



INDIAN JOURNAL OF  
LEGAL REVIEW

VOLUME 4 AND ISSUE 1 OF 2024

INSTITUTE OF LEGAL EDUCATION



## INDIAN JOURNAL OF LEGAL REVIEW

APIS – 3920 – 0001 | ISSN – 2583-2344

(Free and Open Access Journal)

Journal's Home Page – <https://ijlr.iledu.in/>

Journal's Editorial Page – <https://ijlr.iledu.in/editorial-board/>

Volume 4 and Issue 1 of 2024 (Access Full Issue on – <https://ijlr.iledu.in/volume-4-and-issue-1-of-2024/>)

### Publisher

Prasanna S,

Chairman of Institute of Legal Education (Established by I.L.E. Educational Trust)

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 94896 71437 – [info@iledu.in](mailto:info@iledu.in) / [Chairman@iledu.in](mailto:Chairman@iledu.in)



© Institute of Legal Education

**Copyright Disclaimer:** All rights are reserve with Institute of Legal Education. No part of the material published on this website (Articles or Research Papers including those published in this journal) may be reproduced, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of the publisher. For more details refer <https://ijlr.iledu.in/terms-and-condition/>

## ANIMAL SACRIFICE: A BELIEF OR MISUTILISED PRACTICE

AUTHOR – ASTHA DAS, STUDENT AT CHRIST UNIVERSITY

**BEST CITATION** – ASTHA DAS, ANIMAL SACRIFICE: A BELIEF OR MISUTILISED PRACTICE, INDIAN JOURNAL OF LEGAL REVIEW (IJLR), 4 (1) OF 2024, PG. 526-530, APIS – 3920 – 0001 & ISSN – 2583-2344

### ABSTRACT

The abstract explores the historical and cultural significance of animal sac, examining its practice in ancient Greece and Rome as well as in Vedic and Hindu traditions in India. It highlights the role of sac as a means of communication with divine beings, seeking their favor, protection, or appeasement. The study delves into the rituals, materials, timing, and techniques associated with sacrifice across different religious contexts. Furthermore, it discusses the concept of vegan utilitarianism, analyzing its divergence from conventional veganism and its moral implications regarding animal welfare. Drawing on philosophical perspectives and ethical arguments, the abstract suggests that utilitarianism offers a compelling rationale for minimizing animal suff, even advocating for radical measures like the extinction of carnivorous species. Ultimately, it underscores the complex interplay between religious practices, ethical theo, and hum attitudes toward animals throughout history.

**Keywords:** Sac- Sacrifice, Suff- Suffering, Theo-Theories, Hum-Humans

### INTRODUCTION

Recently, there has been a significant increase in interest in animal ethics. This is caused by several elements, including the rapid growth in the human population and the pressure it has put on the environment globally. Do traditional religions have anything to offer in this regard for better or worse, religion continues to play a significant role in many aspects of individual and community life. Religious practices influence the subliminal conscience and moral judgement about animals. It is based on the four pillars of asceticism, many-sidedness, nonattachment, and nonviolence. Vegetarianism and the abstaining from all forms of cruelty to humans and animals are hallmarks of the Jain lifestyle. In terms of abstaining, it is the strictest religion. Injury to animals. Every living creature is designed to support one another. No one may kill anyone, not even in self-defense. Beyond Buddhism and Hinduism, Jainism views nonviolence as the highest obligation morally. <sup>985</sup>For failing to recognize and uphold rights, utilitarianism is

frequently and vehemently criticized, especially in the classical form supported by Jeremy Bentham. The charge that Jeremy Bentham does not respect rights holds true whether the example given is the execution of the innocent, torture, murder, or any other heinous act.

