

Prevalence of Animal Sacrifice

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Abstract

Concerns about the efficacy of India's animal welfare regulations have been prompted by the widespread acceptance of "bali," or animal sacrifices, as part of religious ritual or ancient tradition. Greater sensitization is required of a culture that, despite widespread condemnation, nevertheless uses animal sacrifices as a form of religious worship. The ritualistic slaughter of animals in public places promotes brutality and gives a bad impression of Indian culture. Under the current conditions, our legislative and judicial branches have taken on the monumental task of eliminating long-standing societal ills like animal sacrifice. This article focuses on the ubiquity of animal sacrifice, the legal framework around ritual sacrifice, and the potential of nonlethal alternatives.

Keywords: Sacrifice, bali, legislature, religion

Introduction

Animal sacrifice dates all the way back to the time of the ancient Vedas and Upanishads. Modern faiths continue the practice of commemorating the prophetic sacrifice by holding festivals like as Eid al-Adha. The universal virtues of love, compassion, and selflessness have been taught by every major world faith. However, these customs have been fueled by greedy individuals' exploitation of religious misunderstandings and superstitious beliefs. Some of the most progressive cities in India still practice animal sacrifice throughout religious festivals or fairs, highlighting the need of change.

Legal status of animal sacrifice in India: The Prevention of Cruelty to Animals Act, 1960 was enacted by the Indian government to provide legal protections for animals. The goal of the Act is to alleviate any suffering that may occur to animals. It also regulates and punishes any kind of cruelty to animals. Slaughtering animals in an inhumane way is a crime under this law (Section 11). While it is illegal to kill an animal in an unnecessary harsh way, killing an animal for human consumption is not considered animal cruelty under Section 11(3)(e). Animal sacrifice is not specifically mentioned as a kind of animal cruelty that may result in criminal penalties under current law. According to Section 28 of the Prevention of Cruelty to Animals Act, religious or culturally prescribed rituals involving the sacrificial killing of an animal are not considered cruel.

In 1962, the government of India used its authority under Section 4 of the Prevention of Cruelty to Animals Act, 1960 to create the Animal Welfare Board of India. The board is in charge of enforcing animal welfare rules and providing support to AWOs around the nation. The AWBI serves as a resource for federal and state governments on animal welfare policies. To prevent the illegal sacrifice of animals on festivals like Bali Pratha, Bakrid, etc., the Animal Welfare Board of India (AWBI) has issued a circular (dated June

20, 2018) ordering legal power to take all necessary safeguards to implement animal welfare regulations.

The practice of killing animals for ritualistic reasons is deeply ingrained in Asian and Pacific religions. Nepal, a nearby nation, has one of the greatest animal sacrifice rituals in the world. Concerns have been voiced in India over the treatment of animals during the Gadhimai Festival, which is held in the Bara area of Nepal, not far from the border with that country.

To guarantee that cattle are exclusively utilized for agricultural purposes and not for slaughter, the Indian government's Ministry of Environment and Forests enacted the Prevention of Torture to Animals (Regulation of Livestock Market) Rules, 2017 in 2017. Rule 22(e)(iii) forbids the buyer of livestock from using the animal in a religious sacrifice of any kind. To the same extent, it is illegal to sacrifice an adopted animal for religious grounds, as stated in Rule 9 (5)(d).

Both the State List and the list of concurrent provisions of the Constitution include reference to the protection of animals. This means both the federal and state levels may pass laws addressing animal welfare. Some states, including Karnataka, have implemented laws making it illegal to perform animal sacrifices on public property. Animal sacrifice is prohibited in public religious buildings, as well as during religious gatherings and processions, under Section 3 of the Bangalore Prevention of Animal Sacrifices Act, 1959. The Act provides for the warrantless arrest of anybody found in violation of the aforementioned legal requirement.

Balancing religious freedom with animal rights: The word "Secular" being included in the Preamble of our Constitution guarantees that there will be no state religion. It also allows the court system to be neutral toward faiths and to interfere in religious affairs on neutral grounds. Article 25(1) allows the judge to impose reasonable limits on conduct that threatens morals, public order, or health, which might include a total prohibition on the killing of animals in houses of worship. Since the Supreme Court ruled in *Ratilal Panachand Gandhi* instead of *State of Bombay and Ors.* (1954) that the idea of liberty of religion can be expanded for the religious practices as well as acts performed within the framework of religious belief, the law surrounding sacred offerings has evolved.

