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ON BLOOD, POWER, AND PUBLIC INTEREST: THE CONCEALMENT OF HINDU SACRIFICIAL RITES UNDER INDIAN LAW

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ABSTRACT

Critiques of animal sacrifice in India have become increasingly strident over the past fifteen years. In the state of West Bengal, many of these critiques center on Kālīghāṭ, a landmark Hindu pilgrimage site in Kolkata where goats are sacrificed daily to the goddess Kālī. However, while similar critiques of this practice have resulted in many Indian states pushing to ban it—or enforce previous bans of it—no such legal action has been issued in West Bengal. Instead, in 2006, the Calcutta High Court ruled that this practice must be visually concealed at Kālīghāṭ. Drawing on modernist notions of cleanliness and public space, the bench argued that the blood and offal produced by this practice creates an inappropriate visual experience for visitors at a major pilgrimage and tourist site in this city. In the act of concealing sacrifice, the Calcutta High Court follows suit with courts across India in deeming the practice unmodern. Yet the Court's orders are defied daily by practitioners at Kālīghāṭ who seek physical and visual access to sacrificed animals and their blood. They believe Kālī desires that blood, and bestows her power and blessings through it. Fault lines in Hindu conceptions of power are dramatized here. The power of the courts is pitted against the power of the gods as Hindus debate the potency, necessity, and modernity of this practice.

KEYWORDS: Hinduism, animal sacrifice, India, secularism, Kali, Calcutta, Kolkata, judicial activism, public space, tourism

Across the globe, the practice of animal sacrifice is a flashpoint for debates about rationality, power, propriety, and human-animal relations. In secular democracies like India, it is also a proxy for debates about religious freedom. Those who perform this practice are the historically marginalized populations of Muslims and low-caste Hindus. Upper-caste, upper-class Hindus frequently petition to outlaw animal sacrifice, and judges who typically derive from the same segment of the population rule in their favor. These legal actions reveal a great deal about Indian secularism and conceptions of modernity. The fact that such legal actions are defied over and again by religious adherents determined to please their god or gods reveals even more about who is served by those models of secularism and modernity. In India—as in many other parts of the world—there is a disconnect between the forms of religion considered valid and efficacious by those who make and enforce laws and those who do not.

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Kālīghāṭ is a Hindu temple and pilgrimage site in Kolkata (formerly Calcutta), the state capital of West Bengal.[1] The dark goddess Kālī resides there and is famed the world over for being particularly potent in that locale. Each day, between five and twenty goats are sacrificed to Kālī at Kālīghāṭ, and upwards of one hundred on festival days.[2] This has been going on since the known history of the temple.[3] The blood of sacrificed animals that spills onto the temple floor is a quintessential manifestation of Kālī's power in this place.

In 2005, a wealthy businessman filed a public-interest petition to the Calcutta High Court claiming that Kālīghāṭ temple's management committee was engaged in corrupt practices, thus diverting resources toward its Brahmin proprietors' pockets and away from the maintenance of a "clean" and "disciplined" temple.[4] Tucked in among complaints about the presence of dirt, beggars, and *pāṇḍās* (Brahmin ritual officiates and pilgrim guides) was a complaint about animal sacrifice. Adjudicating the case in 2006, the High Court sided with the petitioner and ordered that the sacrifice and skinning of animals could no longer take place in public view. Six years after the High Court gave these orders, walls were finally placed around the sites where these activities take place. The existing four-foot-high wall around the sacrificial enclosure was replaced with a seven-foot-high wall. In addition, a small concrete room was constructed next to this enclosure for the skinning and preparation of the sacrificed animals. Sacrificers and devotees today rarely use that room, as they prefer to have close access to the powerful blood of sacrificed animals.

The West Bengal Animal Slaughter Control Act (Act 22 of 1950) bans the slaughter of animals in the state outside regulated slaughterhouses. Article 428 of the Calcutta Municipal Corporation Act (Act 29 of 1980) repeats the same prohibition within Calcutta's city limits. However, unlike similar laws in many states across India, these make exceptions for the slaughter of animals for religious purposes. Sacrifice at Kālīghāṭ and throughout West Bengal has thus always been, and continues to be, legal.

In this article, I address why animal sacrifice has never been banned in West Bengal but is now visually concealed (at least officially), by examining the practice of sacrifice at Kālīghāṭ, debates surrounding it, and the details of the High Court's 2006 order. In particular, I draw attention to the rhetoric of propriety and power employed by various actors in these debates, including animal rights activists, middle-class citizens, judges, priests, and devotees of Kālī who engage in the practice. I demonstrate that the ruling to conceal sacrifice was a move to reform an urban space and a Hindu practice according to modernist visions of both. According to the High Court, the temple is a public space and a tourist site wherein blood constitutes dirt. But for those who engage in sacrifice, the temple is the goddess Kālī's domain, and blood constitutes a powerful and auspicious substance that must be seen and touched. In this lawsuit, then, the fault lines running through India's secularist policies are thrown into high relief. Where the High Court sees a mess, many Hindus see Kālī's power. And while the High Court issues official orders, Kālī's sovereignty reigns supreme for her devotees.

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1 Calcutta's name was changed to Kolkata in 2001 to reflect the indigenous rather than British pronunciation. Throughout the article, I use the new spelling when referring to the city after 2001. However, where institutions have retained the former spelling (the Calcutta High Court, for example), I have also.

2 Estimates vary widely. This figure is based on conversations I had with *pāṇḍās* (Brahmin pilgrim guides) and *purohits* (priests) at Kālīghāṭ, as well as my own observations over a year of fieldwork. Suchitra Samanta's estimates, based on conversations with the same groups of people, are higher: Suchitra Samanta, "The 'Self-Animal' and Divine Digestion: Goat Sacrifice to the Goddess Kali in Bengal," *Journal of Asian Studies* 53, no. 3 (1994): 779–803, at 782. The number of goats sacrificed also depends on the day. Tuesdays and Saturdays are particularly auspicious to Kālī, so numbers are greater on those days.

3 Sūrjyakumār Caṭṭopādhyāy, *Kālīkṣetra Dīpikā* [A commentary on the land of Kālī] (Bhavānīpur: Pārthiva Jantra, 1891), 80.

4 Prahlad Roy Goenka v. Union of India & Ors. (2006) Cal W.P. 24928 W (India).

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BLOOD AT KĀLĪGHĀṬ

Animal sacrifice takes place on the southern side of Kālīghāṭ temple, with a large *naṭmandir* (platform for prayer) in between the inner sanctum where Kālī resides and the sacrificial enclosure.[5] Up until 2012, the latticed stone wall around the enclosure was about four feet tall.[6] It successfully demarcated this space without concealing it at all. Before and after sacrifices, devotees file into the enclosure to partake in *stambha pūjā*, in which they bow and pray to Kālī with their heads directed either on top of or in between the two sets of sacrificial stakes where goats' necks will soon be lodged and held for sacrifice. When devotees bring a goat to offer Kālī, a priest accompanies them and guides them through Sanskrit mantras. Devotees are then cleared out of the sacrificial arena and crowd around the wall. Two members of the *bāgdi* caste take the head and the body of the goat, respectively, stretching its neck between the stakes so that another member of the same caste can perform the sacrifice in a single stroke with a ritually consecrated knife.

After the sacrifice is complete, devotees rush to touch the blood of the sacrificed animal, coming back into this enclosure or—prior to 2012—leaning over its short wall. Some gather drops of blood in glass jars to place in the corners of their home where it is thought to ward off evil. Many rush to receive a *tilak* (mark of blessing made on the forehead) of the blood.

Animals are then taken over to the southwest corner of the temple, or just outside the southern gates, to be skinned, portioned, and divided. The person or family that offered the animal stands close to the goat carcass, directing the individual charged with its preparation which parts of it they want to take home, and which parts to sell in the meat market. The exception to this process is that the head, along with some of the meat of the first goat sacrificed each day, is presented during Kālī's midday food offering.[7] When I first visited Kālīghāṭ in 2002, there was one man in that corner who prepared goat carcasses. In 2011 and 2012, when this research was conducted, there were about ten people—seemingly an extended family of men, women, and children—engaging in the preparation and selling of sacrificed goat meat. Devotees came prepared with plastic bags, ready to buy and take home some of this sanctified flesh.

