

‘Jallikattu’ as New Social Movement: Human Rights Vs Animal Rights

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Abstract

Once again it is proved that no community of the universe will allow anybody to take away their natural rights from them. In this case, a suitable example would be the event of ‘Jallikattu’ which is observed in South India especially in Tamil Nadu. It has been such a movement which raised variety of questions within Indian society. Jallikattu is an identity-based movement. It is infact a new social movement with old tradition and practice of Tamil people. This identity-based movement brought two different aspects of emotion and values all together that is the clash between human rights and animal rights. Both these groups wanted to be victorious, but such path of victory is not so easy. As a result both the parties choose judiciary to save their rights or ideology. In this circumstance, the role of the state both national and regional comes to the forefront. Thus, to settle this crucial issue the role of politics or political intervention has been momentous.

Key words: animal rights, human rights, identity, jallikattu, movement, political intervention.

1. Introduction

Once again it is proved that no community of the universe will allow anybody to take away their natural rights from them. In this case, a suitable example would be the event of ‘Jallikattu’ which is observed in South India especially in Tamil Nadu. The event has brought broader perspectives of arguments and counter arguments within judicial room and also outside. The movement not only attached social issues, but also linked with political aspect. Actually, Jallikattu movement is a kind of social movement which got all India coverage very fast by the media. Before the protest, there were very few people in the country who knew and were familiar with the event. It is in fact, an identity-based movement which gives policy makers the sudden opportunities to do politics. As social movement is a deliberate collective endeavour to promote change in any direction and by any means, not excluding violence, illegality, revolution or withdrawal into ‘utopian’ community (Shah 2004:19). It is very important to note down while we discuss social movement that is we cannot differentiate political sentiment from social agitation, because any social movement or event can alter the course of existing political environment or any political or executive decisions may give birth of a new social agitating event or restrict the scope of the movement.

In Tamil Nadu, Jallikattu is turned into a new social movement with old tradition and practice. The event Jallikattu has discovered two conflicting issues at the same time, viz. human rights violation and animal rights violation which offer academicians greater avenue for discussions and debate. Indeed, Jallikattu has been a symbol of collective identity of Tamil people which led to popular participation across the state recently. This event also proves that collective action does not always calculate rationality, rather choose ethnic roots for preserving their traditional culture. New social movement theorists argued that participation in such movements could not be predicted by class location. Rather they sought recognition for new identities and lifestyles (Polletta 2001:286). Consequently, the Tamil people see Jallikattu as an important virtue of their lifestyle. France Sea Polletta and James M. Jasper in their article ‘Collective Identity and Social Movements’ have rightly observed the issue that most of the new social movements have combined goals of political gain and cultural orientation. For the success of any protest movement, the role of the middle-class is so crucial in the sense that they often achieve success in forcing government, so that the government hear them. If anyone takes the case of Jallikattu movement, then it might be seen that the agitators’ especially young students received moral support from different sections of Tamil society including politicians, writers, sportsman, and actors. They are supporting this traditional cultural sport freely through social media and at various promotional events that is very seldom seen in contemporary India.

Nevertheless, for the purpose of understanding the phenomenon well, the paper has been divided into four distinguished sections. In the first section, we have tried to know what Jallikattu is. The second section highlights the clash between cultural traditions and laws enacted by the state or the conflict between judicial verdicts and people's sentiments and emotions. Thereafter, a crucial question is asked in the third section which is, should human rights get priority over animal rights. The final section looks into the relevance of Jallikattu event in Tamil society even in the 21st century where we always cry for liberal ideas, values, perceptions like rationality, democracy, and a dynamic administration.

1.1 Research Objective:

Thus the paper has the following major research objectives:

1. Understanding the event 'Jallikattu'.
2. To study the conflicting areas between cultural rights and state laws.
3. To explore the relevance of the event.
4. To diagnose whether the event Jallikattu is not violating animal rights.

1.2 Research Questions:

The paper will highlight four important questions, viz.