The Supreme Court ruled in the 1961 case *Durgah Committee, Ajmer and Anr v. Syed Hussain Ali and Ors* that Article 25 does not provide protection for religious activities that are founded on simple superstitions and are superfluous or unneeded. Only those tenets of faith that are essential to that religion may be guaranteed protection. The *Shri Shirur Mutt* case (1954) provided the inspiration for the notion of the essentiality of religious activities. It was decided in the case of *Ramesh Sharma v. State of Himachal Pradesh* (2018) that the practice of sacrificing animals as part of Hindu rituals is rooted in outdated beliefs and superstitions and hence illegal.

The Supreme Court decided that restricting Hindus' ability to perform animal sacrifices would not fundamentally alter Hinduism. As a result, Article 25 guarantees are not infringed upon by a restriction on the killing of animals for religious holidays. A universal prohibition on the slaughter of bovine animals would, however, put a significant economic hardship on the towns now coping with such operations, according to a court

impact study. For this reason, a nationwide ban on the slaughter of bovine animals is prohibited even if individual states have the right to impose such restrictions within their own borders.

Mending the legislative oversight: The Supreme Court of Uttarakhand made a relationship between Section 11(3)(e) of the Prevention of Cruelty to Animals Act, 1960 and its interpretation of Section 28 in the case of Gauri Maulekhi vs. the State of Uttarakhand (2018). The Court ruled that although ceremonial animal sacrifice is not included by the definition of animal cruelty in the law, religious groups are still only authorized to slaughter animals for human use, and not to placate the gods. Even if animals are murdered for religious purposes, the law requires that they be slain humanely, without inflicting any extra pain or suffering.

Jurisprudential growth in animal rights: The subject of whether or not animals should be granted basic legal protections was discussed and the case N.R. Nair v. Union of India (2001) was decided by the Kerala High Court, which argued that animals should be given legal protections. However, in the case Animal Welfare Board of India v. A Nagaraja (2014), the Supreme Court issued a historic verdict by outlawing the Tamil Nadu bullfighting event known as "Jallikattu."

Animal rights advocates may celebrate a huge win thanks to the Supreme Court of India's decision to extend Article 21's protection of the fundamental right to life to animals. According to the Supreme Court, the Animal Welfare Act was enacted to ensure that all animals are treated with the "dignity and honor" to which they are entitled. The intrinsic worth of animals has been acknowledged, thus they should not be treated as mere commodities. Karnail Singh v. State of Haryana (2019) is the case that established animal "legal persons" status in the Court. All citizens of legal age are now legally obligated to ensure the safety and well-being of all animals in the nation. What persons must do to meet their legal obligations in the case of a violation of their rights and duties is not made apparent, however, by the judgements.

Absence of stringent penalties: The Prevention of Cruelty to Animals Act, 1960 specifies that all of the crimes listed in Section 11(1) are noncognizable, with the exception of those involving the organization of animal fights and shooting contests. Both Section 428 and Section 429 of the IPC, 1860, make it illegal to commit acts of cruelty towards animals. A fine of up to Rs 50 could be imposed on a first-time offender. The maximum penalty for a second infraction within a year's time of the first is three months in prison or a fine of twenty-five or one -100 rupees.

A second conviction will result in the forfeiture of the offender's vehicle and possible prohibition from future animal ownership. The aforementioned portions of the IPC also control the slaughter of animals under Section 11(3) while causing them needless pain and suffering. Punishment for cruelty against animals valued at Rs. 10 or more is addressed in Section 428; violations involving animals valued at Rs. 50 or more are addressed in Section 429. These light sentences are useless in the fight against cruelty to animals.

As a result, the government has drafted legislation to strengthen the terms of the Prevention of Cruelty to Animals Act, which would increase the maximum punishment

for the intentional killing of an animal from Rs. 75,000 to three times the cost of the animal, or to five years in prison, or both. There are three distinct types of animal abuse: minor injuries, significant injuries leading to lifelong handicap, and euthanasia. Each of these three types of offenses would result in a different level of punishment. The unlawful sacrifice of animals is one kind of animal cruelty that might be reduced with the passage of this legislation.

