

ISSN 0972- 1800



BIONOTES

VOLUME 23, NO. 4

QUARTERLY

OCTOBER—DECEMBER, 2021



Date of Publication: 24th April, 2022

BIONOTES

A Quarterly Newsletter for Research Notes and News
On Any Aspect Related with Life Forms

Founder

Late Dr. R. K. Varshney, Aligarh, India

Board of Editors

Peter Smetacek, Butterfly Research Centre, Bhimtal,
India
petersmetacek@gmail.com

V.V. Ramamurthy, New Delhi, India
vvrento@gmail.com

Zdenek F. Fric, Biology Centre, Czech Academy of
Sciences, Institute of Entomology, Branisovska 31,
CZ-37005 Ceske Budejovice, Czech Republic.
fric@entu.cas.cz.

Stefan Naumann, Berlin, Germany
sn@saturniidae.com

R.C. Kendrick, Hong Kong SAR
hkmoths@gmail.com

Devanshu Gupta, Zoological Survey of India, Kolkata,
India
devanshuguptagb4102@gmail.com

Publication Policy

Information, statements or findings published
are the views of its author/ source only.

Manuscripts

Please E-mail to petersmetacek@gmail.com.

Guidelines for Authors

BIONOTES publishes short notes on any
aspect of biology. Usually submissions are
reviewed by one or two reviewers.

Kindly submit a manuscript after studying the
format used in this journal

(<http://www.entosocindia.org/>).

Editor reserves the right to reject articles that
do not adhere to our format. Please provide a
contact telephone number. Authors will be
provided with a pdf file of their publication.

Address for Correspondence

Butterfly Research Centre, Bhimtal,
Uttarakhand 263 136, India. Phone: +91
8938896403.

Email: butterflyresearchcentre@gmail.com

From Volume 21

Published by the Entomological Society of India (ESI), New Delhi (Nodal Officer: V.V.
Ramamurthy, ESI, New Delhi)

And

Butterfly Research Centre, Bhimtal
Executive Editor: Peter Smetacek
Assistant Editor: Shristee Panthee
Butterfly Research Trust, Bhimtal

Cover Photo of *Athyma nefte* by Rajib Dey

TABLE OF CONTENTS

EDITORIAL COMMENT ON BUTTERFLIES PROPOSED TO BE INCLUDED IN THE SCHEDULES OF THE WILDLIFE (PROTECTION) AMENDMENT BILL, 2021 by Peter Smetacek	150
<i>TRIUMFETTA RHOMBOIDEA</i> (MALVACEAE) AS NEW LARVAL HOST PLANT FOR THE GREAT EGGFLY BUTTERFLY <i>HYPOLIMNAS BOLINA</i> (LEPIDOPTERA: NYMPHALIDAE) by Raju Kasambe & Dilip Giri	153
NEW DISTRIBUTIONAL RECORD OF <i>EUASPA</i> MOORE, 1884 (LEPIDOPTERA: LYCAENIDAE: THECLINAE) FROM SIKKIM, INDIA by Janukit Lepcha, Sonam Wangchuk Lepcha, Monish Kumar Thapa, Achintya Pran Hazarika, Nosang Muringla Limboo & Sonam Pintso Sherpa	156
ARECA PALM <i>DYPSIS LUTESCENS</i> (ARECACEAE) AS NEW LARVAL HOST PLANT FOR THE INDIAN PALM BOB <i>SUASTUS GREMIUS</i> (FABRICIUS, 1798) (INSECTA: LEPIDOPTERA: HESPERIIDAE) by Raju Kasambe & Geeta Manchekar	158
<i>MALLOTUS PHILIPPINENSIS</i> (EUPHORBIACEAE): A NEW LARVAL HOST PLANT FOR LOBSTER MOTH <i>STAUROPOUS ALTERNUS</i> WALKER, 1855 (LEPIDOPTERA: NOTODONTIDAE) by Raju Kasambe, Hrishikesh Ghogare & Dilip Giri	160
AN ADDITION TO THE BUTTERFLIES OF ARUNACHAL PRADESH: VEINED PALMER <i>HIDARI BHAWANI</i> by Mayur H Variya, Roshan Upadhaya, Minom Pertin, Ruksha Limbu, Mitum Rumdo & Monsoon Jyoti Gogoi	163
RECORD OF THE WHITE-PATCH SERGEANT <i>ATHYMA PUNCTATA</i> (INSECTA: LEPIDOPTERA: NYMPHALIDAE) FROM ANINI, ARUNACHAL PRADESH, INDIA by Anung Lego, Joho Tayu, Timai Miwu, Minom Pertin, Mayur H Variya, Roshan Upadhaya & Monsoon Jyoti Gogoi	166
FIRST RECORD OF DESERT BATH WHITE BUTTERFLY <i>PONTIA GLAUCONOME</i> (KLUG, 1829) (LEPIDOPTERA: PIERIDAE) FROM RAJASTHAN, INDIA by Souvick Mukherjee, Kushankur Bhattacharyya & Sourabh Biswas	169
SIGHTINGS OF THE TAILLESS LINEBLUE <i>PROSOTAS DUBIOSA</i> (INSECTA: LEPIDOPTERA: LYCAENIDAE) IN DELHI, INDIA by Rajesh Chaudhary & Chandra Bhusan Maurya	171
<i>RUMEX MARITIMUS L.</i> (POLYGONACEAE): A NEW LARVAL HOST PLANT FOR <i>EUREMA HECABE</i> (INSECTA: LEPIDOPTERA: PIERIDAE) by Aditya Karmakar & Rajib Dey	173
SOCIO-ECONOMIC SURVEY IN RELATION TO TRADE OF TURTLES IN TWO DISTRICTS OF UTTAR PRADESH, INDIA by Renu Singh, Netrapal Singh Chauhan & Shailendra Singh	176
THE GENUS <i>XANDRAMES</i> MOORE, 1867 (INSECTA: LEPIDOPTERA: GEOMETRIDAE) IN INDIA by B. Lalnghapuii & Peter Smetacek	185
	148