- a. What is Jallikattu?
- b. Should cultural norms get priority over judicial verdicts or law?
- c. Is the right of Jallikattu of Tamil people relevant today?
- d. Is it not violating animal rights?

1.3 Research Methodology:

Research methodology is the basis of all research designs. Without proper methodology no researcher can develop his/her research papers. However, this paper is based on analytical approach. For the purpose of this research, researcher has gone through critical review of the existing literature.

2. What Is 'Jallikattu'?

Jallikattu is a traditional Tamil sports which involves Tamil culture, tradition and the Tamils do not like having ban on it. It has a very long history and was practiced since Tamil classical period (400-100 BC). It is known in Tamil Nadu by different names like Sallikattu / Eruthzhuvuthal or ManjuVirattu. This sport is played in an open ground as a part of three

days Pongol celebrations. Actually, it is a sport of ‘bull embracing’. The modern term ‘Jallikattu’ is derived from Salli (coins) and Kattu (package), which refers to a prize of coins that are tied to the bull’s horns and the participants attempt to retrieve it. Another literary meaning of Jallikattu is ‘bull chasing’. Even, the event is often shown in the Tamil movies where the hero of the film tames the bull to prove his gallantry. An interesting feature regarding Jallikattu is that most bulls used for the event is owned by village temples and that cannot be sold. Even, the winner bull is used to service numerous cows, thus preserving native breed (The Times of India, Jan 20, 2017:11). While we are investigating the meaning and origin of Jallikattu we must however remember is that this event was not popular all over Tamil Nadu till the mid of 2016, rather it was practiced in some parts of Tamil society like Madurai, Sivaganga, Dindigul and Pudukottai districts. But the banning of Jallikattu has brought a large numbers of people together to protest against the ban to preserve their native culture. As a result, the event has immensely been popularised in Tamil Nadu. The people from other parts of the Tamil society where this traditional event was not popular even in the 21st century, have come forward for supporting and as result it has got greater attention of the audience. Even it is further reported that some people who have never seen or played Jallikattu gives moral support for the sport which actually remind us the scholar Benedict Anderson’s ‘Imagined Communities’. In real sense people from different strata of Tamil society have had no face to face communication, but with imagination, they were united to protect their group rights. Frankly speaking, the social media especially Facebook, WhatsApp, Messenger made it so easy for reaching or communicating each other which ultimately spreads the movement across the state. Traditionally,it has been a common belief among the members of the Tamil society that the outsiders or Aryans are taking away or depriving their natural rights from them by force. We know that North/South or Aryan/Tamil division is not new in South Indian politics. Earlier, Tamil people used to feel that the people of Northern India or Aryans wanted to impose cultural hegemony over Southern people with the introduction of Sanskrit and Hindi language and they strongly opposed it. Ultimately, this conflict or dissatisfaction led to well known Dravidian Movement in the 1950s and 1960s and DMK was the driving force of this cultural protest. However, the ban on the event produced nationalist sentiments of the Tamil people or in other words it gave birth of a little nationalism for the shorter run which demanded cultural recognition.

3. Conflict Between Cultural Traditions And State Law:

The event Jallikattu made Tamil people united to save their glory and pride. It manifested controversies in recent Indian politics. Moreover, it makes ‘Marina Beach’ a battle ground

where two conflicting parties presented their opinions and supported certain values and for this it was very difficult condition for the political executive to overcome from it and take independent, moral and logical decisions. These two opposing groups are namely human rights bloc and animal rights bloc. One section wants to abolish this controversial event for the betterment of animal rights. On the other hand, another group demands the protection of human rights. Interestingly, outside these two different blocs, we may notice of a third bloc who could like to protect and promote both animal and human rights simultaneously. Here, which bloc is more rational and inclusive is difficult to find out. Actually, all these groups have their own assumptions and logical ground, in spite of that it is very tough to predict that who will win in future. In democracy if any party wants to be successful it must employ strategic actions and at the same time must be able to force state apparatus to take decisions in their favour.