The temple space is quite small. It would be very difficult to visit Kālīghāṭ and not either view or step in some small part of animal blood and flesh. Even if one does not go inside the sacrificial enclosure, one must walk on the pavement over which the goat carcasses are dragged. This has provoked some devotees to wear shoes inside the temple, only removing them to enter the *garbhagṛha* (inner sanctum) of Kālī and of the other *mūrtis* (divine embodiments) present. For those who engage in animal sacrifice, and for those who have witnessed it their entire lives, this situation is no cause for concern. It is simply what happens there.

It took the Temple Committee six years to comply with the Calcutta High Court's 2006 order to conceal the sacrifice and skinning of animals at Kālīghāṭ. It is now quite difficult to see the sacrifice through the new seven-foot wall that is taller than most people, and the latticework that is so small as to be almost opaque. It effectively blocks devotees from coming close to the sacrifice and the

5 I provide here a short description of the practice at Kālīghāṭ from my observations gathered periodically from 2002 until 2009, and then over a nine-month research period from 2011 until 2012.

6 An 1891 source indicates that there has not always been a wall surrounding the sacrificial enclosure. Due to a municipal order, which cited the *durgandhamay* (bad smell) and *bhīṣaṇ dṛśya* (horrible scene) of sacrificed goats and sheep, sacrifice was *tirohit* (made to disappear), presumably by a low wall prior to that year. See Caṭṭopādhyāy, *Kālīkṣetra Dīpikā*, 93. Ironically, as my experience at Kālīghāṭ prior to 2012 reveals, a low wall does not successfully conceal any of these things, except perhaps from children.

7 Samanta, "The 'Self-Animal' and Divine Digestion," 789.

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sacrificed animal for the collection of its blood. A very small, concrete-walled room was also erected directly next to the sacrificial enclosure so that the skinning and preparation of animals could take place there, away from the eyes of unsuspecting bystanders. In the entirety of my nine-month research period, I saw dozens of animals sacrificed and prepared. Only *one* of those preparations took place in that room. It is simply too small, and the concrete walls too restrictive, for the task at hand—particularly when the family offering the goat (sometimes up to five or six people) wants to look on as it is performed.

VEDIC AND TANTRIC SACRIFICE

The sacrifice of animals and the consumption of their meat has comprised a pivotal aspect of Hindu practice for thousands of years. Killing and eating cattle, for example, was a necessary component of Vedic rituals—central to Brahminical religion—that date back to the second millennium BCE.[8] Yet there has for nearly just as long been an ambivalence toward the practice even within the tradition, as both Heesterman and Tull have pointed out.[9] Vedic texts insist that the sacrifice of animals does not actually entail killing them, for example.[10] In some instances, animals are suffocated and not dismembered such that their death is called a "quieting" rather than a "killing."[11] The *śramaṇa* traditions of the sixth century BCE, including Jainism and Buddhism, further advocated nonviolence, and many scholars have argued that their critiques of animal sacrifice served to further Brahminical ambivalence toward it.[12] There is a great deal of debate about this practice in later Vedic texts from the fourth and fifth centuries CE onward, reflecting an increasing "embarrassment about violence in ritual."[13] In the description of animal sacrifice (*paśubandha*) in both the *Śatapatha Brāhmaṇa* and *Baudhāyana Śrauta Sūtra*, the sacrifice takes place outside the main altar, and the non-Brahmin priest who performs the sacrifice is called the *śamitṛ* (silencer). The other priests who accompany the *śamitṛ* turn away from the animal as it is killed by either suffocation or strangulation. Thus, "the killing is not only visually concealed ... it is also auditively concealed."[14] In other texts, it is forbidden altogether.[15]

8 See Brian Smith, "Eaters, Food, and Social Hierarchy in Ancient India: A Dietary Guide to a Revolution of Values," *Journal of the American Academy of Religion* 58, no. 2 (July, 1990): 177–205; Wendy Doniger, *The Hindus: An Alternative History* (New York: Penguin Press, 2009), 103–34.

9 See J. C. Heesterman, *The Broken World of Ritual Sacrifice: An Essay in Ancient Indian Ritual* (Chicago: University of Chicago Press, 1993); Herman W. Tull, "The Killing That Is Not Killing: Men, Cattle, and the Origins of Non-Violence (*Ahiṃsā*) in the Vedic Sacrifice," *Indo-Iranian Journal* 39, no. 3 (1996): 223–44.

10 In *Ṛg Veda* 1.162.21, a sacrificed horse is told, "You do not really die here, nor are you hurt." Cited in Tull, "The Killing That Is Not Killing," 225.

11 *Śatapatha Brāhmaṇa* 3.8.1.15, cited in Tull, 226.

12 See Smith, "Eaters"; Pandurang Vaman Kane, *History of Dharmaśāstra*, vol. 2, 2nd ed., (Poona: Bhadarkar Oriental Research Institute, 1974); Wilhem Halbfass, *Tradition and Reflection: Explorations in Hindu Thought* (Albany: State University of New York Press, 1991), 87–109.

13 Jan E. M. Houben, "To Kill or Not to Kill the Sacrificial Animal (Yajna-Pasu): Arguments and Perspectives in Brahminical Ethical Philosophy," in *Violence Denied: Violence, Non-Violence and the Rationalization of Violence in South Asian Cultural History*, ed. Jan E. M. Houben and K. R. Kooij (Boston: Brill, 1999), 105–84, at 123.

14 Houben, "To Kill or Not to Kill the Sacrificial Animal (Yajna-Pasu)," 117.

15 Houben, 119–124. See Smith for a recent example of animal sacrifice in a Vedic Śrauta rite in Tamil Nadu: Frederick Smith "A Brief History of Indian Religious Ritual and Resource Consumption: Was There an Environmental Ethic?," *Asian Ethnology* 70, no. 2 (2011): 163–79, at 167.

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The form of sacrifice taking place at Kālīghāṭ is not Vedic but Tantric. Kālī was incorporated into Tantric texts and rituals in the region of Bengal (that now comprises the Indian state of West Bengal and the nation of Bangladesh) around the eleventh century.[16] While Tantric texts are highly diverse, very generally speaking, they prescribe a "practical path to supernatural powers and to liberation consisting in the use of specific practices and techniques—ritual, bodily, mental."[17] That practical path includes the use of all activities and substances—including those explicitly forbidden as "impure" in other Hindu texts, including the Vedas.[18] It is thought that through the controlled consumption of meat and alcohol, for example, the practitioner can overcome the apparent duality of this world and realize its actual unity. As David Kinsley puts it, "By affirming the essential worth of the forbidden, [the practitioner] causes the forbidden to lose its power to pollute, to degrade, to bind."[19] Fierce deities like Kālī are pivotal to this Tantric path. Kālī is depicted in Tantric texts as naked, bloodthirsty, and wearing a garland of skulls, just as she is at Kālīghāṭ.[20] Kālī accepts animal sacrifices and when they are offered to her, and the blood of the animal is a necessary component of the ritual as it is considered to be extremely powerful.[21] That is why devotees at Kālīghāṭ rush to touch and collect it.

Previously, Tantric initiates would only share their secretive teachings with other initiates, due to Tantra's very powerful and potentially dangerous nature. However, in the seventeenth and eighteenth centuries in Bengal, the worship of Tantric deities came to be patronized by wealthy landholders who were eager to associate themselves with those deities' powers. Kālī worship and her associated Tantric rituals became not just tolerated by area Brahmins, but fully incorporated into Brahmanical systems of thought and ritual.[22] Kālī furthermore came to be worshipped by nonelites through the dissemination of devotional poetry that softened her image, portraying her as a loving mother.[23] In this way, Kālī worship—including the sacrifice of animals to her—became orthodox in Bengal, even as it retained its secretive and subversive character in other parts of India.[24] So while there is precedent for criticizing or expressing ambivalence toward animal sacrifice throughout South Asia and for the duration of its history, for centuries, those critiques were ignored by the most powerful Hindus in Bengal. As Rachel McDermott notes, "Almost all Kālī temples established prior to the early nineteenth century offer facilities for goat or buffalo sacrifice."[25]

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16 Rachel Fell McDermott, *Revelry, Rivalry, and Longing for the Goddesses of Bengal: The Fortunes of Hindu Festivals* (New York: Columbia University Press, 2011), 164.