OCCURRENCE OF ANOMALOUS NAWAB <i>POLYURA AGRARIUS</i> (INSECTA: LEPIDOPTERA: NYMPHALIDAE) CONFIRMED IN UTTAR PRADESH, INDIA by Babita Sharma, Sushmita & Ashok Kumar	190
CONFIRMATION OF THE PRESENCE OF <i>MATAPA ARIA</i> (INSECTA: LEPIDOPTERA: HESPERIIDAE) IN UTTAR PRADESH by Sushmita, Babita Sharma & Ashok Kumar	192
EARTHWORM (ANNELIDA: OLIGOCHAETA) DIVERSITY AT SAGAR ISLAND, SOUTH 24 PARGANAS DISTRICT, WEST BENGAL by Amit Chowdhury	194
DIVERSITY OF TUSSOCK MOTHS BELONGING TO TRIBE NYGMIINI HOLLOWAY, 1999 (LYMANTRIINAE: EREBIDAE: LEPIDOPTERA) FROM CHITTAGONG UNIVERSITY, BANGLADESH WITH THREE NEW RECORDS by Md. Jahir Rayhan, J.K. Owaresat Irfan, Sayema Jahan & M. A. Habib Siam	197
FIRST RECORD OF KING CROW <i>EUPLOEA KLUGII</i> (INSECTA: LEPIDOPTERA: NYMPHALIDAE) FROM THE KUMAON HIMALAYA, INDIA by Ambica Agnihotri	200
<i>BIBASIS SENA</i> AND <i>PORITIA HEWITSONII</i> (INSECTA: LEPIDOPTERA: HESPERIIDAE & LYCAENIDAE) RECORDED FROM UTTAR PRADESH, INDIA by Apoorva Gupta	202
ANIMAL RIGHTS IDEOLOGY AND ANIMAL WELFARE PHILOSOPHY IN THE INDIAN CONTEXT by Ryan Lobo & Meghna Uniyal	204
REPORT ON A LIVE GYNANDROMORPH OF THE COLOR SERGEANT BUTTERFLY <i>ATHYMA NEFTE INARA</i> (INSECTA: LEPIDOPTERA: NYMPHALIDAE) FROM INDIA by Kurban Khan, Rajib Dey, Atanu Bose, Shantanu Dey, Anitava Roy & Sourabh Biswas	218

ANIMAL RIGHTS IDEOLOGY AND ANIMAL WELFARE PHILOSOPHY IN THE INDIAN CONTEXT

RYAN LOBO¹ & MEGHNA UNIYAL²

^{*1} True Conservation Alliance, 16, Convent Road, Bangalore 560 025, Karnataka, India
trueconservationalliance@gmail.com

² 3232, Sector -23, Gurgaon, 122017

Reviewer: Peter Smetacek

Abstract

This paper explores definitions, context and impact of Animal Rights ideology versus animal welfare philosophy in the Indian context, with regard to wildlife management, the welfare of people and animals and the Indian Constitution.

Introduction

Today, in many countries of the developing world, there seems to exist relentless and repeated attempts by animal rights activists and organizations, in court cases, to equate animals and humans and allow for their “equal” consideration. In India their efforts are directed towards giving animals the same rights promised to humans by the Constitution, particularly under Article 21, that guarantees citizens the Fundamental Right to Life, livelihood and freedom of movement.

Many of these legal efforts are funded and carried out by animal rights non-government organisations (NGOs) in India, themselves often funded by animal rights groups abroad like People for Ethical Treatment of Animals (PETA) and Humane Society International (HSI), that are actively seeking to extend their ideological animal rights agenda, whose expressions are often illegal in their home countries. For example, the maintenance and feeding of unowned dogs on the streets and public places is illegal in the United States of America but promoted and funded in India by USA-based animal rights organisations.

Animal Rights is a doctrine that seeks to abolish all animal uses by man and believes that man has no right whatsoever to use any animal for his own benefit in any way. While there are some variations in belief between

groups, the Animal Rights ideology believes it is not acceptable to kill any animal even if it is rabid, a man eater or for the sake of developing life-saving drugs. The Animal Rights doctrine seeks to remove all categorizations of value given to animal species by man and believes in the total ‘liberation’ of animals.

Animal rightists philosophically oppose the concept of animals being the property of anyone – whether they are held as a public trust resource/property, or privately owned. In short, Animal Rights ideology believes that animals require ‘equal’ consideration by human society i.e. the same consideration applicable to a human being by human society. The ideology instinctively sounds good and caters to a human being’s innate sense of justice that the word ‘equal’ stokes.

Conversely, the ‘Animal Welfare’ philosophy accepts that animals provide useful benefits to humankind; that civilization would be seriously diminished if society was denied the right to avail themselves of those uses and calls for, as far as possible, the humane usage of animals including for consumption, entertainment, tradition, companionship and work. Committed animal welfare organisations, therefore, oversee man’s civilised standards in his treatment of the animals that he owns, uses and manages.

Animal rights and wildlife management principles

The provisions of the World Conservation Strategy – 1980 (WCS), revised 1991 and renamed: Caring for the Earth, A Strategy for Sustainable Living form a protocol, declared to be the official Mission Statement, and is reflected the principal policy, of the International Union for the Conservation of Nature and Natural Resources (IUCN). In 1980, the WCS was hailed by world society as being the blueprint for the symbiotic survival of man and nature on earth. The WCS has since been the ‘go-to’ document for implementation of conservation measures all over the world and highlights the “intellectual framework and practical guidelines” for conservation measures.

