

Taking Nature to the Court



A joint-project run by the Centre for Himalayan Studies and the Centre for South Asian Studies
with the support of Hésam-Dynasie

Animal Sacrifice on Trial: Cases from South Asia

Monday 22nd June 2015
Salle 638-640, 6th floor
190 avenue de France 75013 Paris

This is the first of a set of three workshops related to the project *Taking Nature to the Court: Development projects, protected areas and religious reform in South Asia*. The project follows up an idea initially developed in the ANR programme Justice and Governance in Contemporary India and South Asia (“Just-India”) according to which the study of court cases might help our understanding of crucial social and political stakes. In this new project we focus on how certain issues related to nature and the environment, and which also involve ritual practices or religious notions, are brought before the court and how they take on a legal expression.

This first workshop deals with the abolition of animal sacrifice. Historically, this issue has differed from one state to another in India, and compared to Nepal. In some states of India this practice has been governed by law for many years; in others it was recently abolished by the court; or, as in Nepal, it is now the object of a petition put forward by animal welfare activists. Although some arguments behind these reforms may be similar and may refer to moral, ethic, or legal concepts (non-violence, ‘compassion’, ‘animal rights’, prohibition of all ‘cruelty’, ‘fundamental duties’, ideals of progress and modernity, standards of hygiene), some aspects of this debate are more specific to a particular region and depend on the individual actors – various kinds of petitioners, politicians, lawyers, judges. The aim of the workshop is to explore, through case-studies, the background to these different stories. By examining judiciary files, court decisions, newspaper articles, and by relying on informal conversations with the protagonists, we will explore how the question of animal sacrifice is dealt with through judiciary practice. In this context, animal sacrifice becomes an ‘object of law’ which has to be evaluated and regulated not by ritual specialists but by legal professionals. These legal experts are called upon to translate ritual procedures into legal categories, to define the religious or secular nature of a particular concept, or to separate what is ‘essential’ in religion (in which the state cannot interfere) from what is susceptible to being handled by the court. We will also consider the arguments put forward by those who disagree with these reforms and the plurality of the forms and narratives that their ‘resistance’ may take.

Programme

9.30 Coffee and Welcome

10.00 am – 12.30 am

Sacrifice and the Law in Tamil Nadu, South India

Anthony Good (University of Edinburgh)

Discussant : Yves Goudineau (EFEO)

'Live and let live'. Conflict of Values and Political Stakes in Himachal Pradesh, North India

Daniela Berti (CNRS, CEH)

Discussant: Denis Vidal (IRD, URMIS)

2.00 am – 4.30 am

Blood, Power, and Public Interest at a Hindu Temple in Kolkata

Deonnie Moodie (University of Oklahoma)

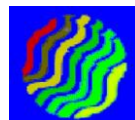
Discussant: Raphaël Voix (CNRS, CEIAS)

Preliminary remarks on a PIL filed against animal sacrifice at Gadhimai Mela, Nepal

Chiara Letizia (UQAM, Montreal) and Blandine Ripert (CNRS, CEIAS)

Discussant: Gérard Toffin (CNRS, CEH)

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Abstracts

Sacrifice and the Law in Tamil Nadu, South India

Anthony Good (University of Edinburgh)

Animal sacrifice forms the climax of many Tamil religious festivals, even though legislation banning such sacrifices has been on the statute book since 1950. The paper begins by describing the part played by animal sacrifice in a typical village goddess festival. It then considers the debates surrounding the passing of the Madras Animals and Birds Sacrifices Prevention Act, and addresses the somewhat puzzling question of its initial non-enforcement. It asks why the state government suddenly insisted upon implementing this ban in 2003, more than 50 years afterwards, only to reverse its policy a few years later to the extent even of repealing the Act in question. The paper seeks to understand these seemingly arbitrary policy reversals as manifestations of tensions between reformist, urbanised, often high-caste Hindus and their traditionally minded, largely rural, counterparts. In modern India, a constitutionally secular state which nonetheless guarantees freedom of belief, faith, and *worship*, the struggles between these two competing visions of religiosity have frequently taken on political and legal dimensions too.