17 Andre Padoux, "Tantrism," in *Encyclopedia of Religion*, 1st ed. (New York: Macmillan, 1986), 14:272–76, at 273.

18 Padoux, "Tantrism," 273. David Gordon White has argued that precolonial Tantra in fact represented the mainstream of South Asian religiosity rather than a fringe segment of it: David Gordon White, *Kiss of the Yogini: "Tantric Sex" in its South Asian Contexts* (Chicago: University of Chicago Press, 2003).

19 David R. Kinsley, "Kālī," in *Encountering Kālī: In the Margins, at the Center, in the West*, ed. Rachel Fell McDermott and Jeffrey J. Kripal (Berkeley: University of California Press, 2003), 23–38, at 30.

20 Kinsley, "Kālī," 23–38.

21 Doniger, *The Hindus*, 436–37.

22 Rachel McDermott, *Mother of My Heart, Daughter of My Dreams: Kālī and Umā in the Devotional Poetry of Bengal* (New York: Oxford University Press, 2001), 293–94.

23 McDermott, *Mother of My Heart, Daughter of My Dreams*, 294.

24 Joel Bordeaux "Blood in the Mainstream: Kālī Pūjā and Tantric Orthodoxy in Early Modern Bengal" (presentation, Annual Meeting of the American Academy of Religion, San Diego, November 22, 2014).

25 McDermott, *Revelry, Rivalry, and Longing for the Goddesses of Bengal*, 208. The practice continues throughout rural Bengal today, though not in major urban areas, except at Kālīghāṭ.

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SUPERSTITION AND SUPERSESSIONISM

That situation changed in the nineteenth century when British colonialists, Christian missionaries, and Hindu reformers introduced new critiques of the practice and reinforced existing ones. They often centered on the city of Calcutta because it was the center of the colonial project and—as of 1857—the capital of the British Empire in India. Within Calcutta, critiques often centered on Kālīghāṭ because it was the most popular temple where animal sacrifice occurred. The violence of sacrifice remained central to nineteenth-century critiques. Yet the concern was not that animals were being harmed, but that the native population that Britons sought to rule was inherently violent. In 1822, for example, the Baptist missionary William Ward was horrified and indignant at what he described as the "eager" shedding of blood he witnessed at Kālīghāṭ and the "ferocity" of those engaged in the task.[26]

To that critique was added another: that this was a backwards practice that did not reflect a modern or advanced religiosity. Church of Scotland missionary Alexander Duff likened it to Jewish sacrifice, remarking that anyone who dismisses King Solomon's sacrifice of 22,000 oxen and 120,000 sheep (referring to the book of 1 Kings in the Hebrew Bible) as exaggeration need only go to Kālīghāṭ to see that it is possible.[27] His reference to Judaism here is theologically significant in that Christians have, since the fourth century, framed their religion as one that supersedes Judaism—particularly in the area of sacrifice.[28] Christians argue that the death of Jesus was the ultimate and perfect sacrifice so that animal sacrifice demanded in Jewish scriptures is no longer necessary. Missionaries extended that view to the practice of animal sacrifice in Hinduism.

American traveler and researcher Katherine Mayo framed what she saw as the backwardness of this practice not in theological terms but in aesthetic ones. Her disgust is palpable when she writes that she sees a woman crouched on all fours lapping up the blood of a sacrificed goat in the hopes of having a child, while another soaked a cloth with the blood to tuck into her bosom—all the while, diseased dogs slurping beside them.[29] Orientalist John Campbell Oman used the words "gory" and "repulsive" to describe what he saw at Kālīghāṭ.[30]

Hindu reformers, largely drawn from the upper castes and classes and educated in westernized institutions, often followed such critiques. Writing in 1888, Bankim Chandra Chatterji for example, remarked that sacrifice was a lower form of religion from which people must "graduate" by understanding the Hindu doctrine of *ahiṃsā* (nonviolence), writing, "to graduate from violence to non-violence signifies a step in the sublimation of dharma . . . Anyway, the non-violence towards animals that the Hindu dharma preaches is an exquisitely beautiful article of faith."[31] Shib Chunder Bose set his critique in the context of intellectual rather than religious enlightenment. In 1881 he wrote of

26 William Ward, *A View of the History, Literature, and Religion of the Hindoos*, vol. 3 (London: Baptist Missionary Society, 1822), 116.

27 Alexander Duff, *A Description of the Durga and Kali Festivals, Celebrated in Calcutta, at an Expense of Three Millions of Dollars* (Troy: Caleb Wright, 1846), 13–14.

28 See Daniel C. Ullucci, *The Christian Rejection of Animal Sacrifice* (New York: Oxford University Press, 2011), 8–9. It is also worth noting that Reform, Conservative, and Reconstructionist Jewish movements also advocate leaving animal sacrifice in the past: Jonathan Klawans, "Sacrifice in Ancient Israel: Pure Bodies, Domesticated Animals, and the Divine Shepard," in *A Communion of Subjects: Animals in Religion, Science and Ethics*, ed. Paul Waldau and Kimberley Patton (New York: Columbia University Press, 2006), 65–80, at 66.

29 Katherine Mayo, *Mother India* (New York: Harcourt, Brace & Company, 1927), 6.

30 John Campbell Oman, *The Brahmans, Theists and Muslims of India*, 2nd ed. (London: T. Fisher Unwin, 1907), 5–7.

31 Bankim Chandra Chatterji, "Love for Living Creatures," in *Dharmatattva* [Principles on religion], ed. Amiya P. Sen, trans. Apratim Ray (New York: Oxford University Press, 2003), 213.

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Kālīghāṭ, "It is painful to reflect that notwithstanding the progress of enlightenment in the great centre of Indian civilization, people *still* cling to the adoration of a blood-thirsty goddess."[32] Writing in 1870 and 1890, respectively, Govind Chunder Dutt (who converted to Christianity) and Rabrindranath Tagore similarly criticized the practice as being both backward and unnecessary.[33]

Elsewhere in India, nineteenth-century reform groups like the Ārya Samāj connected their criticism of animal sacrifice to animal slaughter more broadly. Samāj leaders advocated that animals not be killed for any reason, arguing that the consumption of meat was immoral and even hardened men's souls.[34] The cow protection movement led by this group, among others at the time, argued that the killing of cows and goats in particular led to poverty (by reducing the abundance of milk and other animal products), disease, and "insalubrious gases" and was therefore immoral.[35] They argued that such results are evidence of *adharma*—that which defies the natural order. Yet those sorts of criticisms were not voiced by the most prominent reformers and intellectuals of Calcutta, where eating meat was the norm. The criticisms were instead about the alleged backwardness of killing animals for religious purposes.

RELIGIOUS FREEDOM AND RELIGIOUS NECESSITY

Yet animal sacrifice is such a deeply entrenched practice in Bengal that even in the face of all of this criticism, most Kālī temples in Kolkata allowed the practice up until very recently—if not daily, then at least during annual festivals like Durgā Pūjā. It was due to pressure from urbanized elites that it stopped at all other temples in the city at the turn of the twenty-first century.[36] To my knowledge, Kālīghāṭ is the only temple in the center of a major urban metropolis in India where animal sacrifice takes place on a daily basis. This practice continues in villages and on the outskirts of other urban areas in India, including at Kāmākhyā Temple, just outside the city of Guwahati, in Assam. However, it is extremely rare that it would continue regularly in the center of a major urban metropolis.

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32 Shib Chunder Bose, *The Hindoos as They Are: A Description of the Manners, Customs and Inner Life of Hindoo Society in Bengal* (Calcutta: W. Newman, 1881), 144–45 [emphasis added].

33 Govind Chunder Dutt, *The Dutt Family Album* (Cambridge: Chadwyck-Healey, 2000), 24 (quoted in Mary Ellis Gibson, *Indian Angles: English Verse in Colonial India from Jones to Tagore* (Athens: Ohio University Press, 2011), 192); Rabindranath Tagore "Visarjan [Sacrifice]," in *A Tagore Reader*, ed. Amiya Chandra Chakravarty (New York: Macmillan, 1961).

34 Kenneth W. Jones, *Arya Dharm: Hindu Consciousness in 19th-Century Punjab* (Berkeley: University of California Press, 1976), 169.