We believe in quality life, but in achieving it people often violate other animals' rights. For an instance, the supporters of the event Jallikattu were totally committed to bring back their old cultural rights to practice bull chasing and gathered more than 10,000 students at Marina Beach in Chennai. Thus, the event was depicted by the media both print and electronic as 'Marina Uprising' which gets greater attention from Tamil society. A Naveen is one of the students who protests against the ban on this cultural sport said 'Jallikattu is a part of our culture and we cannot let anyone take that away from us' (The Times of India Jan 19, 2017:1). Indeed, Jallikattu supporter's voice is manifested by his words.

Here, in doing this analysis, the famous quotations of two different western thinkers comes to my mind, viz. Jeremy Bentham and John Stuart Mill. Bentham was the pioneer of the principle "Greatest happiness of the greatest numbers". If we follow his principle it is fine to have the rights of Jallikattu of Tamil people. But, on the other hand Mill supports the voices of minority and their voice must be heard by the majority as we live in a democratic set up. According to Mill in democracy minority or a single person have the power to oppose and restrict the views of ninety-nine per cent people of the society if it does common good. It is further observed that the demands to keep alive Jallikattu may get majority supports from and within Tamil society, but outside Tamil Nadu especially if we take the whole of India it is supposed to get very less support. Moreover, at the international level it may not get any support as they are much civilized than us in every aspect and such kinds of cruelty to animals and humans cannot be tolerated by the western civilized countries and international standards. As the event has no longer been a local issue, so from the national perspective we need to rethink about this dangerous sport. In fact, this protest can be considered as a sudden uprising where very few people knew about this event, but the outburst of the movement

encouraged people to assemble and to protect their traditional cultural event. Here, an interesting fact is provided by DMK MP K. Kanimozhi who said ‘the ban is being opposed by Tamils who’ve probably never seen Jallikattu’. Nevertheless, from humanitarian ground, we cannot put human and beast in pain for our short-term pleasure. It is not certain that which group will win the race between human bloc and animal bloc. The people like to embrace or fight with bull, because they have the confidence that we can win the game. But, they never like to fight with a lion, tiger or elephant due only to low confidence level. In case of Jallikattu people, want to impose its supremacy over the bull which they think will bring them glory.

Now, let’s have a quick look into the developments relating to Jallikattu ban. In March 2006, Madras High Court bans Jallikattu for the first time on the ground of Prevention of Cruelty to Animals Act. In July 2009, Tamil Nadu government passes law allowing the sport after setting certain conditions. Supreme Court permits the event for 5 months in a year under state law in November 2010 and directed the District Collectors to make sure that the animals that participate in the event are registered to the Animal Welfare Board. The Government of Tamil Nadu ordered that two lakh be deposited by the organizers in case of an accident or injury during the event. In July 2011, Union Environment Ministry bans the use of bulls as performing animals. But the practice continued under Tamil Nadu Regulation of Jallikattu Act No 27 of 2009. On 7 May 2014, the apex court strikes down Tamil Nadu law and banned Jallikattu all together. In January 8, 2016 the Ministry of Environment and Forests permitted the event to be continued. However, on 14 January 2016, the Supreme Court issued a stay on this order upholding the ban, after a petition filled by the Animal Welfare Board of India and PETA India, leading to protests all over Tamil Nadu. Then the Apex Court refused to review its decisions on 26 January 2016. On 16 January 2016, the World Youth organization (WYO) protested and urged for the lifting of ban. On 8 January 2017, several hundred protesters conducted a rally at Chennai opposing the ban on Jallikattu. On January 13, Supreme Court turns down plea to give verdict on ban before the 3 day pongal festival. Stalin-led DMK calls for stir against centre and Tamil Nadu government. In the next day Stalin calls for an ordinance and launches agitation. Numerous Jallikattu events were held across the state in protest of the ban and hundreds of participants were detained by police in response. Due to these protests, on 21 January 2017, the Governor of Tamil Nadu issued a new ordinance that authorised the continuation of Jallikattu events. On 23 January 2017, Tamil Nadu legislature passed a bill, exempting Jallikattu from the Prevention of Cruelty of Animals Act (1960). However, the legal problem surrounding Jallikattu is as yet not clearly resolved. It can be solved if the Prevention of Cruelty to Animals Act is amended as local ordinances and state laws cannot triumph over Indian federal law.