'Live and let live'. Conflict of Values and Political Stakes in Himachal Pradesh, North India

Daniela Berti (CNRS, CEH)

In September 2014, animal sacrifices were banned in the state of Himachal Pradesh (North India) by a High Court judgment, which made the headlines. The decision provoked surprise and dismay amongst the people involved in the management of temples, more so because the goddess festival was imminent and numerous sacrifices were scheduled. Some temple administrators along with a raja-politician—a goddess devotee—took the advice of the gods (through their mediums) and decided to appeal to the Supreme Court of India, in the name of freedom of religion. Others, by contrast, who had petitioned the Court along with ecologists in order to abolish the ‘cruelty inflicted on poor innocents’, welcomed the Court’s determination to end what the judgment denounced as ‘an evil custom in a society of computer era’. Based on the court file and on ethnographic data, I will analyze how, beyond the official and ‘public’ aspects of the case, which referred to legal, ritual, reformist, and ecological arguments or to animal welfare, other framings of the story, highlighted by the protagonists outside the court, emphasized various economic or political issues.

Blood, Power, and Public Interest at a Hindu Temple in Kolkata

Deonnie Moodie (University of Oklahoma)

Kālīghāṭ is a Hindu temple and pilgrimage site in Kolkata famed for its potency. The practice of animal sacrifice, in which black goats are offered up daily to the goddess Kālī, is a quintessential manifestation of that potency. In 2005, a wealthy Hindu businessman filed a public-interest petition to the Kolkata High Court claiming that the temple’s management committee was engaged in corrupt practices, thus diverting resources toward proprietors’ pockets and away from the maintenance of a “clean” and “disciplined” temple. Tucked in amongst complaints about the presence of dirt, beggars, and *pāṇḍās*, was a complaint about animal sacrifice. The court sided with the petitioner and ordered that the sacrifice and skinning of animals could no longer take place in public view. Those orders were contested—and

continue to be contested today—by ritual practitioners who do not want to be inhibited in their duties by the confines of walled enclosures, and by devotees who want unhindered visual and physical access to the sacrifice. These resistances make clear that while the petitioner and the courts claim to act on behalf of “public” interest, in fact, they are acting upon the interests of a small but powerful segment of the public of which they are a part—the well-to-do middle classes. *This* public is ambivalent about the ritual slaughter of animals, the blood it produces, and the impressions it leaves on visitors who encounter it. The courts favor their desires over those of other publics.

Preliminary remarks on a PIL filed against animal sacrifice at Gadhimai Mela, Nepal

Chiara Letizia (UQAM, Montreal) and Blandine Ripert (CNRS, CEIAS)

Every five years at the end of November, a mass sacrifice is offered at Gadhimai temple in Bara district, Nepal. In 2009, the festival was labelled the biggest animal slaughter of all times. Pictures of the slaughter of about 250,000 animals circulated globally, giving rise to vehement protest from animal rights associations and individuals, internationally (e.g. Maneka Gandhi, Brigitte Bardot) and at local level (e.g. The Animal Welfare Network Nepal). Five years later, in October 2014, the Supreme Court of India issued an interim order directing the Indian government to prevent the illegal transport, across the border, of animals destined for the Gadhimai Temple. And only one week before sacrifices began, three petitions were filed at the Nepal Supreme Court. One of these, filed by the director of the Nepal Animal Welfare and Research Centre, questioned the entire system including the importation and transportation of the animals, their treatment at the site, the cruel way they were slaughtered, the meat inspection, the environmental conditions, the respect of public health standards, Nepal’s image, etc. While the Gadhimai festival provoked extreme criticism, the countless animal sacrifices performed in Nepal remain largely unreported. Not only is blood sacrifice legal in Nepal, but it is also performed for the household, lineage, and at state level. Theravada Buddhist, Christian, Maoist and Hindu reformist campaigns have already targeted blood sacrifice. However, this petition neither asks for the banning of sacrifice, nor invokes religious arguments; instead it seeks proper and lawful management of animal slaughter.