35 C. S. Adcock, "Sacred Cows and Secular History: Cow Protection Debates in Colonial North India," *Comparative Studies of South Asia, Africa and the Middle East* 30, no. 2 (2010): 297–311, at 302.

36 The Indo-Asian News Service reported on November 30, 2007, that the People for Animal Rights persuaded Dakṣiṇeśvar, a Kālī temple in northern Kolkata made famous by its former priest, Ramakrishna, to cease the practice through their protests in 2000. See Indo-Asian News Services, "India: Ex-Royals Stop Animal Sacrifice after Campaign," Religioscope, November 30, 2007, http://religion.info/english/articles/article_351.shtml#.V7dgMJMrK4g. The same article reported that the former royal family of Nabadwip also ceased sacrifice for religious festivals. At another major Kālī temple in the city, Karunamoyee, sacrifice was stopped in 2003. A priest of that temple relayed to me that in that year, three separate sacrifices were botched, indicating the goddess's displeasure with the practice. On one occasion, the knife bent, and on another two occasions, it took more than one stroke of the knife to perform the sacrifice. (Unless otherwise attributed, all interviews were conducted in confidentiality, and the names of the interviewees are withheld by mutual consent.)

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Kālīghāṭ's head priest, Shanti Bhattacharya, defends animal sacrifice today on the grounds that it is a Hindu tradition, based on the Dharmaśāstras. This is the same argument that was levied by the *sevāyets* (Brahmin temple proprietors, literally "those who serve" the deity) of the temple as well as the Śaṅkarācārya of Kāñci in 1935.[37] This is an interesting proposal since Kālī's worship at Kālīghāṭ is clearly rooted in Tantric texts and traditions rather than the Śāstras. Apart from the presence of animal sacrifice at the temple in which goats are beheaded rather than suffocated, devotees offer her red hibiscus flowers in recognition of her love of the color of blood, and they approach her for *darśan* (divine visual exchange) with their left hands (typically regarded as inauspicious and impure) toward her. Nonetheless, when I interviewed Bhattacharya in 2009, he and one of the temple's *sevāyets* insisted that sacrifice at the temple abided by Śāstric injunctions.[38] One wonders if it is in anticipation of moves to ban the practice that the priest employs this argument. Under colonial law, that genre was held to be authoritative by India's courts, such that if a practice was approved by the Śāstras, courts were likely to consider the practice a necessary part of the Hindu religion, as they defined it. That legacy continues in judicial interpretations of Hindu law in independent India.[39]

Bhattacharya relayed to me that to sacrifice goats according to Śāstric injunctions alone would result in a reduction in the suffering of animals throughout the city. If the only goats to die in Kolkata were those that were sacrificed, then the total number of goats killed per day would be significantly reduced. The widespread killing of animals at slaughterhouses was "unfair" and "cruel" in his estimation. He thus advocated the killing of animals only in the controlled, ritually prescribed method of sacrifice. Distinguishing good and bad methods of killing during a 2001 animal rights protest, Bhattacharya said to the press: "This is not slaughter, but sacrifice . . . . The Hindu scriptures allow the sacrifice of animals like goats before the gods and goddesses and the tradition continues."[40]

It is in fact a ritual requirement of the temple that one goat is sacrificed per day, so that the meat of that goat can be offered to Kālī at her midday meal. That tradition was initiated by the Tantric Śakta (those who worship a form of the goddess) Brahmins who first worshiped Kālī in this locale. Today, temple priests and proprietors insist that Kālī does not eat that meat. A few hundred years ago, a Vaiṣṇava (those who worship a form of Viṣṇu) family commenced proprietorship of the temple.[41] Ever since that time, Kālī at Kālīghāṭ is technically Vaiṣṇavī, meaning that she is affiliated with the god Viṣṇu and does not actually accept animal sacrifice herself.[42] The *sevāyet* I met when I was interviewing Bhattacharya stated that Kālī is "strictly vegetarian." It is her "associates," or *bhūt* (normally translated as ghosts who accompany Tantric deities) who eat the meat.

37 *An Address to Sri-Kanchi-Kama-Kotipithadhisha-Srijagatguru-Sri 1008 Sankaracharrya Srimachchandrashekharendra-Sarasvati* (Calcutta: Shevait Community of Kalighat, 1935) (This pamphlet was given to me by Dilip Haldar in 2009); S. Sambamurthy Sastri, *Paramacharya: Life of Sri Chandrasekharendra Saraswathi of Sri Kanchi Kamakoti Peetam*, trans. P. G. Sundarajan (Madras: Jana Kalyan, 1991), 106.

38 Shanti Bhattacharya, head priest of Kālīghāṭ, interview with the author, June 22, 2009, Kolkata.

39 See B. K. Mukherjea, *The Hindu Law of Religious and Charitable Trusts: Tagore Law Lectures*, 5th ed., ed. A. C. Sen (1983 repr., Calcutta: Eastern Law House, 2010); J. Duncan M. Derrett, *Religion, Law and the State in India* (Calcutta: Oxford University Press, 1999).

40 "Activists Call for Ban on Animal Slaughter for Religious Sacrifice," *Agence France-Presse*, November 14, 2001.

41 Some claim that this was the wish of Kālī herself. See, for example, Upendranāth Mukhopādhyāy, *Kālīghāṭ Itivṛtta* [The history of Kālīghāṭ] (Bhāvanīpur: Hitaiṣī Jantra, 1925), 59.

42 To see the Vaiṣṇava accommodations that have been made at Kālīghāṭ since that time, see Sanjukta Gupta, "The Domestication of a Goddess: *Caraṇa-Tīrtha* Kālīghāṭ, the *Mahāpīṭha* of Kālī," in McDermott and Kripal, *Encountering Kālī*, 60–79.

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He explained that due to Kālī's activities in the cremation grounds, she was surrounded by these *bhūt,* and *they* like blood—not Kālī.[43]

Most devotees, however, are unaware of this technicality. They offer sacrifices to Kālī specifically and believe that it is she who accepts them and, in turn, grants them her immense power to achieve whatever they desire. They are furthermore unconcerned with whether or not sacrifice is sanctioned by ancient texts. They know that it is empirically effective. It is the practice one resorts to when all other options have failed. A common refrain throughout the city is that if one *really* wants something to happen, one sacrifices *two* goats at Kālīghāṭ. This sentiment was echoed when I approached devotees offering goats to Kālī, including a smartly dressed, sari-clad Bengali woman with her husband and child. The woman told me that this would be her first time making this kind of offering to Kālī. Her father was sick and in the hospital. They had tried everything, including multiple doctors and medications, but when all of those failed, they decided to perform animal sacrifice.

The Tantric roots of this practice only add to its allure. When I lived in Kolkata in 2009, my middle-class landlady, upon hearing that I was interested in Kālīghāṭ, whispered to me with an expression of revulsion tinged with marvel, "Do they do Tantra there? I have heard it is true." This woman, like many others of her social stature, would not visit Kālīghāṭ, but has heard of its power and holds a sense of fear and awe for it. Many warned me not to go to Kālīghāṭ at night because there are *vairāgīs* and *yoginīs* who cast spells and do black magic. Another informant told me "Kālī doesn't discriminate. Whoever approaches her gets what they want. Dacoits, thugs—and we people—we all get what we want."[44] Its Tantric ambiance bolsters Kālīghāṭ's reputation as a site of fearsome power.

Now that Kālīghāṭ is the only temple in the city where animal sacrifice can occur on any given day, devotees' urge for it to continue there is even stronger. This may be the cause of the increasing size of the temple's meat market over the past decade. I was told by another *sevāyet* of Kālīghāṭ in 2011 that his guru, a Brahmin from Belur Math (the headquarters of the Ramakrishna Mission), asks him to sacrifice a goat at Kālīghāṭ on five separate occasions throughout the year.[45] The guru cannot sacrifice them at either Belur Math or the nearby Dakṣiṇeśvar Temple, but it is "Hindu custom," he insists, "so it must be done." If the temple to which he is affiliated will not allow him to carry out this necessary custom, he will find another way to ensure its enactment, if by proxy through his student.

