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## Animal sentience in Indian culture: Colonial and post-colonial changes

Commentary on [Rowan et al.](#) on *Sentience Politics*

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**Abstract:** The Indian tradition has respected animal sentience and non-injury toward all life. It is repeated consistently in Sanskrit literature and the later literature of the Jains and the Buddhists. Change came with the advent of Islamic rule followed by the British, who built slaughterhouses. The hunting of wildlife increased and several wild predator species were wiped out. The result was the series of legislations for animals which were initially proposed by the SPCAs and later by NGOs. In 1976, the Constitution of India was amended to make the protection of wildlife and compassion for living creatures a fundamental duty. However, in spite of the importance of the non-killing of animals, the meat industry for both domestic consumption and export has been growing. It is an ongoing struggle between activists, governments and the business class.

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The concept of *ahimsa* or non-injury/killing goes back to the earliest Hindu texts. The *Rig Veda* (X.87.16) condemns "he who steals the milk of the cow" while the *Yajur Veda* (XII.47) categorically states that "no person should kill animals who are helpful to all; by serving them one should obtain heaven". It is in the *Yajur Veda* also that we find the first reference to the idea of non-violence towards animals (*pashu ahimsa*). The words "*ahimsa paramo dharmah*" (non-killing is the greatest righteousness) first appear in the Upanishads. Indian literature is replete with injunctions on the importance of compassion and non-killing of animals (Krishna 2017).

In the sixth century BCE, Mahavira Jina and Gautama Buddha emphasized the importance of compassion and non-killing. Their teachings were patronized by kings and traders, so the message spread all over India, as far west as Afghanistan, northwards to Central Asia and southeast and southwards to South-east Asia and Sri Lanka. In the third century BCE, Ashoka, whose empire extended from Afghanistan in the west to Bangladesh in the east, sent missionaries to spread the message of the Buddha to Sri Lanka and China. So powerful was the movement against killing animals that the Vedic religion, which had once consisted of animal sacrifices, gave up sacrifice and Brahmins became vegetarians. Meanwhile, philosophers in South India were preaching about compassion, animal sentience and non-killing. The *Manusmriti*, which laid down the laws for the Vedic religion, was very clear on the importance of non-killing, respecting the sentience of animals, and vegetarianism as essential to reach the state of *moksha* or liberation of the soul. Animal welfare was generally equated

with vegetarianism, for the pain, fear and brutality of slaughter was regarded as the greatest form of cruelty. Many animals were represented as vehicles or friends of the Gods, a move which granted them greater security. In the 8<sup>th</sup> century CE, Adi Shankara, revered as India's greatest philosopher, preached compassion and non-killing, personally stopping animal sacrifice in several temples of India (Krishna 2018).

The advent of Islamic rule in north India changed the situation to a great extent, since the Muslims were primarily meat-eaters. But the simultaneous development of the *Bhakti* (devotion) movement in Hinduism led to a greater emphasis on kindness to animals, especially cattle, and vegetarianism. Many later Moghul and Islamic rulers also banned cow slaughter (Krishna 2010).

Everything changed with the arrival of the British. The first slaughterhouse in India (there were none until the British introduced them) was built in Calcutta in 1760 by Robert Clive, then Governor of Bengal. 30,000 animals were killed every day for the British officials and army officers. Several more slaughterhouses were set up for the British armies of Bengal, Madras and Bombay Presidencies. By 1910, there were 350 slaughterhouses (Knapp 2016). Hindus and Muslims had unanimously preserved cattle before the advent of British rule and had even mutinied together against the British Rule in 1857 when they were made to lick cartridges smeared with cow and pig fat. Now Muslims were employed in the slaughterhouses run by the British Government and were gradually led to believe that it was their religious right to eat cows.

Hunting was a major pastime of the Moghuls. There are paintings of Moghul kings killing tigers and cheetahs by the dozen. Babur decimated the rhinoceros in Punjab, while Jahangir killed over 17,000 animals, including 86 tigers and lions. Wild meats were highly prized. The Moghuls ate 35 to 40 meat dishes at a meal. After the historic Battle of Plassey in 1757, the British decreed special rewards for every predator killed. Fewer predators meant more crop cultivation and more revenue. Greater rewards were given for killing tigresses, and special prizes for killing or capturing cubs (Rangarajan 2005). Hunting was a standard recreation for the British officials. Officers even took leave in order to hunt. Madras, once called Puliur (land of tigers), was divested of every tiger, as were all the cities of India. Cheetahs were wiped out. The lions were hunted to extinction except in Junagarh, where the Nawab preserved them for his private hunt (Divyabhanusinh 2006).