4. Should Human Rights Get Priority Over Animal Rights?

This section begins with an inquiry should human rights get priority over animal rights? Given the nature of the question it seems that it will be a continuing and unending issue of debate and there would be arguments and counter arguments on the issue. Nevertheless, now we will look into Indian Constitution and politics and will further try to find out the roots of both human rights and animal rights. Let's give our attention on global context before entering the Indian Constitution for tracing human rights roots. For making an egalitarian society, human rights must be protected from autocracy. The states will ensure that no one will from his/her fundamental rights. United Nations General Assembly in 1948 adopted Universal Declaration of Human Rights in Paris. Article 1 of the declaration says "all human beings are born free and equal in dignity and rights". It is not that before the year 1948, there were no sources of human rights, rather it could be found in Magna Carta (1215), Petition of Rights (1627), Bill of Rights (1688) in England, the Declaration of the Rights of Man and Citizens (1791) in France after the French Revolution. Even, before that the Philadelphia Constitutional Convention (1787) in the US adopted the first ten amendments of its own constitution as the citizens 'Bills of Rights'. These civil and political rights constitute the sources of the 'first generation of the modern concept of human rights' (Ray 2003:3410). The Russian Revolution under Lenin which gives the slogan 'bread, land and all power to the soviets' and it formed Soviet Bill of Rights'. Since then economic and social rights is getting much recognition than ever before. These are referred to as 'second generation human rights'.

In the Indian Constitution the rights of common people has also been acknowledged. The Fundamental Rights of the people is ensured in Part-III (Article 12-35). This is first generation of human rights and its nature is basically civil and political. The second generation of human rights is included in Part-IV of Indian Constitution namely the Directive Principles of State Policy (Article 36-51) which is non-justiciable and more economic and social in nature. Even we have various human rights protection bodies in the form of National Human Rights Commission set up on 12th October, 1993 and various state governments has established State Human Rights Commission. Besides, the country has National Commission for Minorities, National Commission for Women. Over and above we have independent judiciary, viz. Supreme Court and High Courts.

Side by side the Constitution of India and various legislations also guarantee the rights of animal. Here, some of the provisions are mentioned below:

1. It is the fundamental duty of every citizen of India to have compassion for all living creatures. Article 51 A (g).

2. To kill or harm any animal is a punishable offence. IPC Sections 428 and 429.
3. No animal including chickens can be slaughtered in any place other than a slaughter house. Sick or pregnant animals shall not be slaughtered. Rule 3 of Prevention of Cruelty to Animals, Slaughter House Rules 2001, Food Safety and Standards Regulations 2011.
4. Neglecting an animal by denying her sufficient food, water, shelter and exercise or by keeping him chained for long hours is punishable by a fine or imprisonment of up to 3 months or both. Section 11(1) (h), PCA Act 1960.
5. Monkeys are protected under the Wildlife Protection Act, 1972 and cannot be owned.
6. Bears, monkeys, tigers, lions, panthers and bulls are prohibited from being trained and used for entertainment purposes. Section 22(ii), PCA Act 1960.
7. Organizing of or participating in any animal fight is a major offence. Section 11(i) (m, n), PCA Act 1960.
8. Use of cosmetics on animals is banned. Rules 148-C and 135-B of Drugs and Cosmetics Rules, 1945.
9. Teasing feeding or disturbing the animals in zoo is an offence punishable by a fine of Rs. 25000 or imprisonment of up to 3 years or both. Section 38J, Wildlife Protection Act, 1972.
10. Capturing, trapping, poisoning or baiting of any wild animal or even attempting to do so is punishable by law. Section 9, Wildlife Protection Act, 1972.
11. Under the same act it is an offence to disturb, destroy eggs or nests of birds.
12. Conveying or carrying animals whether in or upon any vehicle is an offence if it causes discomfort, pain or suffering. Section 11 (1) (d) Prevention of Cruelty to Animals, Transport of Animals Rules, 2001 and Motor Vehicles Act 1978 (Humane Society International, India, Feb 19, 2016).