It must also be noted that Muslims, who make up about one fifth of Kolkata's population and one fourth of West Bengal's population, engage in the sacrifice of either cows or goats, especially for the annual festival of Eid al-Adha. The Calcutta High Court has banned the sacrifice of cows on Eid based on the legal reasoning that Muslims have a theological option to sacrifice goats or camels instead.[46] However, they have not gone any further in restricting Muslim practice, and I doubt they will. West Bengal occupies a curious position vis-à-vis national politics. In most other Indian states, the Hindu nationalist Bharatiya Janata Party has come to power in recent years and implemented

43 On the annual festival of Kālī Pūjā, Kālī is worshipped as a form of the goddess Lakṣmī, the consort of Viṣṇu. At that time, goats are sacrificed not in direct line with Kālī's inner sanctum, but off to the side. Devotees offer hundreds of goats on that night.

44 Interview with the author, October 15, 2011.

45 Interview with the author, September 26, 2011.

46 State of West Bengal v. Ashutosh Lahiri (1995) AIR 464, 1995 SCC (1) 189 (India); Abhijit Das & Ors. v. State of West Bengal and Ors. W.P. No. 1378 of 2010 with Enamul Haque & Anr. v. State of West Bengal & Ors., (2010) W.P. No. 21591(W) (India). For an analysis of similar rulings elsewhere, see J. Duncan M. Derrett, "India," *International and Comparative Law Quarterly* 8, no. 1 (1959): 221–24.

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policies that are seen by many as anti-Muslim, including beef bans.[47] Narendra Modi, BJP member of the Bharatiya Janata Party and prime minister of India, has famously called this a "pink revolution." Nothing of the kind has occurred in West Bengal. Beef is openly consumed by locals of many religious backgrounds. And in response to beef bans, in 2015, Bengalis from across the religious and political spectra moved to hold a "beef festival" in Kolkata, citing the need to preserve the tolerance and unity that Hindus and Muslims in the city currently enjoy.[48]

Most Bengalis would attribute this unity to their broad cultural awareness and cosmopolitanism. It is also the case that right-wing parties oppose precisely the Tantric forms of Hinduism most deeply entrenched in Bengal, including Kālī worship and the sacrifice of animals to her. Furthermore, in state and municipal politics, Muslim votes are vital. The Communist Party's thirty-year success in the state, and now, the Trinamool Congress Party's success, relies heavily on support from Muslims. The Rashtriya Swayamsevak Sangh, a Hindu nationalist organization most active in northern India, has characterized West Bengal as being dominated by "minority-centric domestic politics."[49] While this is perhaps a little strongly stated, it is the case that the state is a far less likely place for the fostering of Hindu-nationalist politics and anti-Muslim rhetoric and actions than other parts of India.[50] It is therefore a state in which a complete ban on animal sacrifice is unlikely.

ANIMAL RIGHTS AND ANIMAL CONSUMPTION

The most vocal critics of animal sacrifice in Kolkata today are animal rights activists. Those activists oppose the practice on the grounds of its cruelty to animals, but also because it constitutes killing in the name of religion and in a public space. The latter arguments are part of a broader, less organized, but very present critique undergirding the ethos of many of the city's well-heeled citizens whose cultural inheritance comes from the aforementioned nineteenth-century Hindu reformers.

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47 While most Hindus do not consume beef because many believe cow slaughter to be prohibited according to their religion, Muslims regularly do so. On beef bans, see Christophe Jaffrelot, "India's Democracy at 70: Toward a Hindu State?" *Journal of Democracy* 28, no. 3 (2017): 52–63; Radha Sarkar and Amar Sarkar, "Sacred Slaughter: An Analysis of Historical, Communal, and Constitutional Aspects of Beef Bans in India," *Politics, Religion and Ideology* 17, no. 4 (2016): 329–51.

48 Ravik Bhattacharya, "Kolkata to Organise Beef Festival to Protest against Ban," Hindustan Times, March 27, 2015, http://www.hindustantimes.com/kolkata/kolkata-to-organise-beef-festival-to-protest-against-ban/story-wDJVMh4mxrETrYTSTUTmDK.html. Notable officials who supported the festival included the former Lok Sabha speaker Somnath Chatterjee, former mayor Bikash Ranjan Bhattacharya, Congress leader Abdul Mannam, and former Communist Party of India (Marxist) councilor of the Kolkata Municipal Corporation, Faiyaz Ahmed Khan. Nongovernmental organizations, including the Subhas Chakraborty Foundation and Paschim Banga Pratibondhi Sammelani, were slated to organize the event. It was canceled by the venue at the last minute, citing concerns that the event had become politicized. Organizers suspected a Trinamool conspiracy. Ravik Bhattacharya, "Kolkata: Meat Festival Called off as Politics Plays Spoiler," *Hindustan Times*, March 31, 2015, http://www.hindustantimes.com/india/kolkata-meat-festival-called-off-as-politics-plays-spoiler/story-UpbHdY6x6hr4CF6naVsiFL.html. The beef festival would indeed endear many Bengalis to the left-wing Communist Party of India (Marxist)—a party that had been in power in the state for thirty years running until Trinamool ousted them in 2001 under West Bengal's current chief minister, Mamata Banerjee (who, notably, resides in the Kālīghāṭ neighborhood).

49 "Kolkata High Court Bans Open Cow Slaughter on Bakrid," *IBTL*, November 6, 2011, http://www.ibtl.in/news/states/1551/kolkata-high-court-bans-open-cow-slaughter-on-bakrid/.

50 "Won't Let BJP Play Hindutva Card: Mamata Banerjee," *Indian Express*, April 14, 2016, http://indianexpress.com/article/elections-2016/india/india-news-india/bjp-playing-hindutva-card-vitiating-environment-in-west-bengal-mamata-banerjee/.

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On September 26, 2011, I sat down with Debasish Chakrabarty, the founder of Compassionate Crusaders Trust in his home office in northern Kolkata. The aim of the organization, which is associated with the Royal Society for the Prevention of Cruelty to Animals, is to reduce both the death and suffering of animals. Chakrabarty founded the organization in 1993 after he had been working to rehabilitate violent and abandoned dogs in the city for over a decade. He is vegan and speaks passionately about his love for animals. His twelve-year old chihuahua named Sputnik sat at Chakrabarty's side throughout our conversation, and Chakrabarty spoke of him not simply as a pet, but as a co-contributor to his work. The Compassionate Crusaders Trust operates animal shelters and hospitals across the city. They are also involved in international efforts, including a project with Muslims in which they worked to ban the transport of sheep in tightly packed shipping containers from Australia to Egypt. Citing the Qur'an's favorable treatment of animals, Chakrabarty was adamant in his emphasis on working with Muslim communities. His organization had previously been associated with People for Animals, but ceased that association in 2009, when its leader, Maneka Gandhi (now a cabinet minister in Modi's government), made some anti-Muslim remarks. In another example of Bengali insistence on Hindu-Muslim unity, Chakrabarty has never—and will not—protest the practice of animal sacrifice for Eid. While Chakrabarty is Hindu by birth, he made no mention of his religious orientation as something that influenced his desire to protect animals. And his sensibility regarding Muslims marks Chakrabarty and most other animal rights activists in Calcutta as distinct from members of Hindu organizations like the Ārya Samāj or the aforementioned Rashtriya Swayamsevak Sangh that target Muslims in their opposition to animal sacrifice.

Chakrabarty and his organization held a protest against sacrifice at Kālīghāṭ during the annual celebration of Kālī Pūjā in 2000. Along with two other nongovernmental organizations—People for Animals and Beauty Without Cruelty—they held a silent rally on the day that sees the highest volume of animals sacrificed. While these organizations' purported aims are to reduce cruelty to animals, cruelty was only one of the complaints they raised at this protest. They further denounced the practice as "primitive," and argued that viewing the practice desensitizes children to pain and blood, encouraging criminal behavior.[51] They suggested that a blood drive would be a more humane way to offer blood to Kālī, if that is what the goddess really wanted.[52] Sacrifice, the rhetoric went, is backward, unnecessary, and if it is allowed to happen, it ought to happen away from the eyes of innocent bystanders.

Besides changing hearts and minds, the animal rights activists had a practical agenda as well. They composed a letter to the mayor of the city, arguing that animal sacrifice at Kālīghāṭ violates municipal law. They cited Calcutta Municipal Corporation Act, Sections 302, 228, 490, and 501. They failed to note that it makes exceptions for instances of religious sacrifice. The mayor responded that he agreed the practice was "cruel," but that sacrifice is a long-standing custom so that it "is practically impossible to weed it out overnight." He continued, "little can be achieved through the legal route" unless "people and the authorities concerned become more conscious."[53] This is a telling comment coming from a city official. He does not think that the peoples' consciousness on the issue is sufficiently changed such that they are ready for a ban of sacrifice. He is therefore unwilling to use legal means to restrict it at this moment.