India became a State Member of IUCN in 1969, through the Ministry of Environment, Forest and Climate Change (MoEFCC) and obligated itself to model India’s National Conservation Strategies (NCSs) on the WCS template; and to write its provisions into national laws. The WCS proposed and promoted, *inter alia*, an integrated approach to development and sustainable natural resource management. The three principles objectives of what the WCS describes as living resource conservation (*sic*) are:

1. To preserve genetic diversity (the range of genetic material found in the world’s organisms), on which depend the functioning of many of the above processes and life-support systems, the breeding programs necessary for the protection and improvement of cultivated plants, domesticated animals and microorganisms, as well as much scientific and medical advancement, technical innovation, and the security of the many industries that use living resources.
2. To maintain essential ecological processes and life support systems (such as soil regeneration and protection, the recycling of nutrients, and the cleansing of waters), on which human survival and development depend; and

To ensure the sustainable utilization of species and ecosystems (notably fish and other wildlife, forests and grazing lands), which support millions of rural communities as well as major industries.

The Wildlife Protection Act of India is a central Statute that protects wildlife wherever wildlife may be found. The Act came into force in 1972, eight years prior to the date when India became a signatory to the World Conservation Strategy in 1980 (WCS, 1980). After the promulgation of the WCS, all those responsible sovereign states who were members of the IUCN at that time, including India, obligated themselves to model their National Conservation Strategies (NCSs) on the WCS template; and to write its provisions into their national laws.

Animal right agendas are not and cannot be conservation agendas and the philosophy of animal rights is incompatible with science-based wildlife management because conservation works at the population and ecosystem levels. Animal rights work at the individual animal level. What might be good in the short term for an individual or a collection of individuals might not be good for the long-term survival of animal populations, biodiversity, human interests and/or ecosystems. Animal rights activism exists in direct contradiction to the principles and definitions of the WCS (IUCN, UNEP, WWF, 1980) as it does not recognise that man is an integral part of the natural world; of the food chains, food webs and ecosystems. An understanding of wildlife management is integral to understanding this.

Wildlife management is the action that man takes to achieve a man-desired objective. There is nothing natural *per se* about wildlife management. It is a man-invented plan of action to achieve a desired and planned-for result. It is necessitated because the fragmentation of the landscape over most of the habitable world is an accomplished fact. Given that what used to be undivided natural

habitat is now divided into various forms of land use like agriculture, forestry, mining, urban and rural and degraded lands, managing wildlife is required to preclude man-animal conflicts, zoonotic disease outbreaks, animal population outbreaks and other unforeseen situations and for the allowing of natural resources to be used sustainably and wisely by mankind.

Wildlife management is, therefore, man conceived, designed, implemented and manipulated and man is the principal beneficiary. Even when particular flora or fauna benefit from man's wildlife management, such advantages occur only because that was part of man's predetermined and wanted results. So, in terms of the various results that sometimes emanate from a single man-conceived wildlife management program, the biggest accomplishment of them all is the attainment of man's own primary goal. The World Conservation Strategy has set this goal via its 3 protocols mentioned above. Wildlife management has its origins in ecology which is the study of living organisms (plants and animals) and their environment; and their interaction with other living organisms with which they share that environment. Studies produce results. Wildlife management, therefore, is simply applied ecology to achieve a man-made objective.

Wildlife Management has two main functions – Conservation Management and Preservation or Protection Management. The objective of Conservation Management is to use safe wildlife populations sustainably and wisely. The objective of Preservation or Protection Management is to render unsafe wildlife populations safe. Once they are rendered safe, the wildlife population in that particular context may be transferred to the Conservation Management function.

The priorities of wildlife management are:

The soil: Society's most important wildlife management priority is for the protection and/or wise use of the soil – because without

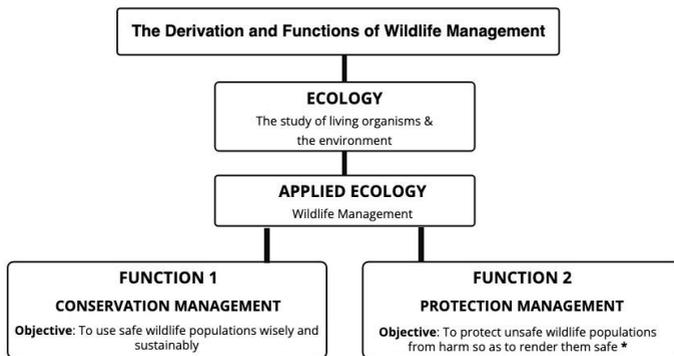
soil no plants can grow; and without plants most life on planet Earth would cease to exist. Plants: Society's next wildlife management responsibility is for the protection and/or wise use of plants. Plants appear second on the priority list – before animals – because those plants that contain the green pigment called chlorophyll are the only primary food producers on planet Earth. Simply put without green plants life, in most dimensions, would be impossible. The chlorophyll in green plants is the only biological mechanism that can change amorphous energy from the sun into tangible carbohydrates that animals can eat. Besides being our primary producers of food, plants play a number of very important roles in the environment.

Animals: Society's third, and last, wildlife management responsibility is for the protection and/or wise use of animals (both domesticated and wild). The fact that animals appear last on the wildlife management priority list is not because they are unimportant, but because they are "less important" in the ecological sense, i.e. than the soil and plants upon which animals depend upon for survival.