5. The Relevancy Of The Right Of Jallikattu:

This may be a big question whether the right of Jallikattu of Tamil people is relevant today or not, as today it has been an established norm that animals must be protected for sustaining bio-diversity and sustainable development. By harming beasts, it is very unethical to enjoy human rights. As our area of discussion is Jallikattu, so we will try to examine what harms the event Jallikattu causes to the animals or more specifically to the bull. Hence, some of the major worst effects caused by Jallikattu are highlighted here.

1. Men who participate are prone to severe injuries and often cause death.

2. Bulls which loss in the sport could be used for agricultural purpose.
3. Animal activists argued that bulls are tortured by spraying chili powder in their eyes, biting their tails.
4. Bulls are fed with alcohol to make them uncontrollable.

Jallikattu as the event of animal rights violation was first challenged by People for the Ethical Treatment of Animals (PETA) and Animal Welfare Board of India in 2004 (Ray, Jan 19: 2017). Consequently, the good wishers of animal rights want the ban to stay on this cultural sport. The animal rights protection forums like the Animal Welfare Board of India, the Federation of Indian Animals Protection Organizations (FIAPO) and PETA supports their cause because Jallikattu is extremely cruel to animals. An investigation made by PETA in 2013, revealed the extent to which the bulls are mistreated for the festival. PETA observed that the animals were subject to having their tails twisted and bitten by contestants, are often stabbed with spears, knives or sticks and are also punched, jumped on and dragged to the ground during the sport. Even the animals were fed with alcohol. The animal rights experts have also said that this has often led to ‘broken bones’ and ‘death’. An animal activist said “as long as Jallikattu is allowed cruelty to bulls and injuries and death to people and bulls will continue”. So for the betterment of the society it must be prohibited.

On the contrary, the support for preserving the popular event came from different sections of the Tamil society. Singer A.R.Rahman came forward supporting Jallikattu and he says he will be fasting to protect this right. Film actor and producer Kamal Haasan said “If you want a ban on Jallikattu, let’s also ban biryani”. Indian cricket star Ravichandran Ashwin expressed “peaceful protest all around Tamil Nadu. Unity, peace and resolve will show our plea in the right light”. Chess Grandmaster Viswanathan Anand says “my state rises again. In peace, proud to be a #tamizhanda.....Jallikattu is a cultural symbol. Respect it. I’m all for animal rights, but here that is not the point. Tradition and livelihood are”. Jaggi Vasudev, commonly known as Sadhguru said “so will you ban cricket also? The cricket ball is dangerous and it has been fatal for many players”. Jaggi Vasudev’s suggestion may be questioned here because if cricket is banned due to fatality, then the cricket community and lovers especially R. Ashwin may raise his fingers and oppose it. As a result, the people can be the witness of another new social movement for protecting their profession which also may receive global support as today cricket is often considered a religion especially in the Asian subcontinent.

Now, we will try to notice the political linkage with the event Jallikattu. We cannot say that it is a civil society movement which is apolitical. At present AIADMK is running the government in Tamil Nadu and DMK as usual its main opponent. The ‘Marina Uprising’ has been manifested in such a time when the State Government was going through a critical time.

As we know, Tamil Nadu Chief Minister Selvi J. Jayalalitha dies on 5th December 2016. As a result, a vacuum of leadership was created. This vacuum has given the opposition political parties a sudden opportunity to mobilise people in favour of them. In fact, for AIADMK this was the most difficult time to run and maintain government. Besides corruption cases against Jayalalitha has brought severe controversies which created political turmoil. After her death, internal conflict within AIADMK for gaining parties' leadership manifested. After her death O Panneerselvam acted as Tamil Nadu Chief Minister. Few days later Edappadi Palaniswami was invited to form government. He was backed by party general secretary Sasikala. In fact, Sasikala had a greater chance to be a Tamil Nadu chief minister, but asset cases and imprisonment displaced her from being a Chief Minister. Ultimately, through trust votes on the floor of the assembly O Panneerselvam became the new Tamil Nadu Chief Minister.

