

THE COLONIAL HISTORY OF TROPHY HUNTING AND THE PRESENT LEGAL REGIME PROHIBITING TROPHY HUNTING IN INDIA

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Abstract

The recent joint position paper by 137 animal right groups to prohibit Trophy Hunting has renewed the debate around the tradition of the trophy hunting and its colonial past. The tradition of trophy hunting as different from the hunting traditions of the natives has been demonstrated by giving the examples from India. The paper further discusses the formation of rules of hunting that originated in Europe and surmounted in the colonies of the East. These rules asserted the colonizers supremacy and superiority over the colonized. By giving example from the India, the article shows that most of these rules were framed as a knee-jerk reaction to conserve the diminishing game population. After the independence, initiatives were taken by Indian Government to restore the irreparable lost caused to the ecology. The recent joint position paper must lead the European and US government to implement strict laws prohibiting trophy import.

Keywords: Trophy Hunting, Colonial History, Animal Rights, Wildlife Conservation, Ecological damage in Colonial Inida

A. Introduction

In July, 2022, 137 conservation and animal protection groups from all over the world, including 45 NGO's from African nations, have release a 'joint position paper' in which they condemn trophy hunting and call on decision-makers to outlaw imports and export of hunted animals.¹ The paper noted that trophy hunting is one of the worst ways to exploit animals and is neither morally right nor environmentally sustainable. It is unacceptable that the exploitation of animals for the sole purpose of obtaining a hunting trophy is still lawful and that trophies may still be legally imported in light of the man-made global biodiversity catastrophe.²

Another report published by Human Society International/Europe found that the US and the EU have been the biggest importers of the trophy hunting.³ Between 2014 and 2018, 73 species that are globally

¹ Joint Position on Trophy Hunting, July 2022, available at: < https://www.hsi.org/wp-content/uploads/2022/07/Joint-NGO-position-on-trophy-hunting_final-Logos.pdf> last visited on 14 July 2022.

² Myanna Dellinger, Trophy Hunting Contracts: Unenforceable for Reasons of Public Policy. 41, Colum. J. Envtl. L., 2016, p. 395.

³ Human Society of the United States, "European Union is the world's second largest importer, behind the United States, of hunting trophies of internationally protected species, new report shows" available at: < <https://www.humanesociety.org/news/european-union-worlds-second-largest-importer-behind-united-states-hunting-trophies>> last visited on 14 July 2022.

protected saw approximately 15,000 hunting trophies, or around 3,000 trophies annually, including critically endangered black rhinos, African lions, and elephants.⁴ Additionally, polar bears that are considered vulnerable to extinction as well as zebras, cheetahs, and Asia's near-threatened Argali sheep were transported. 52 percent of all imported trophies come to Germany, Spain, and Denmark.⁵ The EU imported trophies obtained from 889 African lions over the five-year study period, 229 of which were wild lions similar to Cecil. After the US included the African lion in its Endangered Species Act, the EU surpassed the US as the world's top importer of captive-bred lion trophies starting in 2016.⁶

Additionally, the EU exports hunting trophies, including those of exotic and domestic species that are legally protected by the EU Habitats Directive. Brown bear, Barbary sheep, African leopard, hippopotamus, Hartmann's mountain zebra, grey wolf, and African elephant were the top prizes shipped from the EU. Romania, France, Spain, Denmark, and Croatia topped the list of EU Member States exporting mammal trophies from both EU and non-EU species.

A few European nations have made modest efforts to prohibit the imports of hunting trophies. In 2015, France outlawed the import of lion trophies.⁷ Over 200 species of trophy imports were outlawed in the Netherlands in 2016. The Finnish Parliament proposed a motion in March of this year asking for a ban on the import of trophies.⁸

The UK's now ousted Prime Minister said in February 2021 that his country would no longer allow the import of trophies but the decision was halted after huge uproar by the British locals.⁹

While the western Europe and US may pride may themselves as being nations that promote animal welfare and biodiversity preservation at the International level, their laws and practises have made it possible for European and American trophy hunters to fly overseas, kill endangered animals, and bring back gruesome prizes.¹⁰ This is happening even today, without any legal consequence. We cannot permit the slaughter to go on while so many species are in danger of going extinct.

B. REASONS OF POPULARITY OF TROPHY HUNTING

The Trophy Hunting has a rooted part of pride and privilege of the foreigners. In Colonial India, hunting was a genuine "regal sport" in the various princely kingdoms of the Indian subcontinent throughout the feudal and colonial eras since many (Maha)rajahs, Nawabs, as well as British commanders, kept a whole corps of shikaris, who were local professional hunters. They would be commanded by a huntsman with

⁴ Ibid

⁵ Ibid

⁶ Pervaze A. Sheikh and Lucas F. Bermejo, "International trophy hunting." *Congressional Research Service, Washington DC*, 2019.