In 2001, the Society for Prevention of Cruelty to Animals launched another protest against the slaughter of animals at temples. The head of that organization again called the practice "primitive." A member of the Dakṣiṇeśvar Temple Trust (another temple dedicated to Kālī on the northern side

51 Subhro Saha, "Crusade against Animal Sacrifice at Kalighat," *Telegraph India*, October 24, 2000.

52 Sujoy Dhar, "India: New Year Brings Cheer to Animal Rights Groups," *Inter Press Service*, January 2, 2001.

53 Saha, "Crusade."

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of Kolkata) maintained that it would adopt a resolution against the slaughter of animals in the name of religion, and would appeal to the government to ban it.[54] Those appeals did not result in any changes.

Activists' language regarding the backward and unnecessary nature of sacrifice echoes the concerns I heard expressed by dozens of the city's middle-class residents who explained to me during my fieldwork that only uneducated, low-caste, and rural people engaged in the practice. They explained that this was a practice of backward people still steeped in superstition, not attuned to the contours of modern and rational Hinduism. They looked on with embarrassment as their fellow citizens rushed to gather drops of sacrificed goats' blood at Kālīghāṭ, as described above, and they hoped that I—a foreign researcher—would not think ill of Hinduism because of it.

Yet many of my middle-class informants speculated that their friends and neighbors engaged in the practice from time to time, in secret. While they did not admit to doing so themselves, they insinuated that others asked their cooks and cleaners to go to Kālīghāṭ and make offerings for them. Suchitra Samanta makes similar speculations in her article about sacrifice at Kālīghāṭ. She writes, "most of my own informants held a deep, often implicit belief in the power and efficacy of *bali* [animal sacrifice], attested to by their (sometimes secret) offerings of *bali* in times of crisis."[55] Her middle-class informants would publicly deny going to Kālīghāṭ and denounce the violence of animal sacrifice, but many of them actually did offer goats to Kālī.

Uniting most of the middle-class citizens who oppose sacrifice and those who engage in the practice—including Brahmins—is the consumption of meat. Bengal's Tantric heritage and deltaic terrain mean that the consumption of goat meat and fish are widespread in that region. West Bengal in fact leads the country in the production of meat.[56] Shanti Bhattacharya relayed to me that he eats the meat of goats sacrificed at Kālīghāṭ because it is not just any meat, but *prasād* (blessed food). He will not consume onions or garlic because such foods are *rajasik* (those which inflame passions). But goat meat from a sacrifice is *sattvik* (pure). Observant Vaiṣṇavas in Bengal are typically vegetarian, but many of them will still consume fish. Among upper-caste Bengali Hindus in general, fish is regularly consumed inside the home. Consumption of chicken, mutton, and even beef is also becoming more normalized among Kolkata's middle-class citizens of all castes as restaurants become accessible to wider segments of the population, and as advertising popularizes such consumption.[57] Eating meat, then, is not a sign of low-caste or Muslim status in Bengal as it is in many parts of India. It is one of the markers of a specifically and proudly *Bengali* identity, which sets those native to this region apart from Gujaratis, Tamils, and Hindus from other regional populations.[58] As such, the killing of animals in West Bengal in general is not cause for a scandal, except among its relatively few animal rights activists. Instead, middle-class citizens more generally feel that slaughter *in the name of religion* is a problem because it is "primitive."[59]

54 "Activists Call for Ban."

55 Samanta, "The 'Self-Animal' and Divine Digestion," 783.

56 Samiparna Samanta, "Calcutta Slaughterhouse: Colonial and Postcolonial Experiences," *Economic and Political Weekly* 41, no. 20 (2006): 1999–2007, at 2006.

57 Henrike Donner, "New Vegetarianism: Food, Gender and Neo-Liberal Regimes in Bengali Middle-Class Families," *South Asia: Journal of South Asian Studies* 31, no. 1 (2008): 143–69, at 162–63.

58 Donner, "New Vegetarianism," 149.

59 This is the same logic as that employed by the City Council in Hialeah, Florida, in the famous American case dealing with practitioners of Santería: Church of the Lukumi Babalu Aye, Inc. v. Hialeah, 508 U.S. 520 (1993). See Steven Wise, "Animal Law and Animal Sacrifice: Analysis of the U.S. Supreme Court Ruling on Santería Animal Sacrifice in Hialeah," in *A Communion of Subjects: Animals in Religion, Science and Ethics*, ed. Paul Waldau and Kimberley Patton (New York: Columbia University Press, 2006), 585–87. The Hialeah City Council banned the

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THE COURTS' CONCEALMENT

I return to the particulars of the 2005–2006 court proceedings. While the High Court bench is silent about its justifications to conceal sacrifice, its judgment reveals that—like animal rights activists and middle-class citizens—they deem the practice unmodern. Prahlad Roy Goenka, the individual who filed the lawsuit against the Kālīghāṭ Temple Committee, is a wealthy businessman who lives in a southern neighborhood of Kolkata. When we spoke in 2011, he identified himself to me a Kālī devotee and Marwari (an ethnic group originating in the west Indian state of Rajasthan) whose family had been visiting Kālīghāṭ ever since his father migrated to the area.[60] His name reveals that he is Jain, though he did not identify himself as such to me. For many Jains, visiting Hindu temples is not an uncommon practice. Animal sacrifice, however, is anathema to Jain ideals.[61] Goenka did not specifically request the eradication of the practice in his lawsuit, even though he conveyed to me that he personally disapproves of it. He is likely aware of the perception, held by some Bengalis, that he is seeking to change Bengali culture through his efforts to change the temple. Instead, he stated to me his desire to improve the temple for all who visit Kālīghāṭ, and not just Marwaris like himself. For this reason, the issue of sacrifice was downplayed in his suit. Issues of *sevāyet* mismanagement and the temple's uncleanliness, instead, were paramount.

The suit Goenka filed was a public-interest petition (referred to widely in India as a PIL). This legal technology originated in the 1970s in order to allow citizens to approach the nation's courts on behalf of the public, regardless of whether that individual citizen's personal rights had been violated.[62] This allows publicly minded individuals to beseech the courts on behalf of the disenfranchised. Judges then choose which cases are worthy of merit and hear them accordingly. Legal scholar Surya Deva notes that most of the public-interest petitions filed in the decade after this legal technology's instantiation were on behalf of disenfranchised peoples.[63] However, in the 1990s, most public-interest petitions were be filed, instead, in the name of good governance and the improvement of the environment. Increasingly, specialized lawyers and nongovernmental organizations are filing these kinds of petitions. Many scholars have noted that this legal technology introduces the possibility of judicial activism as judges can take on whatever cases they deem worthy.[64] Public-interest petitions also open the possibility for the promotion of middle-class interests,

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practice because they deemed the killing of any animal without the explicit intention of consuming it as unnecessarily cruel, even if the animal were consumed after being ritually killed. They were not seeking to do away with animal consumption but to decouple that practice from that of religious worship. Thus, as Jonathan Klawans argues, "The elimination of sacrifice is not an ethical development, but an aesthetic one," and as such, animals are not necessarily better off. Klawans, "Sacrifice in Ancient Israel," 65. The Hialeah City Council's ban was later overturned by the Supreme Court on the grounds that the order unfairly singled out the Santería community on the basis of their religion. In the United States, as in India, the Constitution does not guarantee the right of religious communities to practice animal sacrifice under all circumstances.

60 Prahlad Roy Goenka, interview with the author, November 23, 2011, Kolkata.

61 Paul Dundas, *The Jains*, 2nd ed. (New York: Routledge, 1992), 15.

62 See P. D. Mathew, *Public Interest Litigation* (New Delhi: Indian Social Institute, 1996), 310. See also Saharay Madhusudan, *Public Interest Litigation and Human Rights in India* (Allahabad: Premier Publishing, 2000), 72–73.

63 Surya Deva, "Public Interest Litigation in India: A Quest to Achieve the Impossible?," in *Public Interest Litigation in Asia*, ed. Po Jen Yap and Holnig Lau (London: Routledge 2010), 57–79, at 62.