Therefore, what is considered a conservation success in some national parks with, for example, large tiger numbers, is not necessarily a success as (in some contexts) the tiger population is likely inflated because of large numbers of free roaming cattle that give tigers easy food and larger litter survival rates. Tigers then exceed the carrying capacity of the protected area and since they are territorial, young, weaker or old tigers are pushed out into human occupied lands by other tigers and kill people and owned cattle. This is not a conservation success as per WCS protocols as people suffer and stray cattle also compete with and displace natural tiger prey, compromising biodiversity. Conservation thus is as much about people as it is about wildlife. The most important wildlife management objective in all nature reserves and national

parks is the maintenance of a sanctuary’s species diversity. No other more important wildlife management priority consideration exists. Maintaining large mammal numbers (like tigers and elephants alone) to attract tourists is particularly not a worthwhile option in keeping with WCS protocols. Tourism should never be allowed to undermine the maintenance of a healthy, biodiverse and stable environment; to change the natural physiognomy (general visual appearance) of a PA; or to detract from or destroy the natural attractions that brought visitors to such areas in the first place. General ecosystem management in a national park or protected area, therefore, should prevail over all else. All animals are prolific and given protection and ample food, they will breed and expand their population indefinitely in the short term. In India, excessive wildlife populations that have exceeded carrying capacities of particular areas are only managed when farmers agitate,

file court petitions and after years of loss and suffering, wildlife is then slaughtered by culling. Excessive animal populations, whether in protected or other areas, can and should be utilized sustainably, both to maintain biodiversity and to provide benefits to mankind. The management objective here must be to maintain the desired biological diversity and stability of the chosen area in as profitable, sustainable and effective a way as possible. Public consensus or sentiment has nothing to do with applied ecology as maintenance of biodiversity is of paramount importance for both humans and wildlife, ensuring the environment within which humanity survives. Thus, public emotion or sentiment cannot be taken into consideration in the formulation of wildlife management policy, any more than it can be given importance in respect of national territorial defense.



*Once the objective of protection management is met the wildlife population in question can be transferred to the conservation management function

Fig.1: Graph re-made and inspired from the www.mahohboh.com website page on ‘Wildlife Management’.

The animal rights viewpoint insists that mankind should subsist on vegetable diets alone but does not consider the land use alterations that would be necessary to feed the world's human population on vegetarian foods alone; or the number of animals that have to be displaced or killed to grow, protect crops and store harvests; or the reduction in value to people of biodiversity on fertile land or potential livestock grazing lands; or varying environmental or cultural contexts that allow for different usages of land, animals and wildlife.

Blanket bans on killing and animal rights *per se*, do not elevate the value of animal life, but devalue both human and paradoxically animal life, because if you do not look after the interests of humans who live alongside wildlife, you reduce the value of wildlife to those same people, with resultant conflict and negative consequences.

Animal rights do not take into consideration the inter-relatedness of flora, fauna and human and wildlife communities within functioning ecosystems. To an animal rights believer, the 'rights' of individual animals are more important to uphold than the maintenance of biodiversity, the health of wildlife populations and ecosystems, or the rights, traditions and livelihoods of indigenous and rural human populations, as supported by the WCS protocols.

Animal Rights and the Indian Judiciary

In India, judgments dealing with 'animal rights' cover diverse issues, concerning stray dogs and their feeding in public places, cattle trespass, caged birds, Jallikattu (bull jumping), bull races, cart-horses, animal sacrifice, temple elephants, elephant rides, crop protection etc., and are a discourse on the emotional, moral 'legal rights' of animals. Nearly all these cases have been put forth by animal rights groups or individuals, in many cases from organizations funded by animal rights NGOs in the USA like PETA and Humane Society International, to change

policy and law in the direction of 'animal rights' ideology and some judgements seem to be examples of judicial overreach in direct contradiction to Indian constitutional values.

Several of these Indian High Court judgements are worthy of deeper investigation. In *Maya D. Chablani vs. Smt. Radha Mittal & Others*, the Delhi HC stated that stray dogs have "a right to be fed in their territory". The judgment discounts the fact that dogs are domesticated animals and therefore cannot have any "territory" on the streets or public places. The judgment also states that Indians must "change their perception of stray dogs", in this case, about 60 million (Gompper, 2014) potential disease-carrying, toxic faeces depositing canine predators roaming public spaces that kill up to 20,000 people from rabies alone every year in India (Sudarshan, 2017) and bite about 17.4 million people every year in India (Gogtay *et al.*, 2014).

Additionally, the judgement lays down "rights of stray dog feeders" that seem to suggest that a Fundamental Duty confers a right on a citizen to perform the duty, a concept not applicable in the constitutional sense. A Fundamental Duty is just that - a duty. It is neither a right nor does it confer any rights. Moreover, Fundamental Rights under the Indian Constitution do not envisage the extension of these rights to animals in any way and Indian laws relegate animals to the status of property. Even welfare legislation like the Prevention of Cruelty to Animals Act, 1960, authored by acclaimed animal welfarist Rukmini Devi Arundale, is based on the idea of ownership and does not give animals any legal rights or status equal to human beings.

This is contradicted by another High Court Judgement that stands until it is challenged, that states, "Thus it is suggested that the inclusion of animals in the community of legal persons will dignify them by forcing humans to see and value animals for themselves, rather than seeing them simply as the object of

property rights, or as something for humans to use and abuse.”

Interestingly, three notable cases dealing with ‘animal rights’ in India - the 2014 ban on Animal Sacrifice in Himachal Pradesh (CWP No. 5076 of 2012, CWP No. 9257 of 2011, No. 4499 of 2012), the granting of ‘legal personhood’ to animals (Karnail Singh & Others vs State of Haryana, 2019) and against ‘cow slaughter’ in Haryana (2019) all took an ‘animal rights’ stand. In *K. Muniyasamythevar vs. Dy. Superintendent of Police & Others*, the judgement on Jallikattu (a case filed by PETA) was passed by unilaterally expanding the scope of the case where the petitioner was only seeking permission for a ban on a bullock cart race, and not ‘Jallikattu’ *per se*. The judgement resulted in the banning of an ancient festival practised by millions of farmers. A 2021 judgement from the Allahabad High Court, against a man accused of slaughtering a cow, stated, inexplicably, that “scientists believe that the cow is the only animal that inhales oxygen and exhales oxygen too” and that “Jesus Christ has said that killing a cow or a bull is tantamount to killing a man”. More recently, in *E. Seshan vs. The Secretary*, 2021, the Madras High Court ordered authorities to avoid artificial insemination of animals as “denying and depriving the right to copulate amounts to cruelty to animals under the Prevention of Cruelty to Animals Act” even though the Animal Birth Control policy contrarily sterilizes stray dogs thereby “denying them mating rights.”