The concept of Constitutional compassion: The term "Fundamental Duties" was first used in India after the country's 42nd Constitutional Amendment. The imposition of these moral responsibilities was undertaken with the main goal of fostering the educational, ethical, and cultural norms by which all citizens should live. One of these responsibilities is to safeguard and enhance the natural environment, which entails having compassion for all other forms of life. To paraphrase Ambedkar, "animals are sentient creatures with their own intrinsic worth and should not be viewed as property by people," which is the basis for the Constitutional compassion stated in Article 51A(h).

Constitutional compassion heralds the dawn of a new age of scientific temper, humanism, and the reformation of old, superstitious practices based on a lack of knowledge rather than faith. The Supreme Court ruled in 2002 in *N. Adhithayan v. Travancore Devaswom Board & Ors* that outdated customs and stupid beliefs have no place in modern legal systems. In *Subhash Bhattacharjee v. the State of Tripura* (2019), the Supreme Court supported the necessity of encouraging a scientific outlook among the general public and maintained the validity of a prohibition on animal sacrifices at the state's Hindu temples.

Remedies and recommendations: The establishment of a regulatory system to protect animal rights has been significantly aided by legislative action and judicial involvement. However, the statutory authorities are responsible for ensuring that these rules and regulations are carried out effectively. To prevent and punish low-level animal abusers, the executive branch of government may use its legislative authority.

The Animal Welfare Board of India has proposed a three-tiered structure for the enforcement of anti-cruelty laws and regulations.

It is imperative that the government takes measures to discourage the ritual killing of animals in the name of religion. The tradition of animal sacrifice may be put to rest with the aid of incentives for those working to protect animals and a strict system for punishing those who break the law.

In 2020, increased public knowledge of animal rights is reflected in a pronouncement made by the All India Muslim Personal Law Board's (AIMPLB) secretary. The Secretary of the AIMPLB has announced that animal sacrifice is not required where there is a legislation forbidding such practice, while also emphasizing that monetary donations to the impoverished might be a suitable substitute. It's possible that Indians' views on animal sacrifice may shift in the near future, leading to the eventual outlawing of the practice even for religious grounds. There has been, and continues to be, a determined effort to end the Hindu ritual of animal sacrifice. Two High Courts have issued bans on the practice in recent years, and it has been illegal in the state of Kerala for many years. Politicians have also tried to use their power to penalize Hindus who engage in the practice, despite the fact that the courts have been the primary source of resistance.

Animal sacrifice at the Durga Saptakshi Temple in Kamptee, Nagpur, has lately resulted in the filing of a First Information Report (FIR) against unnamed persons. Maneka Gandhi, a member of Parliament for the BJP, ordered the police to take immediate action against the practitioners, therefore a complaint was filed. This shows that people of all political persuasions are against the practice.

To everyone's relief, the Supreme Court has been surprisingly reasonable on this issue. Following an appeal against a statute in Kerala that prohibits animal sacrifice, the Supreme Court stayed both High Court rulings and heard some very significant views from a bench headed by Chief Justice SA Bobde.

A contradiction seems to exist. Animal sacrifice and consumption are acceptable. The CJI-led panel ruled that "killing animals, presenting it to a god, and then ingesting it" was not acceptable. In their appeal, the plaintiffs had also challenged the legislation using the same reasoning. The motivation for animal sacrifice is what the Act criminalizes, not the act itself. Even inside the confines of a temple, sacrificing an animal for human food rather than to appease a god is permissible. The petition claimed that Article 14 of the Constitution was being violated by such arbitrary categorization.

Discourse on Animal Sacrifice in Hindu Dharma: Before we go any further, let's talk about why animal sacrifice is such an important part of Hinduism. Scholars from many different disciplines agree on this practice's fundamental tenet, and biblical support for it can be found in all the canonical works. Animal sacrifice is prescribed in all major books," Mohit Bharadwaj, creator of Vaidika Bharata and a ritualist in the Hindu faith, informed this writer. However, there is a lot of oversight.

The most fundamental is that the Devata, to whom the animal is being presented, has mandated so in the scriptures," Mr. Bharadwaj said. Later on, a number of sampradaya-s emerged that, although generally in agreement with Veda/Smrti-s, diverged from them in important ways. When they do sacrifice animals, it is more often than not with the intention of providing nourishment for the Devata.