64 See Deva, "Public Interest Litigation in India." See also S. P. Sathe, *Judicial Activism in India: Transgressing Borders and Enforcing Limits* (New Delhi: Oxford University Press, 2002); Anuj Bhuwania, "Courting the People: The Rise of Public Interest Litigation in Post-Emergency India," *Comparative Studies of South Asia, Africa and the Middle East* 34, no. 2 (2014): 314–35.

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as it is particularly men and women of this background who both file and adjudicate them.[65] Goenka's is one of many public-interest petitions that have been filed against the Kālīghāṭ Temple Committee since 1998. Each of those petitions claims that the committee's neglect of Kālīghāṭ's physical environment is against the interests of the public.[66] Aligning well with Deva's periodization cited above, these petitions have worked to create a "clean" worship environment that they allege everybody desires and to which they are all entitled.

The bench of the Calcutta High Court responded to Goenka's suit in 2006. That it could do so, and issue orders to Kālīghāṭ's Temple Committee, reflects Indian courts' ability to intervene in religious affairs when they deem the public good—however they define it—to be at stake.[67] While India's constitution guarantees freedom of religion, that freedom is subject to public order, morality, and health. Bans on sacrifice throughout the country, as well as mandates to allow Hindus of all castes into temples[68] or to impose a particular form of education on temple priests[69] are examples of courts intervening specifically in the religious affairs of temples, using the language of public order or public morality. Through their response to Goenka's lawsuit in 2006, initiated in the name of the "public," the Calcutta High Court once again asserted its right to defend the public good at the temple. Kālīghāṭ's traditional authorities and prescriptions were once again subordinated to the power of the courts.

Judges issued multiple orders to the Temple Committee pertaining to two broad themes: the cleanliness of the temple environment and the security of its devotees. The sight of animal sacrifice was categorized as one of six examples of "uncleanliness" that the court sought to rectify. Those six included: slippery and dirty floors in the *garbhagṛha* caused by flowers that fall on the ground that are not cleaned up; devotees' wearing of shoes within the temple compound; people entering the temple without proper screening; the presence of beggars; a lack of water taps; and the sacrifice and skinning of animals taking place in public view. The Kālīghāṭ Temple Committee was directed by the court to attend to each instance according to specific guidelines. Article 13 of the judgment treats the matter of sacrifice:

> Traditionally the sacrifices are made before the Deity of the animals and it is a common experience that the skinning is done. It is directed that the skinning shall not be done in the public view. The sacrifices also shall

65 See Deonnie Moodie, "Kālīghāṭ and the Fashioning of Middle Class Modernities," in "Where Class Meets Religion: Examining Middle-Class Religiosity in India," ed. Joanne Waghorne, special issue, *International Journal of Hindu Studies* 23, no. 1 (2019): 11–26.

66 See Kaṇād Dāsgupta, "Kālīghāṭ Kelenkāri Niye Ebār Janasvārtha Māmlā [Now, a public- interest lawsuit in the Kālīghāṭ scandal]," *Pratidin*, May 12, 1998; Prahlad Roy Goenka v. Union of India & Ors. and Suravi Bose & Ors. v. Union of India & Ors. (2012) C.A.N. 4491 (India).

67 Kālīghāṭ was officially declared a public temple through a series of lawsuits that ended in the Supreme Court of India in 1961. See Deonnie Moodie, *The Making of a Modern Temple and a Hindu City: Kālīghāṭ and Kolkata* (New York: Oxford University Press, 2018), 67–98. The court's use of the term *public* justifies its intervention in temple affairs at Kālīghāṭ, as at most other temples in India. On Indian law regarding public religious and charitable institutions, see Mukherjea, *The Hindu Law*. On the legal regulation of Indian publics, particularly as they relate to religion, see J. Barton Scott and Brannon D. Ingram, "What is a Public? Notes from South Asia," *South Asia: Journal of South Asian Studies* 38, no. 3 (2015): 357–70. On legal interventions into religious matters, see Daniela Berti and Raphaël Voix, eds., *Filing Religion: State, Hinduism, and Courts of Law* (New Delhi: Oxford University Press, 2015).

68 Marc Galanter, "Temple-Entry and the Untouchability (Offences) Act, 1955," *Journal of the Indian Law Institute* 6, no. 2/3 (1964): 185–95.

69 C. J. Fuller, *The Renewal of the Priesthood: Modernity and Traditionalism in a South Indian Temple* (Princeton: Princeton University Press, 2003), 80–113.

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> not be done in the public view. For this purpose the concerned authorities can make a proper arrangement in consultation with the local police. This could be achieved by keeping Gate No. 5 open so that the raised cemented area (chatal) can be utilized for this purpose in front of gate no. 5.[70]

These five sentences comprise the only official language of this ruling regarding sacrifice.[71] The court offers no justification for the concealment of animal sacrifice and skinning. It is as if the necessity of removing sacrifice from public view were self-explanatory.

In the aftermath of the judgment, the *Hindustan Times* cited "municipal law" as a justification for this particular part of the Court's ruling—the same law that animal rights activists invoked back in 2000.[72] As mentioned in the introduction to this article, that law allows exceptions for religious purposes. According to Article 428 of the Calcutta Municipal Corporation Act, the municipal commissioner is responsible for making decisions about those exceptions. However, there is no indication whatsoever that the municipal commissioner was part of this legal ruling regarding Kālīghāṭ in 2006. Thus, the High Court Bench was not simply following or enforcing municipal law with their order.

It is in the judges' classification of blood as "dirt" that their justification for concealing sacrifice is to be found. The blood of sacrificed goats is not an impure substance at Kālīghāṭ, according to the traditional temple system. It is in fact an auspicious and powerful fluid completely appropriate to Kālī's abode. Judges, however, regard blood as *inappropriate* to the temple because they define the temple as a tourist site that members of the public visit. The same *Hindustan Times* report cited above also recorded a quotation from the two justices of the High Court bench: "the Kalighat temple [is] a tourist destination and visitors could not be forced to watch the bloodbath."[73] "How," the quotation went on, "can a tourist be exposed to this?" Articles 20 and 21 of the judgment state explicitly, "this temple is not only important as a temple or as a Saktipith [seat of the goddess] but it is also a tourist spot. Everyone coming to Kolkata normally visits Kalighat."[74] In other words, the temple is open to the public at large. The Court rules, accordingly, that it must protect the public's needs at the temple. Kālīghāṭ does indeed don the "must see" list of virtually all Kolkata tourist guides, and has done so since the very first guidebooks to the city were composed.[75] It is a "top pick" on the Lonely Planet's guide to Kolkata and ranks first on the list of Kolkata attractions on the government's Incredible India tourism website.[76] Kālīghāṭ will linger on the minds of those who visit the city, and judges do not want blood and flesh to be part of those memories.

70 Prahlad Roy Goenka v. Union of India & Ors. (2006) Cal W.P. 24928 W (India).

71 Note that the court left the decision about the means of concealing sacrifice and skinning to the Temple Committee and the police (who are presumably then charged with enforcing this court order). The suggestion of the High Court to keep Gate No. 5 open may have been a suggestion to skin animals outside the walls of the temple.

72 "Court Ruling on Animal Sacrifice Bolsters Activists," *Hindustan Times*, September 21, 2006, http://www.hindustantimes.com/india/court-ruling-on-animal-sacrifice-bolsters-activists/story-aOWUX1ajguzQVirmEJbaoO.html.

73 "Court Ruling on Animal Sacrifice Bolsters Activists."

74 Prahlad Roy Goenka v. Union of India & Ors. (2006) Cal W.P. 24928 W (India). In the same judgment, the Court ordered the Temple Committee to allow the building of a tourist facility that was proposed and funded by a non-governmental organization in conjunction with the West Bengal Tourism Development Corporation. International Foundation for Sustainable Development, "Kalighat Redevelopment Project," International Foundation for Sustainable Development, accessed August 15, 2013, http://ifsdindia.com/enterprise.html.

75 See, for example, James Blackburn Knight, *Handbook to Calcutta* (Calcutta: W. Newman, 1875); Upendranāth Mukhopādhyāy, *Kalikātā-Darśak* [Kolkata visitor] (Kolikātā: Nūtan Kalikātā Jantra, 1890).