These judgements liberally quote figures like Buddha and M.K. Gandhi, including misinterpretations and falsehoods. The Vedas are often quoted, despite them describing horses, buffaloes, rams and goats as sacrificial animals or Vedic gods and their different preferences for animal meat. One judgment even misrepresents Emmanuel Kant, despite Kant’s view that humanity should only refrain from pointless cruelty to animals and that since animals exist to serve man alone,

causing animal suffering is justified whenever it suits human interests.

The Haryana judgment states, in direct opposition to both Supreme Court positions and the Constitution that “The entire animal kingdom including avian, and aquatic are declared as legal entities having a distinct *persona* with corresponding rights, duties and liabilities of a living person. All the citizens throughout the State of Haryana are hereby declared persons *in loco parentis* as the human face for the welfare/protection of animals.” An Uttarakhand High Court judgment in 2017 gave “living entity status” to the rivers Ganga and Yamuna (later stayed by the Supreme Court on the State government’s challenge) and Sukhna Lake.

These judgements indicate interpretations by judges of what the law should be based on their subjective preferences and predilections towards animal rights, rather than a carrying out of the actual law, keeping in mind constitutional values and articles.

At the receiving end of the above judgements, the sufferers are mostly marginalized communities, mainly of tribal, farming and animist origin, whose traditions and cultures, practised for thousands of years, are banned and livelihoods compromised, making the case that an imported animal rights philosophy which exists anathema to Indian constitutional values, is used against citizens of India.

These judgments, however, are contrary to the stand of the Indian Supreme Court which has stated: “Every species has a right to life and security, subject to the law of the land, which includes depriving its life, out of human necessity. The well-being of animals and their welfare have been statutorily recognised under Sections 3 and 11 of the Prevention of Cruelty to Animals Act (PCAA) and the rights framed under the Act. Right to live in a healthy and clean atmosphere and right to get protection from human beings against inflicting unnecessary pain or suffering is a right guaranteed to the animals under Sections

3 and 11 of the Prevention of Cruelty to Animals Act read with the unenforceable directive principle or Article 51A(g) of the Constitution. Right to get food, shelter is also a guaranteed right under Sections 3 and 11 of the PCA Act and the Rules framed thereunder, especially when the animals are domesticated.”

The Apex Court clearly makes the case that human and animal 'life' are both protected under relevant laws under the Constitution. However, the court also clearly lays down that, unlike humans, animals derive their 'right to life' from the Prevention of Cruelty to Animals Act, 1960. And this is meant to protect them from “torture, ‘unnecessary’ pain and suffering”, as envisaged under relevant sections of the Prevention of Cruelty to Animals Act, 1960. It is not in any way meant to grant them the same rights given to humans and Article 21 of the Indian Constitution is not applicable to animals as it is to citizens.

Thus, the idea as per the Indian Constitution is not to vest animals with 'rights', but to vest humans with the duty to protect animals, importantly, within the principles of animal welfare and not animal rights. Individual beliefs, personal preferences, inclinations and 'interpretations' of what the law should be, have nothing to do with the Constitution, existing laws or even natural law.

The Animal Welfare philosophy is followed globally in the constitutional sense, including by India where the Indian Constitution views animals as property and via a welfare-based framework, in opposition to an animal rights-based view.

Animal Rights: Historical view

The Roman jurist Gaius came up with the phrase '*hominum causa omneius constitutum*: all law was established for man's sake.' Gaius' statement still holds 1,500 years later: humans alone possess legal rights, while animals are denied legal rights, including rights of personal bodily integrity or personal liberty or the right to life. Gaius' proclamation offers a

phrase that encapsulates a key distinction between humans and all other animals, as well as a core inquiry *i.e.* to whom does “law” belong? (Duckler, 2008). The distinctions between humans and all other animals affect the development and characterization of legal rights.

American philosopher Carl Cohen (1986) hypothesizes that animal do not have rights and cannot be given rights as rights arise, and can be intelligibly defended, only among beings who actually do, or can, make moral claims against one another. Human beings have specific attributes that give rise to their ability to make moral claims against others and these attributes are lacking in animals. These attributes are intellectual and include the ability to understand ethical principles and guide one's actions accordingly. The holders of rights must have the capacity to comprehend rules of duty, governing all including themselves. In applying such rules, the holders of rights must recognize possible conflicts between what is in their own interest and what is just. While humans have such moral capabilities, Cohen postulates that non-human animals do not.

Of importance is that Cohen (1986) says, “It does not follow from this, however, that we are morally free to do anything we please to animals. Certainly not. In our dealings with animals, as in our dealings with other human beings, we have obligations that do not arise from claims against us based on rights. Rights entail obligations, but many of the things one ought to do are in no way tied to another's entitlement. Rights and obligations are not reciprocals of one another, and it is a serious mistake to suppose that they are.”

Contrarily, most current chapters of animal rights activism are inspired by a belief system engineered by the philosopher Peter Singer (1975) who postulates that all life has 'equal value'. He propagated the idea of anti-speciesism *i.e.* against the idea of a prejudice in favour of the interests of members of one's

own species. Peter Singer (1975) and his book, *Animal Liberation*, have had a profound influence on animal rights activism.

"Surely there will be some nonhuman animals whose lives, by any standards, are more valuable than the lives of some humans" (Singer, 1990).

Raising the consideration for animal life to be equal or even greater than human life as per Singer's (1990) postulations has the effect of reducing the 'sanctity' of human life i.e. reducing the consideration of human life to that of animals.