The early legislations for animals in India included the Indian Penal Code (45 of 1860), which was probably the best provision for animals at the time. Other laws which followed were the Cattle Trespass Act (1871), Elephants Preservation Act (1879), the Madras Wild Elephants Preservation Act 1 (1873), the Prevention of Cruelty to Animals Act of 1890, Calcutta Hackney Carriage Act (1891), Central Provinces Slaughter of Animal Law of (1915), Madras Animal and Bird Sacrifices Prohibition Act (1950) and the Madras Animal Preservation Act (1958).

Unfortunately, while the various acts levied fines on the humans involved in cruelty to animals, there was no refuge or rehabilitation for the abused animal due to a lack of infrastructures like animal shelters and veterinarians, except pinjrapoles for old cattle and occasional animal hospitals established by maharajas and Jains.

In 1861, the first SPCA was founded in Calcutta, followed by Bombay in 1874 and Madras in 1877. The SPCAs successfully lobbied for legislation to protect animals. Unfortunately, there were also voices against animals. In 1926, Mahatma Gandhi authorized Ambalal Sarabhai, a Jain mill owner, to kill 60 dogs running around the mill premises. When the Ahmedabad Humanitarian League objected, Gandhi responded with eight long articles in *Young India*, recommending the adoption of Britain's Dog Act of 1910. "It is a sin...it should be a sin to feed stray dogs, and we should save numerous dogs if we had legislation making every stray dog liable to be shot" (Gandhi 1927).

The big change came with Mrs. Rukmini Devi Arundale, a theosophist and crusader for animal rights. As a nominated member of the Rajya Sabha (Upper House), she introduced a Private Member's Bill in 1954 to replace the Prevention of Cruelty to Animals Act of 1890. On the assurance of Prime Minister Jawaharlal Nehru who said that "it would be a pleasure of his government to take up such an important matter," she withdrew her bill. A committee was constituted by the Government of India; on the basis of its report the Prevention of Cruelty to Animals (PCA) Act 1960 was passed by the Parliament and the Animal Welfare Board of India (AWBI) was established in 1962. Mrs. Arundale was made its chairman, a post she held till her death (except for a brief period from 1980 to 1984). AWBI was a Statutory Advisory Body to promote animal welfare in India and make laws and rules therein. AWBI's primary contribution was the formation of Rules pertaining to the PCA Act of 1960 (Ramaswamy 2004) (see **Table 1**).

A subsequent important act for animals was the Wildlife Protection Act of 1972 spearheaded by Mrs. Indira Gandhi and passed by the Indian Parliament. The national survey showed that the number of tigers in India had fallen from an estimated 40,000 in 1947 to 1827 in 1972 (Sankhala (1997)). Project Tiger was launched in 1973. However, the tiger is still struggling to survive in spite of strict laws and 50 tiger reserves, up from 9 in 1973. Today, the number of tigers is still low – 2967 in a country where it once roamed in thousands. The Chinese demand for tiger bones for medicine and tiger skins is a lucrative and amoral market.

In 1976, upon the urging of Rukmini Devi, Prime Minister Indira Gandhi amended the Constitution of India (42<sup>nd</sup> Amendment) as follows:

**Article 48A.** *Protection and improvement of environment and safeguarding of forests and wildlife. The State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country.*

**Article 51A.** *Fundamental duties - It shall be the duty of every citizen of India... to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures.*

These provisions have been of great help to activists fighting against animal cruelty.