Pathabali (chagabali in Sanskrit) is the term for a gift giving of goats, however the author notes that "in daily conversation, the term is shortened to just bali." Pasubali, or animal sacrifices, fall under the umbrella term "pasubali." Kusmandadibali is the category for offerings made of vegetables. Her research was based on conversations with Bengali Maa Kali believers and on observations she made in the famed Kalighat Temple in Kolkata as well as in their houses.

Whereas in the Western tradition God and man are seen as two different beings, the author argues that the differences between the sacrificer and Sakti are murky. To Sakti, the significance of sacrifice is more intrinsic to the act itself, which symbolizes the connection between God and the one offering the sacrifice. The sacrificer's intention and, by extension, their "selves," are essential components of the act.

The author also provides evidence that ceremonial animal sacrifice has been practiced for ages. Animal sacrifices, with blood offerings as its most common context, may be seen as a powerful and efficient way to appease and appease a god's potentially violent and/or deadly character.

Ban on 'Pashubali' as an attack on Hindu 'Dharma': A prohibition on animal sacrifice amounts to a prohibition on some tenets of Hinduism rather than a prohibition on specific behaviors. The Supreme Court correctly pointed out the inherent tension between these two positions. The secular state has no problem with people killing animals for food, but animal sacrifices to appease the Gods are illegal.

A ban on the practice would be a direct assault on people's right to exercise their religion. It has become more clear that the secular government of India is prepared to restrict the religious freedom of one group at any given moment. While every chance is taken to outlaw animal sacrifice, the secular state allows and even encourages the abhorrent practice of murdering animals at Eid.

Unlike in Pashubali, the Islamic manner of murder is uncivilized on both a religious and practical level. Pashubali's theological foundation is that it is done at the pleasure of the Deity and at Her will. According to the rules of Halal slaughter, the animal must be killed with a single, swift cut with a sharp knife.

Instructions call for severing the trachea, oesophagus, and both jugular veins all at once. The spinal cord and the head must not be severed in the process. This is obviously a far more painful and terrible technique of murdering. However, Hindu customs cannot be evaluated against Islamic ones.

As Hindus, we should be less concerned with how other religions see our practices and more concerned with maintaining our own rituals and satisfying our Gods. It is more important to focus on pleasing our Gods than it is to win a debate on the internet.

The rich variety of Hinduism is often cited as one of the religion's greatest strengths. Animal sacrifice is an element of that variety in ceremonial practices. Despite all the lip service paid to variety within Hindu Dharma, it is being homogenized and our celebrated uniqueness is being slaughtered. The importance of this ceremony to countless of our Hindu kin does not need our active participation in order to show our support for it.

Significance of Animal Sacrifice in Hindu Dharma

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Mr. Bharadwaj claims that the Shrauta and Grhya sutras—the primary source for all Hindu rituals—approve of animal sacrifice. Many experts in the field agree with Mr. Bharadwaj on this. As Suchitra Samanta points out in an essay for the Association for Asian Studies, many Tantra and Purana works list the kinds of animals and plants that are

appropriate for sacrifice. All the texts agree that the goddess appreciates these offerings, and they all go into great detail about the material and spiritual benefits to the sacrificer. Pathabali (chagabali in Sanskrit) is the term for a gift giving of goats, however the author notes that "in daily conversation, the term is shortened to just bali." Pasubali, or animal sacrifices, fall under the umbrella term "pasubali." Kusmandadibali is the category for offerings made of vegetables. Her research was based on conversations with Bengali Maa Kali believers and on observations she made in the famed Kalighat Temple in Kolkata as well as in their houses. And it should be reason enough for us to fight any and all attempts to outlaw the practice. Whereas in the Western tradition God and man are seen as two different beings, the author argues that the differences between the sacrificer and Sakti are murky. To Sakti, the significance of sacrifice is more intrinsic to the act itself, which symbolizes the connection between God and the one offering the sacrifice. The sacrificer's intention and, by extension, their "selves," are essential components of the act.

Conclusion

Animals are sacrificed in many different Vedic rituals. Both the Vajpeya and Agnishtoma need the killing of an animal. The Ramayana or the Mahabharata also include the well-known Ashvamedha ceremony, which involves the sacrifice of animals. Therefore, there is abundant evidence that ceremonial animal sacrifice is central to Hindu religious practice.

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