⁷ Stefan Carpenter and David M. Konisky, "The killing of Cecil the Lion as an impetus for policy change" 53.4, *Oryx*, 2019, pp. 698-706.

⁸ Elke Hellinx and Jan Wouters, "An International Lawyer's Field Guide to Trophy Hunting." 23.1, *Journal of International Wildlife Law & Policy*, 2020, pp. 1-26.

⁹ Trophy Hunting Imports Ban: Endangered Species, volume 702 debated on 3 Nov 2021, Hansard House of Common, UK Parliament, available at: < <https://hansard.parliament.uk/commons/2021-11-03/debates/360B22E0-E3C3-4776-8C1C-1D1B0B0F58EA/TrophyHuntingImportsBanEndangeredSpecies> > last visited 14 July 2022.

¹⁰ Johnny Rodrigues and Zimbabwean Conservation Task Force, "The myth of trophy hunting as conservation", *Harare: Zimbabwe conservation task force. A league against cruel sports submission to environment minister, Elliott Morley MP*, 2004.

the possible name of Mir-shikar.¹¹ Due to their customary expertise in the local environment and hunting methods, individuals were frequently recruited from the generally low-ranking indigenous tribes. An elephant may be used to hunt large animals, such as Bengal tigers. Southern and central European sport hunters frequently went after prey in the 19th century simply to bring home a trophy, generally the animal's head or fur, which was subsequently exhibited as a badge of honour. Usually, the remainder of the animal was thrown away. However, such waste is not acceptable in certain societies. Hunting for trophies was, and still is, frowned upon in Nordic nations. Although it is currently predominantly done for fun, hunting was primarily done in North America in the 19th century as a method to supplement food supply. Safari hunting was a development of sport hunting that involved extensive travel to locations like Africa, India, and other countries in search of trophies. Trophy hunting is still practised today and is a substantial industry in several countries.¹²

C. COLONIAL HISTORY OF TROPHY HUNTING IN INDIA

It is also not correct to state that trophy hunting is rooted in colonial history and it was not practised in Indian sub-continent and Africa before the arrival of western Europeans. Hunting in South Asia has a long history of symbolic practice in the governance of the society.

A large number of horses and elephants, legions of warriors, courtiers, noblemen, soldiers, and common peasants made up the coterie.¹³ As many Maharajas and Nawabs had a full corps of shikaris, who were local professional hunters, the hunt, or shikar, was regarded as a regal sport among the various princely realms. In most cases, a monarchy gave the king the privilege of firing first. Numerous studies reveal parallels between older European and Asian royal hunts, which differed greatly from colonial raj practices in India in terms of their material form and symbolic significance.¹⁴

British sportsmen became an indirect means of imposing Western civilization on native peoples through hunting, signifying the triumph of European culture over nature. Thus, hunting offered a constant channel for cooperation and engagement between coloniser and colonised.¹⁵ The colonial encounter gave the British and Europeans the chance to go hunting in a way that wasn't quite as artificial as it had become in England. For the sportsmen, personally, the promise of a distinct and breathtaking experience was one of the key draws and motives for hunting in addition to gaining trophy heads.¹⁶ But hunting also developed into a platform for sportsmen to exhibit nationalism, which in the context of colonialism was entwined with conceptions of a masculine character of the British sportsman.¹⁷ Although the

¹¹ C McKenzie, "The British big-game hunting tradition, masculinity and fraternalism with particular reference to the "the shikar club"", 20.1, *The Sports Historian*, 2000, pp. 70–96.

¹² Ibid.

¹³ See, W K Storey, "Big cats and imperialism: Lion and tiger hunting in Kenya and Northern India, 1898–1930". 2.2, *Journal of World History*, 1991, pp. 135–173. Also, M Rangarajan, *India's wildlife history*, Permanent Black, New Delhi, 2001; J M Mackenzie, *The empire of nature: Hunting, conservation and British imperialism*, Manchester University Press, 1988.

¹⁴ D Beaver, "The Great Deer Massacre: Animal, Honor and communication in Early Modern England", 38 (April), *Journal of British Studies*, 1999, pp. 187-216.

