By providing a regulatory framework that mandates permissions, veterinary certifications, and penalties, it aligns with the Supreme Court's balanced jurisprudence, allowing certain cultural practices with strong safeguards against cruelty.

However, research and case law indicate that the efficacy of such amendments largely depends on robust enforcement, transparency in administration, and continuous monitoring to prevent misuse or neglect of animal welfare. The Kerala amendment also highlights critical challenges, including transparency in the legislative process, varying local implementation capacity, and tensions between cultural preservation and perspectives on evolving ethical animal rights.

Recommendations for Policy and Legislative Refinement

- Enhance transparency and stakeholder engagement before and during legislative processes to foster democratic debate and wider consensus.
- Introduce detailed, scientifically informed veterinary welfare protocols adaptable to regional conditions and event types.
- Strengthen mechanisms for independent monitoring and reporting, potentially involving civil society and animal welfare organizations.
- Promote awareness and education programs for event organizers, participants, and communities about humane animal treatment aligned with cultural values.

- Consider developing a model national framework or guidelines to harmonize cultural practices and animal welfare standards across states.
- Encourage research on the socio-economic impact of these traditional races and alternative models that preserve culture while minimizing animal distress.

Overall, Kerala's amendment is a progressive step that requires careful implementation and ongoing evaluation to truly embody the spirit of constitutional protection for both culture and compassion for living beings. Further interdisciplinary research and policy innovation will be essential to sustain this legal balance in a complex, pluralistic society.