**TABLE 1: Rules Pertaining to the Prevention of Cruelty to Animals Act (1960)**

S.No.	RULE	DESCRIPTION
1	<b>Prevention of Cruelty to Animals (Draught and Pack Animals) Rules, 1965.</b>	Limits maximum loads to be carried by draught and pack animals.
2	<b>Prevention of Cruelty to Animals (Licensing of Farriers) Rules, 1965</b>	Business of farrier to be carried out with licence only
3	<b>Performing Animals Rules, 1973</b>	Any performing animal to be exhibited or trained must be registered in the prescribed form.
4	<b>Ban on Exhibition/Training of Five Performing Animals, 1998</b>	The following animals shall not be exhibited or trained as performing animals: Bears, Monkeys, Tigers, Panthers and Lions.
5	<b>Transport of Animals Rules, 1978.</b>	Valid health certificate required from qualified veterinary surgeon stating that the dogs and cats are in a fit condition to travel by rail, road, inland waterway, sea or air.
6	<b>Prevention of Cruelty to Animals (Application of Fines) Rules, 1978.</b>	Fines, after deducting cost of collection, to be made over to the Board, to be applied for financial assistance to societies dealing with animal welfare work and are recognised by the Board and for the maintenance of infirmaries, <i>pinjrapoles</i> and veterinary hospitals.
7	<b>Prevention of Cruelty to Animals (Registration of Cattle Premises) Rules, 1978.</b>	Premises in which not less than five head of cattle are kept must be registered.
8	<b>Prevention of Cruelty (Capture of Animals) Rules, 1979.</b>	No bird shall be captured for sale, export or for any other purpose except by net method and no animal shall be captured except by sack and loop method.
9	<b>Breeding of and Experiments on Animals (Control and Supervision) Rules, 1998.</b>	Breeders must be registered, with details of experiments, permission of CPCSEA for conducting experiments and controls on the performance of the experiments.
10	<b>Prevention of Cruelty to Animals (Transport of Animals on Foot) Rules, 2001.</b>	Regarding transport of animals transported by foot when the distance from the village, town or city boundary to the destination would be 5 kilometres or more.
11	<b>The Animal Birth Control (Dogs) Rules, 2001.</b>	Capture, sterilisation, immunisation and release of dogs required, thereby ending the cruelty of dog killing.
12	<b>Prevention of Cruelty to Animals (Slaughter House) Rules, 2001.</b>	No animal shall be slaughtered within a municipal area except in a recognised or licensed slaughter house and no animal which is pregnant or has an offspring less than 3 months old or is under the age of 3 months or whose fitness has not been certified by a veterinary doctor shall be slaughtered
13	<b>Prevention of Cruelty to Animals (Establishment and Regulation of Societies for Prevention of Cruelty to Animals) Rules, 2001.</b>	Every state/district authority to establish a society in every district of the state to be the SPCA in that district.

The growing realization of the cruelties suffered by animals brought about relentless campaigns by NGOs, especially the Blue Cross of India, Chennai, resulting in the following:

1. Ban on export of monkeys (used for research in the USA and Europe) – 1978
2. Ban on export of frogs' legs – 1987
3. Ban on dissection in schools – 1997
4. Ban on the Exhibition and Training of five performing animals - 1998
5. Animal Birth Control Rules (Dogs) - 2001

Mrs. Maneka Gandhi, parliamentarian and animal activist, lobbied in Parliament to pass items 4 and 5 (above).

Local dogs were feared and subjected to harsh treatment by the British who brought their own breeds, such as fox-hounds for hunting sports. The British subalterns brought bull-dogs, mastiffs and terriers. Spaniels, retrievers and greyhounds were brought for sports and many English ladies carried with them Maltese, Dachshunds, etc. (Kipling 1891) Mongrels were hunted by the British. One ex-cavalry man wrote: "Our dogs had a great dislike to the native dog. Anyhow, the barrack dogs — that is to say, those mongrels of European origin — seem to glory in a good dog hunt; and in this respect, we their masters, joined suit." British soldiers often went to hunt the dogs belonging to the local villagers (*Civil and Military Gazette* 1890), trying to replicate the British fox hunt (Sekar 2017). The Indian dog became a part of the great British massacre of Indian wildlife.