Singer is a utilitarian, a follower of the philosophers Jeremy Bentham and J.S. Mill, who formulated the theory that the best moral good was the happiness of the greatest number. They identified the good with pleasure and held that we ought to maximize the good, that is, bring about 'the greatest amount of good for the greatest number' (Driver, 2014). In utilitarianism, an action is judged not by its intrinsic nature, but by its consequences (Toolis, 1999), so murder, extinction of species, attacks on individual rights or worse can be justified if it leads to the happiness of the greatest number.

Peter Singer has rationalised discrimination against the unborn, infants, the infirm and elderly (Toolis, 1999) and believes killing of babies can be justified and that parents should have the right to decide if they might wish to kill their children within a time frame beyond which their 'sentience' and thus greater right to live, is assumed. Peter Singer (2001) argues that new-borns lack the essential characteristics of personhood—"rationality, autonomy, and self-consciousness"—and therefore "killing a new-born baby is never equivalent to killing a person, that is, a being who wants to go on living".

"Killing them [infants], therefore, cannot be equated with killing normal human beings, or any other self-conscious beings. No infant - disabled or not - has as strong a claim to life as beings capable of seeing themselves as distinct

entities existing over time," (Singer, 1979). Singer even proposed a post-natal 28-day qualification period during which human babies, non-persons at that stage in his estimation, could be killed.

Peter Singer is currently active with various animal rights organizations including being on the advisory board of the Federation of Indian Animal Protection Organizations (FIAPO). In May, 2021 the former Minister of the Ministry of Women and Child Development in India, Maneka Sanjay Gandhi, received the 6th Peter Singer award for her animal rights activism from Peter Singer, who ironically, publicly supports human infanticide.

According to Dr. Gregory Stanton of 'Genocide Watch', there are various non-linear stages to genocide and one stage is that a group denies the humanity of the other, and for this, human beings are equated with animals (Stanton, 1996). Stanton (1996) argues that dehumanization overcomes the normal human revulsion against murder. Thus, equating animal and human life 'dehumanizes' a population to become as 'good' or 'bad' as animals in the eyes of fellow citizens, the State and law. The majority group or a group in power is taught to regard the other group as "less than human" and are indoctrinated to believe that "We are better off without them." Animal rights, in the regard that it calls for equal consideration to be given to both humans and animals does not elevate the value of animals *per se* but devalues human life, to being worth as much as animal life.

Today, social media is rife with talk of human overpopulation, imminent environmental crises, apocalyptic climate change and mass extinctions of animals. Simultaneously, animal rights groups fund efforts, including legal efforts, in the developing world that are patently illegal in their own countries, seeking to elevate the value of animal life to humans, often with consequences seriously detrimental to human society and ecosystems.

“It is no wonder, then that with all this obsession to push society towards “a duty to die” mindset, more palatably and euphemistically propounded as “the right to die” and euthanasia for the most vulnerable members of our society (Faria, 2016) – not necessarily respecting individual autonomy as it is claimed by some as “the right to die,” but more pragmatically for utilitarian reasons, the conservation and redistribution of resources – moral philosopher Wesley Smith has pointedly called the bioethics movement a “culture of death.” (Smith, 2000).

The bioethics movement significantly includes the animal rights movement.

For example, in India, the annual estimated number of animal bites is 17.5 million (John, *et al.*, 2021) leading an to estimated 18,000-20,000 cases of human rabies per year (Gongal & Wright, 2011). Most of these bites come from free-ranging dogs, which kill about 20,000 people a year via rabies transmission (Sudarshan, 2017). As rabies is a non-notifiable disease, it is postulated by a WHO survey that the real number is ten times higher than reported (Sudarshan, 2005). Free-ranging dogs are also a massive threat to the survival of India’s wildlife including critically rare species like the Great Indian Bustard (*Ardeotis nigriceps*), The Tibetan Wolf (*Canis lupus chanco*) (Henelly, 2015) and Black Necked Cranes (*Grus nigricollis*) (Parvaiz, 2018). They also threaten big cat populations with canine distemper virus and actively prey on a host of other species across the country both within and outside protected areas (Home, *et al.*, 2017).

The animal rights inspired Animal Birth Control (ABC) policy was promoted and funded by the Animal Welfare Board of India (AWBI) and notified in 2001 by the Union Ministry of Culture, a ministry that has nothing to do with public health or wildlife issues. The Union Ministry of Culture was then under the purview of animal rights activist, Maneka Sanjay Gandhi. The policy has been used for

the last 20 years to ostensibly manage India’s massive and growing stray dog population. The national ABC policy requires maintaining free roaming unowned dogs in public places, contrary to nearly all other countries that euthanize unwanted and feral dogs. The ABC policy recommends sterilization of “street dogs” to reduce dog populations despite the WHO’s “Guidelines for dog population management” (Bogel *et al.*, 1990) recommending sterilization of 70 percent of the total dog population and euthanasia, not sterilization, of unowned dogs. As per the AWBI’s own internal reviews it has only sterilized up to 6 percent of India’s dogs over 20 years at massive cost to both the exchequer, people and wildlife and about 59 million dogs (Gompper, 2014), most rendered homeless, diseased and in daily conflict with citizens in public places. Two internal reviews of the ABC program by the Ministry of Environment, Forests and Climate Change (1999; 2008) have documented the abysmal failure of the ABC policy, as well as noting the gross misappropriation and mismanagement of taxpayer funds.

The animal rights inspired Animal Birth Control (Dogs) Rules, 2001 and ‘revised module for street dog population management, rabies eradication and reducing Man-Dog conflict’ is also currently the solution suggested in the ‘Standard Operating Procedure to deal with emergency arising due to Stray and Feral Dogs in Tiger Reserves,’ set up by the National Tiger Conservation Authority. This is despite the fact that this is not about ‘street dogs’ and despite the fact that camera traps recorded more dogs than tigers in 17 of India’s Tiger Reserves and despite the NTCA admission that “dogs are a threat to both ungulates (which they hunt) and to carnivores, since they carry infectious diseases like rabies.” Despite claiming that dogs are dangerous to large and potentially dangerous animals like tigers, and large herbivores, the NTCA still recommends via the ABC policy,

RTI excerpt regarding release of free ranging dogs into GIB habitat in Rajasthan, by HSI and WII.