During that time issues like Cauvery water sharing, demonetisation, drought problem were more important than the cultural event of Jallikattu, but instead highlighting these major issues, they chose 'Jallikattu' as a strategic tool to create turmoil. Political smell is there, no doubt about that. The opposition political parties like DMK and PMK tried to use people's sentiment and emotions to challenge existing Tamil Nadu government, because they have had no other ways to challenge the government. Therefore, we must remember the words of DMK leader M K Stalin. He said before pongal utsav "I ask on behalf of Tamils, bring an ordinance, else people won't forgive the centre and state government". PMK leader Anbumani Ramadoss said "They are intimidating our culture, values....absolutely no cruelty.....these are our bulls, we rear them, they have worked hard for us and one day we play with them. Where's the harm?". Congress leader R S Surjewala expresses "Congress respects right of TN's people to preserve culture and protect rich tradition". So, now it is very clear that the event Jallikattu has been politicised to a great extent. I believe if DMK is in power, they would also take a similar stand like that of AIADMK. It is not that the ruling party in Tamil Nadu does not respect people's rights; rather it would like to respect and preserve both animal and human rights. But in doing that AIADMK government looked for a logical solution by which a greater purpose would be fulfilled. It seems that unlike western countries where the role of opposition political parties are more critical and constructive, but in Indian politics it is proven truth that opposition parties just oppose all decisions and policies taken by the ruling party and the controversy surrounding Jallikattu has proved it yet again.

6. Conclusion:

Through our analysis, we have understood that it has become very difficult for the governments both central and state to handle the situation because of civil as well as political

pressures from the people and also from political parties. From the humanitarian ground and animal rights sentiment, Apex Court is right in imposing ban on the event that turned out to be a very dangerous in contemporary civilised society. Thus, now it is up to political decision makers on whom its final destiny is depending largely. If political parties and leadership avoid vote bank politics, then a reasonable solution may be possible. Otherwise it will take a long way to settle this dispute or may be remained an unsettled issue.

For me, Jallikattu should be banned, because it violates both human rights and animal rights at the same time. We should enjoy and exercise our own basic rights without harming others whether it is human or animal no matter. In case of Jallikattu, people are rushing for making their own identity, using bull embracing. To do that, people have been violating both animal and human rights simultaneously. But, one can be surprised hearing the fact that a bull or buffalo can also give a person identity. Very recently in Uttar Pradesh, the presence of a “Super Buffalo” is seen. This buffalo is very healthy and handsome. His daily diet consists of 20 litres milk, 10 kg fruit, 5 kg green fodder and 5 kg hay and his daily exercise is a 5 km walk. The owner is Karamveer Singh who is a resident of Haryana. The buffalo is named “Yuvraj” worth more than 9 crore. Interestingly, it earns 50 lakh per year (The Times of India, Feb 27, 2017:2). The owner happily says “people know me as the owner of Yuvraj”. So, an unknown person is getting his identity across the country through his buffalo. Animal right activists will be extremely pleased knowing that. Last, but not the least, we can expect here that all living animals should get equal treatments like of Yuvraj and the events which harm to them might be banned without any hesitation and delay.

Here, in the concluding section I would like to share an important observation which will prove the comment very true that is “India is a Manageable Federalism”. Since independence, India has faced various problematic issues and events at different times, but every time it succeeded to cope up with these events. As a social movement ‘Jallikattu’ came like a tsunami and went dry like a drought. At the moment this event is not getting media coverage or in other words the tides of this protest movement has weakened. Moreover, another reason for the emergence of movement for Jallikattu, perhaps the people of Tamil Nadu were frustrated due to severe dissatisfactions regarding public services, corruptions and political instability. I also would like to suggest a solution to this crucial problem which is if the government fails to ban Jallikattu due to excessive mass pressure, then government shall not take any responsibility of any injury or death. In addition, it must be ensured that no compensation will be provided by the government for any accident.

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