In 1860, the British introduced the killing of stray dogs by either shooting them down or in other horrible ways, such as electrocution, gassing, etc. Neckties and wallets were produced from dog skin. The reason given was rabies, which could be carried by the dogs. In 1964, the Blue Cross of India proposed a more humane and viable solution to prevent the visible increase in the number of street dogs and the number of cases of human rabies: a sustained catch-and-neuter programme coupled with vaccination against rabies. The programme was called the Animal Birth Control programme, or ABC, to show that "the control of the street dog population was as easy as ABC" (Chinny Krishna 2007). In 1995, the Blue Cross was finally able to persuade the Corporation of Madras to agree to try out ABC as an alternative to killing in a part of South Madras. As the results were beyond expectation, other NGOs joined the programme. Finally, on October 2<sup>nd</sup>, 1996, the Corporation of Madras stopped the electrocution of dogs (*Blue Cross Newsletter* 1996). The success story was repeated in Jaipur and Kalimpong. "That the ABC-AR did indeed work and was the only solution to the street dog issue was now beyond doubt" (Chinny Krishna 2007). The efforts of the Blue Cross of India were finally rewarded when the Animal Birth Control (Dogs) Rules, 2001, were passed by the Government of India on December 24, 2001.

The cow has received special veneration because of the sacred space it occupies in Hinduism, Jainism and Buddhism. The cow is equated to one's mother, hence it is called *Gau mata*. The cow has been revered since the *Rig Vedic* period and symbolizes *Dharma*, the Law of Righteousness. Although cows produce less than 50 per cent of India's milk (the buffalo produces more, with a higher fat content), it is a protected animal, with most Indian states banning cow slaughter. In fact, many communal riots are over the killing of cows. Old cows that can no longer produce milk are cared for till their death in pinjrapoles, retirement homes for cattle maintained by Hindu and Jain trusts (Krishna 2010). Today, the reverence for cows

is forgotten when intensive milk farming in gaushalas, separation of the calf from the mother and use of modern machinery and very cruel methods of milking are the order of the day. Greed is stronger than faith.

Jallikattu (bull taming) was conducted in Tamilnadu for several years. In the A. Nagaraja case, the Supreme Court held Jallikattu as cruelty to bulls. The Supreme Court under Justice K.S. Radhakrishnan gave a judgement against this sport saying that “it is not for the well-being of the animal and causes unnecessary pain and suffering, that is exactly what the Central Act (PCA Act) wants to prevent for the well-being and welfare of animals” and gave the following directions: that the rights guaranteed to the Bulls under the PCA Act read with Articles 51A(g) & (h) of the Constitution cannot be taken away or curtailed; five freedoms must be protected; AWBI and (State) Governments are directed to take steps to prevent the infliction of unnecessary pain or suffering on the animals; the person-in-charge or care of the animal shall not incite any animal to fight against a human being or another animal, and the animals must not be put to unnecessary pain and suffering; AWBI and (State) Governments should take steps to impart education in relation to humane treatment of animals; Parliament is expected to make proper amendments of the PCA Act to provide an effective deterrent; adequate penalties and punishments should be imposed; and all appeals, transferred cases and the Writ Petition were disposed of by the Supreme Court. However, following a massive public protest in Chennai against the banning of Jallikattu in Tamilnadu, the Tamilnadu Legislative Assembly passed an amendment bill for conducting the bull-taming sport without hindrance. The Supreme Court has referred to a Constitution Bench to decide whether the people of Tamilnadu and Maharashtra can conserve Jallikattu and bullock-cart races as their cultural right and demand their protection under Article 29 (1) of the Constitution.

The sentience of animals has been appreciated by all the religions born in India – Hinduism, Jainism, Buddhism and Sikhism, as well as several cults. However, the advent of Islam and the British, neither of whom revered animal life, changed the situation. Today, India produces around 6.3 million MT of meat and 75 bn eggs annually and is now the world's fifth largest egg producer and the eighteenth largest producer of broilers, exporting 2,55,686.92 MT of poultry products to the world. India produced about 4.1 million metric tons of beef and veal (buffalo meat) in 2001, of which over 1.5 million metric tons were exported. Ahimsa in Indian culture primarily meant non-killing. However, India's growing meat industry has removed the concern for animal sentience that was expressed through ahimsa and made it a hypocrisy. It was thus left first to SPCAs and later to animal welfare groups to agitate and demand a better life for animals. This remains an ongoing struggle between activists, the government and the business class.

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