### IMPORTANCE OF RELIGION

For better or worse, religion continues to play a significant role in many aspects of individual and community life. Religious practices influence the subliminal conscience and moral judgement about animals. It is based on the four pillars of asceticism, many-sidedness, nonattachment, and nonviolence. Vegetarianism and the abstaining from all forms of cruelty to humans and animals are hallmarks of the Jain lifestyle. In terms of abstaining, it is the strictest religion. Injury to animals. Every living creature is designed to support one another. No one may kill anyone, not even in self-defense. Beyond Buddhism and Hinduism, Jainism views nonviolence as the highest obligation morally. For failing to recognize and uphold rights, utilitarianism is frequently and vehemently criticized, especially

<sup>985</sup> Humane society International (India), 15Animal Rights in India that Every Citizen Should Know, TBI BLOGS, (June 23RD, 2021, 8:19PM),

in the classical form supported by Jeremy Bentham

Moreover, this barbaric practice is also explicitly prohibited under the Prevention of Cruelty to Animals Act of 1960, and it constitutes a clear violation of Section 428 and 429 of the Indian Penal Code. One of the most distressing occurrences of animal sacrifice takes place during Ayudha Pooja (Dussehra), an annual event in October, where thousands of animals fall victim to this gruesome ritual under the guise of religious observance. The period from January to April sees a surge in sacrifices due to the harvest season, and various "jataras" throughout the year contribute to the relentless cruelty. The sacrificial sites bear witness to an appalling display of bloodshed during this season, staining the major locations across the city and the entire state. A recent incident during Maha Shivratri at the Durgamma Temple saw hundreds of animals brought in for sacrifice. Our team intervened on the spot, managing to save some of these innocent lives. Unfortunately, the devotees, driven by ignorance and superstition, simply relocate the animals to alternative sites for sacrifice when prohibited from doing so at the original location. This reflects a deeply entrenched belief that sacrificing animals is a supreme act of devotion to the divine.

## **DISCUSSION**

### **MEANING OF ANIMAL SACRIFICE**

Animal sacrifice was a common ritual used to communicate with divine beings such as gods and heroes. These ceremonies were conducted to seek divine favor, protection, or assistance, or to placate the deities. Through the act of sacrifice, worshippers believed they could discern the will of the gods, often accompanied by prayers. After the ritual, the meat from the sacrificed animal would typically be shared and consumed by the participants. Various sources including literary texts, inscriptions, imagery, and archaeological findings, such as altars and sacrificial remains, offer insight into the

practice. These remains, including animal bones found in sanctuaries, provide valuable information about the types of animals sacrificed, which ranged from domesticated animals like dogs and horses to wild game, fish, and snakes. Beyond considerations of species, factors like sex, age, and color of the animals were also considered, alongside economic considerations, when selecting animals for sacrifice<sup>986</sup>.

### **INDIA'S EVOLUTION**

In India's Vedic and later Hindu religions, theories about sacrifice and required rites appear to have been explored in greater detail than anywhere else. These rituals, which were outlined in a complex system that is mostly known through the Brahmana literature, featured both required sacrifices that corresponded to the seasons or momentous events in a person's life and optional sacrifices that were motivated by the sacrifice's own preferences. Buddhism, a different religion that emerged in India, has not, however, evolved cultic sacrifice.

Since the rise of the comparative or historical study of religions in the latter part of the 19th century, attempts have been made to discover the origins of sacrifice. These attempts, though helpful for a greater understanding of sacrifice, have not been conclusive. It is possible to study the rite of sacrifice in terms of six main elements: the sacrifice, the material of the offering, the time and place of the rite, the technique of sacrificing. Each religion offers a specific viewpoint in response to the restlessness of the human heart.<sup>987</sup> Due to the numerous effects that religious practices have had throughout history; it is not always clear where people stand on animals. The interconnection of all living things, both physical and spiritual, comes first, even the use of the term "creatures" conveys a sense of affinity. The

<sup>986</sup> Ekroth, G. (2014). Animal Sacrifice in Antiquity. In R. Parker (Ed.), *The Oxford Handbook of Greek and Roman Religion* (pp. 324–354). Oxford University Press.

<sup>987</sup> Arushi Singh, Humans losing humanity: Rising instances of animal cruelty in India, Land where they are worshipped, *THE NEW INDIAN EXPRESS*, (June 19th 2021, 08:39 AM),

universe is dynamic and full of energy. Demonstrates how most species benefit from the use of other creatures. In the rich tapestry of India's religious and philosophical landscape, the exploration of sacrifice holds a prominent place, particularly within the Vedic and later Hindu traditions. These ancient rituals, meticulously outlined in the Brahmana literature, reveal a complex system of sacrifices that were both obligatory and optional, each carrying its own significance and purpose. While sacrifices were often tied to seasonal or life-cycle events, there were also discretionary offerings motivated by personal preferences.