These methodologies go completely against the IUCN issues brief regarding invasive alien species (IAS) (IUCN, 2018). According to The IUCN Red List of Threatened Species™, IAS (which include free ranging dogs) are one of the top causes of biodiversity loss and the second most common cause of species extinctions after habitat loss. The brief states, “the most cost-effective measure to address the impacts from IAS is to prevent their introduction”. The brief also supports the extermination of invasive alien species. The Wildlife Institute of India, the NTCA and HSI have done precisely the opposite.

These efforts to equate people and animals and to remove categorizations of value between species and ensure ‘animal liberation’, are directed at the developing world by animal rights organizations from developed regions like the United States and Europe. Besides propagating paranoid visions of environmental disaster and animal suffering, efforts to spread animal rights ideology are directed via the funding of animal rights organizations in countries in Asia, Africa and Latin America, which push to allow for equal consideration for both animal life and humans life, in various contexts, regardless of consequences to both human beings and animals.

Animal Rights Activism in India

Animal rights activism is today an ‘ideological’ movement’ pushed and funded by a global cabal of animal rights groups and is a confidence industry that often uses propaganda, falsehoods and sentiment to change policy to proselytize followers. The inherent goodness of people is often exploited. It could be considered as evangelizing and dogmatic as any colonially imposed religion with opponents to the belief system treated as heretics to be destroyed. Tens of millions of dollars are spent on funding groups violently oppressing and denigrating indigenous people,

opposing their dietary choices and traditional practices like temple elephants, elephant rides, Jallikattu and buffalo racing or the pushing of policies that allow and result in huge numbers of people, livestock and wildlife being killed due to free roaming unowned dogs that are ensured ‘protection’ no matter the tremendous cost to both people and wildlife. Many animal rights organizations sensationalize and sentimentalize acts of cruelty or animal suffering and use the material to raise funds, helped along by policy they help or try to help create via court judgements and lobbying, often under the guise of ‘compassion’ and ‘conservation’.

In India, most animal rights activists come from the more educated and wealthier sections of society that likely consume far more in terms of natural resources yet attack the customs and traditions of the poorest and least powerful via their animal rights activism. From the looks of many of the current cases, these efforts seem to embody attempts to syncretize and/ or take over aspects of traditional belief and culture.

The animal rights lobby seems to knowingly create false expectations for animal population management and continues to persistently falsify, misrepresent and creates dishonest and biased ‘research’ so as to further an animal rights agenda of ‘no kill’ and ‘animal liberation’ over any practical agenda to truly manage animal populations or manage wildlife. If anything, animal rights activist inspired policies keep animals in daily conflict with people, offering neither protection nor rights to either.

Narratives of ‘killing is always bad’ are financed and propagated by international animal rights organisations with double standards. For example, in India, PETA condemns the killing of man-eaters and crop raider species and promotes the public maintenance of unowned dogs as national policy, while not promoting the same in the USA where PETA kills up to 97% of the dogs

and other animals they take into their care (VDACS report, Peta 2006).

Conclusion

As evidenced by history, the Animal Rights ideology has not been about the rights of animals but about human power and its expressions. Globally, a new generation of animal rights activism is spreading its wings, fuelled by social media that ensures easy access to impressionable youth and demographics.

The danger is that animal rights ideology seeks to devalue the sanctity of human life and mimics a colonial and/or a racist view. This can be seen by the actions of animal rights groups which seek to extend their agenda and push strategies in the tropics, patently illegal in their home countries as well as attacking traditional, religious and cultural aspects of a society involving animals.

Animal rights NGOs, sometimes masquerading as Wildlife NGOs or 'Conservation' NGOs have become well versed in judicial activism, often using the Indian judicial system to attack religion and culture, seize animals from temples and ensure animal 'liberation' no matter the human, social, cultural and ecological cost.

India is the focus of massive funding by foreign Animal Rights organizations, especially from the United States via organizations like PETA and Humane Society International (HSI) who see India as a soft target in terms of spreading ideology and the takeover or influence over the management of natural and animal resources.

The animal rights ideology contradicts principles, practices and protocols of successful wildlife or animal management as practised globally via animal welfare principles and instead promotes destructive choices within society regarding desirable and potential human-wildlife relationships. It creates false expectations for wildlife and other animal population management and erodes society's confidence in the scientific

study of wildlife / animal/ habitat management. Animal rights ideology is most often financially, socially, environmentally and governmentally destructive and profoundly misdirects human energies.

To achieve their agenda, animal rights activists will have to force radical changes in human society, including in traditions, beliefs, religious practice, diets, agriculture, industry and livelihoods. They also cannot achieve their goal to abolish all animal uses by mankind, without violating the rights of most of humankind or ecological principles used in the management of wildlife. They also do not (or do) consider the incredible negative economic, ecological and social consequences that their agenda could have on civilization, economies, indigenous peoples' rights, ecosystems and animals themselves. Animal rights activists undermine mankind's efforts to achieve WCS objectives and negate the actions that sovereign states undertake to achieve their economic goals and conservation strategies.

Acknowledgement

The aspects regarding wildlife management in this paper have, in part, been inspired and informed by various writings of Ron Thomson on wildlife management from the True Green Alliance website www.mahohboh.com which publishes wildlife management protocols and their explanations online. Some of the writing above, including the last two paragraphs have been inspired and informed by his online essays on wildlife management and animal rights conundrums in Africa.