76 See "Attractions," Lonely Planet, accessed November 7, 2018, http://www.lonelyplanet.com/india/kolkata-calcutta/sights, and "Kolkata Tour," Incredible India, accessed July 18, 2019, http://www.incredibleindia-tourism.org/pilgrimage-tours/kolkata.html

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We might ask what tourists or "public" these judges have in mind. Those from rural West Bengal or neighboring states like Jharkhand, Bihar, and Assam, where this practice occurs frequently, would not find the sight of sacrifice strange or inappropriate. The judges must instead imagine people like themselves—urban, middle-class Indian (and foreign) tourists who share their own discomfort with the sight of blood. For those visitors, blood is "dirty" in Mary Douglas's sense of "matter out of place."[77] It does not belong at a tourist site, a public space, or a religious site.

REFORMING PUBLIC SPACES AND HINDU PRACTICES

Removing the flesh and blood of animals from highly populated urban public spaces has been a part of modernist projects of city building for at least two centuries. Since the nineteenth century, urbanites who are far removed from the processes of farming and butchering have wanted to eat meat, but they have not wanted to see it being processed.[78] The death of animals is tolerated, but *seeing* death in the modern city is not. When municipal officials across Europe and India worked to remove slaughter from public spaces, they cited concerns that open slaughter was "unhygienic" and that viewing it would "normalize" violence.[79] In India, such moves were tied up in the restructuring of urban space into public and private—a division quite foreign to the Indian landscape up until that point.[80] The construction of slaughterhouses removed the killing of animals from the innocent eyes of city-dwellers, moving it to the outskirts of cities and surrounding it with walls. Likewise, butchers' shops that sold meat in city centers were made to hide animal flesh behind doors and curtains.[81]

This is precisely what the High Court ordered Kālīghāṭ's authorities to do. They characterized Kālīghāṭ as a public space—explicitly a "tourist spot" that "everyone" visits—such that the sight of blood and flesh was deemed as inappropriate there as any other public space in the city. Animal sacrifice is still allowed, even within the city limits where offal might contaminate water sources, but it must be covered up so that no one is forced to see it. While the Court did not employ the language of modernity in their order, its ruling conveys that it operated according to a modernist understanding of public space, and possibly according to a modernist understanding of Hinduism.

It is unsurprising that in the twenty-first century, calls for the concealment of blood come in the form of calls to create an environment amenable to the public's needs. Awadhendra Sharan argues that "environment" has become the new "master trope for configuring contemporary Indian cities," replacing "sanitation" which had been in vogue in the nineteenth and twentieth centuries.[82] At that time, practices that posed a perceived moral threat to urban life were deemed unsanitary and therefore subject to control. Sharan warns that a wholesale adoption of new laws and

77 Mary Douglas, *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo* (1966; repr., London: Routledge, 2002).

78 Samanta, "Calcutta Slaughterhouse," 2006.

79 Paula Young Lee, "Siting the Slaughterhouse: From Shed to Factory," in *Meat, Modernity, and the Rise of the Slaughterhouse*, ed. Paula Young Lee (Durham: University of New Hampshire Press, 2008), 46–70, 50–52.

80 See Dipesh Chakrabarty, "Open Space/Public Place: Garbage, Modernity and India," *South Asia: Journal of South Asian Studies* 14, no. 1 (1991): 15–31; Swati Chattopadhyay, *Representing Calcutta: Modernity, Nationalism, and the Colonial Uncanny* (London: Routledge, 2005).

81 Awadhendra B. Sharan, *In the City, Out of Place: Nuisance, Pollution, and Dwelling in Delhi, c. 1850–2000* (New Delhi: Oxford University Press, 2014), 98–100.

82 Sharan, *In the City, Out of Place*, 1.

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regulations in the name of environment threatens to do the same. Conversations about the environment must take into account what kinds of risks a society is willing to take, and to what extent they want their government to limit those risks for each individual.[83] This is becoming increasingly important as the Supreme Court has begun to interpret the constitutional right to "life and personal liberty" as the right to a pollution-free environment.[84] In the case of Kālīghāṭ, the High Court interprets a material that is both auspicious and necessary to the ritual life of the temple as violating visitors' right to a clean environment.

The judges' orders not only sought to cleanse the physical spaces of Kolkata according to a modernist agenda.[85] They also limited the forms of Hinduism deemed appropriate to a Hindu temple. It is difficult to ascertain whether or not these particular judges shared the view of Tamil lawmakers in 1950 when they banned sacrifice in that state, calling it a "blot on Hindu religion."[86] My middle-class interlocutors who continue to eat meat but criticize sacrifice would certainly agree with the Tamil lawmakers on that point, but I have no evidence that the Calcutta High Court's aim was to conceal a practice they deem unsuitable to Hinduism per say. However, whether or not it was their stated or felt intention, their ruling vis-à-vis this temple does effectively place limits on a Hindu practice taking place there. While they did not ban the practice, they limited it to such an extent as to render it nearly impossible for practitioners of sacrifice to perform that ritual that requires both visual and physical access to blood. The High Court's cleansing of a public urban space, then, resulted in the official curtailment of a religious practice.

CONCLUSIONS

Why there have not been serious moves by petitioners or courts or even lawmakers to ban animal sacrifice in West Bengal remains an open question. Is it because Kālī worship, which is rooted in Tantric practices, is endemic to the culture of the state? Is it because communal harmony between Muslims and Hindus relies on the continuance of the practice? Is it because most people actually believe in its efficacy, whether or not they approve of it in public or not? Or is it because—like animal slaughter—it is culturally acceptable in Bengal and needs only to be covered up to be tolerated?

It also remains to be seen whether or not the concealment of this practice has the effect of delegitimizing it. Anthony Good argues that the 1950 ban of animal sacrifice in Tamil Nadu was a move to delegitimize the practice—to let practitioners know that this ritual was inferior to modern Hinduism.[87] Even so, the practice is once again legal in that state because of the pressure exerted by Dalits and Backwards Classes who most frequently perform it. The concealment of sacrifice at Kālīghāṭ may have the same effect. It allows the High Court and the city's elite to express their disdain for a practice they deem backward. Hindus who continue to sacrifice animals are confronted with physical evidence of that opinion every time they enter Kālīghāṭ. The walls communicate to them that the law disapproves of their practice. They in fact have to break the law in order to

83 Sharan, 222.

84 Sharan, 215.

85 On modernist notions of cleanliness in Kolkata, see Chakrabarty, "Open Space/Public Place"; Sudipta Kaviraj, "Filth and the Public Sphere: Concepts and Practices about Space in Calcutta," *Public Culture* 10, no. 1 (1997): 83–113.

86 M. S. S. Pandian, "Dilemmas of Public Reason: Secularism and Religious Violence in Contemporary India," *Economic and Political Weekly* 40, no. 22/23 (2005): 2313–20, at 2316.

87 Good, "Animal Sacrifice and the Law in Tamil Nadu," (presentation, "Animal Sacrifice on Trial: Cases from South Asia" (workshop, Centre national de la recherche scientifique, Paris, June 22, 2015)).

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perform sacrifice in the way they desire. Yet, as is the case in Tamil Nadu, I highly doubt that men and women in West Bengal will cease a practice they are convinced is efficacious, no matter what the law demands. For them, Kālī's power—transmitted to them through the blood of sacrificed animals—is a surer, more potent, and more frightening power than that of the courts whose orders they flout with alacrity.

Another possibility is that the concealment of sacrifice will in fact enhance its allure. As Hugh Urban has argued, secrecy is a discursive strategy employed particularly in Tantric traditions that restricts access to certain ideas and practices so that the value of those ideas and practices increases.[88] Concealing a ritual like sacrifice makes it mysterious—a secret whose details people want to know and share subversively in hushed tones. Concealment puts sacrifice on the "black market" of power—making it illicit and "heightening its aura of transgressive power and erotic allure."[89] Ironically, then, the High Court's ruling may just increase the appeal of sacrifice in the same idiom of the Tantric tradition in which it is rooted.

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88 Hugh Urban, *The Economics of Ecstasy: Tantra, Secrecy, and Power in Colonial Bengal* (Oxford: Oxford University Press, 2001). I am grateful to Raphaël Voix for this suggestion.

89 Urban, *The Economics of Ecstasy*, 213–14.

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