¹⁵ Medaboina Prudvi Raj, "The Royal Hunt and Wildlife: A case study of Princely State of Hyderabad", 7.2 *IJCRT*, 2019

¹⁶ J M Mackenzie, *The empire of nature: Hunting, conservation and British imperialism*, Manchester University Press, 1988

¹⁷ C. McKenzie, "The British big-game hunting tradition, masculinity and fraternalism with particular reference to the "the shikar club"". 20 (1), *The Sports Historian*, 2000, pp. 70–96.

wildlife-human dynamics in South Asia has been understudied, there has been growing literature to support that co-evolution imbibed in the Indian and African culture helped to large and predatory animals too to survive in these areas.¹⁸ This one culture was turned upside down during the colonial rule of the Britishers. It shattered the relationship between populations reliant on forests and the land, the colonial era is regarded as an ecological turning point. However, it allowed the British to conduct a more planned Shikaars mission, which led to a massive killing of animals. According to Ramchandra Guha, imperial forestry was a continuation of the empire's economic, political, and military requirements.¹⁹

For this new breed of sportsmen, the experience of hunting had been figuratively tamed by the employment of synthetic and artificial technologies. Some people viewed hunting customs like "battue," which were popular among the higher classes in England during the eighteenth century, as unjust. The first teaching manuals for sportsmen were produced in England by gamekeepers, who emphasised the hunt and the veracity of a natural experience. The colonial experience gave the British and Europeans the chance to go hunting in a way that was less manufactured than it had become in England. The Shikar Club, founded in 1908 in England at the height of empire by men from Eaton and Rugby, saw colonial hunting as a "genuine sport" with its own rules and regulations.²⁰

D. THE EVOLUTION OF HUNTING CODES IN BRITISH INDIA

Early on during colonial control, the British often imitated the indigenous ruling classes' hunting techniques, which was unjust according to the English hunting ethic. According to Sramek, three significant developments separated colonial hunting from Indian customs after the 1870s. First, the invention of new technology, including the creation of firearms; second, the Forest Act of 1878, which barred indigenous people from accessing the forest; and third, the pomp that came to be associated with the Raj.²¹ British attitudes regarding hunting by native Indians saw a significant shift in the second half of the nineteenth century.²² Because they lacked the sporting component so essential to their new hunting experience, British sportsmen, especially those hunting tigers, began to view the hunting techniques of the local rulers and rajas with contempt at this time. In the militant patriotic language of the British Raj in the late nineteenth century, these disparities were emphasised.

Some literature suggest that the British represented tiger hunting less via the exercise of their disciplinary authority than by the demonstration of their concern for Indian society as done by Mughals.

¹⁸ A M Jukar, et al., "Late Quaternary extinctions in the Indian Subcontinent, 562.110137, *Palaeogeography, Palaeoclimatology, Palaeoecology*, 2021.

¹⁹ David Arnold and Ramachandra Guha, *Nature, Culture, Imperialism: Essays on the Environmental History of South Asia*, Oxford University Press, New Delhi: India, 1996, pp.1-36.

²⁰ The Shikar Club, founded in 1908 by men from Eaton and Rugby in England during the height of empire, saw hunting in the colonies as a "genuine sport" since it involved "pursuit of wild creatures on their own "primitive and ancestral terrain" (Mckenzie 2000: 75, quoting Prichard 1910). C McKenzie, "The British big-game hunting tradition, masculinity and fraternalism with particular reference to the "the shikar club"", 20.1 *The Sports Historian*, 2000, pp. 70–96.

²¹ J Sramek, "Face him like a Briton: Tiger hunting, imperialism and British masculinity in colonial India", 48.4 *Victorian Studies*, 2004, pp. 659–680.

²² K Sivaramakrishnan, "On postcoloniality. In: A companion to anthropology of politics" (eds. Nugent, D. and J. Vincent), Blackwell Publishing, 2004, pp. 371.

For example, Pandian argue in favour of colonial code of sportsmanship hunting as an exemplified elaborate codes of sportsmanship to distinguish ‘refined British hunting practices’ from cruel native practices.²³ However, Hussain demonstrate here how complex standards of sportsmanship had already emerged in England in the 18th century to discriminate between privileged and lower classes' hunting customs. Following the mutiny in 1857, these codes were subsequently carried to the colonies where they were maybe strengthened, but they were not created from scratch there.²⁴ Taking example of Kashmir in Colonial India, he makes a compelling argument of how the British literature started to look down upon the practices native hunters in the light of their code of sportsmanship based on ‘refined liberal’ ideals. These ideals were seldom practiced in practice but served more profoundly as a political rhetoric and justification to restrict natives from accessing the forest and hunting in ‘indigenous ways’. Many a times these rules were necessitated due to the unprecedented chaos caused by the hands of the British sportsmen themselves. For example, Kashmir did not have any game regulations in the early 1890s, and the code of behaviour for ethical hunting was more of a gentleman's agreement. For its distinctive trophy, the markhor, a goat native to Kashmir, was one of the most sought-after animals for big game hunters. The average number of markhor that British sportsmen began to hunt for trophies each season was roughly 30. By the end of the nineteenth century, the Kashmir markhor was locally extinct due to heavy hunting pressure. The Kashmir Game Preservation Department (KGPLD) was established to preserve these animals. The Department established a set of guidelines for when "game" might be shot in order to lessen the hunting pressure. Hunting ethics have to be legally institutionalised through the creation and implementation of laws since the sportsmen's ideal hunting code had so far failed to provide the prey a fair chance in reality. While it was forbidden for the natives to shoot these animals and birds, British sportsmen were required to abide by tight regulations.