In contrast, Buddhism, which emerged as a distinct religious tradition in India, did not develop a cultic tradition of sacrifice. Instead, Buddhism emphasized ethical conduct, meditation, and the pursuit of enlightenment as the path to liberation from suffering. The absence of sacrificial rituals in Buddhism underscores the diversity of religious expression in India and highlights the distinct philosophical perspectives of different traditions. Since the advent of comparative or historical studies of religions in the 19th century, scholars have endeavored to unravel the origins and significance of sacrifice across various cultures. However, despite these efforts, the origins of sacrifice remain elusive and subject to ongoing debate. Nevertheless, scholars have identified six main elements that characterize the rite of sacrifice: the sacrificial act itself, the materials offered, the timing and location of the ritual, the method of sacrifice, the participants involved, and the desired outcomes.

Each religious tradition offers a unique perspective on the human condition and the quest for meaning and fulfillment. While religious practices have profoundly influenced human societies throughout history, the treatment of animals within these frameworks has been a subject of contention and ambiguity. The interconnectedness of all living beings, both in the physical and spiritual realms, is a recurring theme across many religious traditions,

underscoring a sense of kinship and mutual dependence. Within Hinduism, for example, the principle of ahimsa (non-violence) is central to ethical conduct, and many Hindus adhere to vegetarianism as a means of expressing compassion towards all living beings. Similarly, Buddhist teachings emphasize compassion and the avoidance of harm to sentient beings, leading many Buddhists to adopt vegetarian or vegan lifestyles. In contemporary society, the ethical treatment of animals has become an increasingly pressing issue, prompting individuals and communities to reassess their attitudes and practices towards non-human beings. As awareness of animal welfare grows, there is a growing recognition of the moral imperative to extend compassion and respect to all living creatures, regardless of species. The exploration of sacrifice in India's religious traditions reveals a multifaceted phenomenon that encompasses both obligatory rituals and optional offerings. While the origins of sacrifice remain elusive, scholars have identified key elements that characterize sacrificial rites across cultures. Within the broader context of religious and philosophical discourse, the treatment of animals reflects varying perspectives on the interconnectedness of all life forms and the ethical responsibilities inherent in human-animal relationships. As society continues to evolve, the ethical treatment of animals remains a vital aspect of our collective moral and spiritual journey.

### **CONCEPT OF VEGAN UTILITARIANISM**

This essay examines vegan utilitarianism in some detail and provides arguments for the idea that it has less in common than would first appear with the issues that regular vegans face. Supporters of animal welfare should not consider utilitarianism to be a more tenable moral theory since it provides more obvious. The "right" responses to this question. It is crucial to separate this right away from two alternative arguments first, I do not assert that there have been no complaints up to this point. Animal welfare concerns have been expressed in opposition to a utilitarian approach;

obviously, there have been criticized from rights-based viewpoints and feminist care. According to McMahan<sup>6</sup>, the purpose of trying to reduce non-human suffering. Seems to indicate that, given the correct conditions, we should "plan for the progressive extinction of carnivorous species and their replacement with new species". The fact that the pain and suffering endured by individual animals plainly outweighs the pleasure felt by individuals who consume or use the products is a key utilitarian objection to consuming animal products. This is generally accurate, at least for inhabitants of wealthy nations who can eat without consuming animal products. What is especially convincing from a utilitarian one because, for example, an animal can only generate so much meat, it only provides a small amount of pleasure to those who consume it, and once it is gone, it is gone.

#### **ANIMAL RIGHTS UNDER INDIAN LAWS**

The Prevention of Cruelty to Animals (PCA) Act, 1960 serves as the primary legislation in India aimed at preventing unnecessary cruelty to animals. Its Section 11 outlines various acts recognized as cruelty to animals, though it lacks specific provisions regarding the killing of animals for religious purposes. However, Section 11(3)(e) provides an exception, allowing for the killing of animals to provide food for humans as long as unnecessary pain and suffering are not inflicted. Section 28 of the PCA Act addresses animal sacrifice, stating that no provision within the Act should render the killing of an animal, as required by the religion of any community, as an offence.