Similarly, M P Raj contrasts the practices of the Nizams of Hyderabad and the Britisher colonists who visited the princely state of Hyderabad with regard to the hunting practice. Under British administration, Hyderabad was the biggest princely state. Hyderabad welcomed more royal guests than any other princely state under the sixth Nizam's rule. Numerous images of Mir Mahboob Ali Khan, also known as Asaf Jah the Sixth or the Sixth Nizam of Hyderabad, with hunted animals like tigers and blackbucks demonstrate his intense love of the sport. In order to document his accomplishments and to demonstrate his hunting prowess, the Nizam employed Raja Deen Dayal as his court photographer. By doing so, he was asserting his position within the South Asian monarchy tradition.²⁵ Mir Mahboob Ali Khan's period also had many European visitors who caused a demonstrative damage to the game by killing them in large number. Archival records reveal how a hunting party led by a member of the British Royalty in May 1935 had killed 35 tigers and several other bears, sambars, and herbivores within just thirty-three days. The British practice of killing large animals like Elephant led to a situation that today, there are no elephants left in the wild in Telangana.²⁶

²³ Anand Pandian, “Predatory care: The imperial hunt in Mughal and British India” 14.1, *Journal of Historical Sociology*, 2001, pp. 79–107.

²⁴ Shafqat Hussain, “Sports-hunting, Fairness and Colonial Identity: Collaboration and Subversion in the Northwestern Frontier Region of the British Indian Empire”, 8.2, *Conservation & Society*, 2010, pp. 112-126.

²⁵ Recalling the time spend by Raja Deen Dayal with the Nizam he recalls, “He was not a poacher but a systematic hunter who never killed the feminine of the species. He would hunt only males. He killed almost 30 tigers in his lifetime, and he was titled ‘Thees Mar Khan’”. Deepali Dewan and S. Hutton Deborah, *Raja Deen Dayal: Artist- Photographer 19th- Century India*, Alkazi Collection of Photography, New Delhi, 2013, pp.137-38.

²⁶ Medaboina Prudvi Raj, , “The Royal Hunt and Wildlife: A case study of Princely State of Hyderabad”, 7.2 *IJCRT*, 2019, pp. 206-207

E. Conclusion

Hunting for trophy animals has little to do with protecting the environment or helping the community. Hunters spend absurd amounts of money to kill the largest, most dangerous animals for pleasure, display, and bragging masculinity. They record their accomplishments in the logbooks of trophy hunting membership groups like Safari Club International, which awards points for taking down the biggest prey. According to studies, barely 3% of the money made from trophy hunting really makes it to local communities. Ecotourism that involves wildlife viewing creates a lot more money and jobs, which helps with conservation and local employment. The fascination for trophy hunting has caused immense damage and irreparable loss to the ecosystem as demonstrated by the colonial experience of the British India. The post-Independent India took some significant steps to protect the wild animals. One of the success-stories is 'Project Tiger' launched in April, 1973 to conserve Bengal tiger population in India.

In addition to hindering conservation efforts and providing only marginal economic rewards, trophy hunting also raises ethical and animal welfare issues. It is unethical to kill animals for sport in order to bring home a trophy as a status symbol since doing so ignores their intrinsic value and turns them into commodities. It also assigns a price to death based on how much foreign hunters are ready to pay for the kill. Additionally, trophy hunters commonly adopt and reward hunting techniques that exacerbate the suffering of the prey, such as the use of bows and arrows, muzzleloaders, pistols, or dogs who chase prey for extended periods of time until they are exhausted. In the light of all these facts, it is commendable initiative taken by 137 NGOs around the world to present a joint position paper to speak in one voice that trophy hunting is unacceptable and the world should immediately cease to stop making profit at the cost of irreparable damage to the environment.

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