A significant interpretation of these sections came from the High Court of Uttarakhand in the case of Gauri Maulekhi Vs State of Uttarakhand. The court emphasized that if animal sacrifice is performed, it should strictly be for providing food for humans and not merely for religious practice. This case suggests that the PCA Act does not consider animal sacrifice inherently cruel, if it serves the purpose of providing sustenance for humans, aligning with the Act's

intention to prevent unnecessary suffering for animals. The legislative intent seems to permit the killing of animals under specific circumstances, as long as it is done without inflicting unnecessary pain. Moreover, judicial interpretations have expanded the scope of animal rights, through cases like Animal Welfare Board of India Vs A. Nagaraja and Ors. Where the Supreme Court incorporated non-human beings within the ambit of Article 21, the Right to Life and Liberty. This inclusion can potentially challenge laws permitting ritual sacrifice, as it brings animal welfare under the purview of fundamental rights.

The fundamental duties enshrined under Article 51A of the Constitution underscore the importance of compassion towards living creatures and the development of a scientific temper. These duties reflect a societal shift away from superstition and blind faith, as seen in practices like ritual sacrifice. The Judicial attitudes towards such practices have also evolved, with courts recognizing the outdated nature of certain traditions. In cases like Ramesh Sharma Vs State of Himachal Pradesh and N. Adithayan vs. Travancore Devaswom Board and others, courts have emphasized the need to uphold scientific temper and move away from practices rooted in superstition and ignorance. The PCA Act, along with judicial interpretations and constitutional principles, underscores the importance of preventing unnecessary cruelty to animals while also promoting scientific temper and compassion towards all living beings. This reflects a broader societal shift towards recognizing the rights and welfare of animals within the legal framework of India.

#### **CONCLUSION**

The discussion surrounding animal sacrifice and ethical treatment of animals delves into a complex interplay of religious practices, cultural beliefs, and evolving moral frameworks. Traditional religions such as Hinduism and Jainism, deeply rooted in principles of nonviolence (ahimsa) and compassion towards

all living beings, offer profound insights into ethical behaviour. These religions advocate for a harmonious coexistence with nature and emphasize the interconnectedness of all life forms.

However, the persistence of archaic rituals like animal sacrifice, particularly in the context of modern events in India, highlights the challenges in reconciling religious traditions with contemporary ethical standards. While these rituals may have historical and cultural significance, they often clash with evolving moral sensibilities that prioritize the welfare and rights of animals. The ethical dilemma arises when religious practices come into conflict with the principle of minimizing unnecessary suffering. There has been a notable emergence of vegan utilitarianism, reflecting a growing awareness of the moral implications of animal exploitation. Veganism, as a lifestyle choice rooted in ethical considerations, advocates for the reduction or elimination of animal products from one's diet and lifestyle to minimize harm to animals.

Despite varying viewpoints on animal ethics, there is a shared recognition of the need to reassess our relationship with animals and promote more humane treatment practices. This entails engaging in critical dialogue that navigates the intersection of religious teachings, cultural practices, and ethical considerations. It requires a nuanced understanding of how religious beliefs can inform ethical behaviour while also acknowledging the importance of adapting traditions to align with contemporary ethical standards. The ongoing discourse surrounding animal ethics calls for a multifaceted approach that respects diverse cultural perspectives while also upholding universal principles of compassion and respect for all living beings. This involves engaging with religious communities to foster dialogue and reflection on the ethical implications of their practices. It also requires promoting education and awareness initiatives that highlight the moral

significance of animal welfare and encourage more compassionate choices in everyday life.

Ultimately, the pursuit of ethical treatment of animals requires a collective effort to bridge the gap between tradition and modernity, religious beliefs and ethical considerations. By embracing a holistic approach that acknowledges the complexities of the issue, we can work towards creating a more compassionate and inclusive society where the well-being of all living beings is valued and protected