References

- Anonymous, 1972. The Wildlife (Protection) Act. 1972
- Anonymous, 1991. Caring for the Earth: A Strategy for Sustainable Living. Gland, Switzerland: IUCN—The World Conservation Union.
- Anonymous, 2018. IUCN issues brief. <https://www.iucn.org/resources/issues->

briefs/invasive-alien-species-and-sustainable-development. Pg 1-2

Anonymous, 2020. Standard Operating Procedure to Deal with Stray/Feral Dogs in Tiger Reserves, NTCA.ntca.gov.in › assets › uploads › sops › Feral_Dog_SOP, pgs. 1-11.

Anonymous. 1980. World Conservation Strategy. International Union for the Conservation of Nature and Natural Resources, Gland, Switzerland.

Bhalla, S.J., R. Kemmers, A. Vasques A.T. Vanak. 2021. 'Stray appetites': a socio-ecological analysis of free-ranging dogs living alongside human communities in Bangalore, India. *Urban Ecosyst.* 24(6):1245-1258. doi: 10.1007/s11252-021-01097-4. Epub 2021 Feb 16. PMID: 34720573; PMCID: PMC8551108.

Cohen, C. 1986. The case for the use of animals in biomedical research, *The New England Journal of Medicine* 315(14): 865–870.

Denny John, A. Royal, O. Bharti. 2021. Burden of illness of dog-mediated rabies in India: A systematic review, *Clinical Epidemiology and Global Health* 12: 1-2. <https://doi.org/10.1016/j.cegh.2021.100804>.

Driver, J. 2014. The History of Utilitarianism, in E.N. Zalta (ed.) *The Stanford Encyclopedia of Philosophy* (Winter 2014 Edition), <https://plato.stanford.edu/archives/win2014/entries/utilitarianism-history/>

Duckler, G. 2008. Two Major Flaws of the Animal Rights Movement. *Animal Law* 14: 179-200.

E. Seshan vs. The Secretary, 2021.W.P.2999/2020 Madras high court.

Faria, M. A. 2016. Bioethics - Part 2: Is it compassion, personal autonomy, or ulterior utilitarian motives at heart?. *Surgical neurology international* 7: 34. <https://doi.org/10.4103/2152-7806.179856>.

Faria, M.A. 1998. Euthanasia, medical science, and the road to genocide. *Med Sentinel.* 3: 79–83. <http://www.haciendapub.com/medicalsentinel/euthanasia-medical-science-and-road-genocide>

Gogtay, N.J., A. Nagpal, A. Mallad, K. Patel, S.J. Stimpson, A. Belur, & U.M. Thatte, 2014. Demographics of animal bite victims & management practices in a tertiary care institute in Mumbai, Maharashtra, India. *Indian Journal of Medical Research* 139(3): 459-462.

Gompper, M.E. 2014. The dog-human-wildlife interface: assessing the scope of the problem. In: Gompper, M.E. (ed) *Free-ranging dogs and wildlife conservation*, 1st edn. Oxford University Press, New York, pp. 9–54.

Gongal, G. & A.E. Wright. 2011. Human Rabies in the WHO Southeast Asia Region: Forward Steps for Elimination. *Adv. Prev. Med.* 383870. doi: 10.4061/2011/383870. Epub 2011 Sep 21. PMID: 21991437; PMCID: PMC3178116.

Hennelly, L., B. Habib & S. Lyngdoh. 2015. Himalayan wolf and feral dog displaying mating behaviour in Spiti Valley, India, and potential conservation threats from sympatric feral dogs. *Canid Biology and Conservation.* 18(7): 27-30.

Home, C., Y.V. Bhatnagar & A.T. Vanak. 2018. Canine Conundrum: domestic dogs as an invasive species and their impacts on wildlife in India. *Animal Conservation* 21(40): 1-8. DOI: 10.1111/acv.12389

International Union for Conservation of Nature and Natural Resources. 1980. ed. *World Conservation Strategy: Living Resource Conservation for Sustainable Development.* IUCN–UNEP–WWF, 1980.

K. Muniyasamythevar vs. Dy. Superintendent of Police & Others, 2006. W.P No. 2966 of

- 2006 in the Madras High Court. before the Madurai bench of the Madras high co
- Karnail Singh & Others vs. State of Haryana, 2019. CRR-533-2013. In the High Court of Punjab & Haryana at Chandigarh.
- M. D. Chablani vs. Smt Radha Mittal & Others, 2021. I.A. No. 4164/2021. In the High Court of Delhi at New Delhi.
- Parvaiz, A. 2018. For India's black-necked cranes, dogs are a major threat. <https://news.mongabay.com/2018/08/for-indias-black-necked-cranes-dogs-are-a-major-threat/>
- Ramesh Sharma Petitioner vs. State of Himachal Pradesh and Others CWP No. 5076 of 2012, CWP No. 9257 of 2011, CWP No. 4499 of 2012 in the High court of Himachal Pradesh.
- Singer P. 2001. *Writings on an Ethical Life*. Ecco Press, New York. 384 pp.
- Singer P. 2009. FAQ III: The Sanctity of Human Life. Princeton University, Princeton.
- Singer, P. 1979. *Practical ethics*. Cambridge University Press, Cambridge. 353 pp.
- Singer, P. 1990. *Animal Liberation: A New Ethic for Our Treatment of Animals*, 2nd ed. Harper Collins, New York. 311 pp.
- Smith, W.J. 2000. *Culture of Death – The Assault on Medical Ethics in America*. Encounter Books, San Francisco. 256 pp.
- Stanton, G. 1996. The ten stages of genocide. Part IV, Dehumanization. <https://archive.ph/FQK5A#selection-367.0-385.15>
- Sudarshan M.K. 2017. Vision 2030: Dog-mediated human rabies-free India: Action must begin now. *Indian J. Public Health* 61:1-2.
- Sudarshan, M.K. 2003. Assessing Burden of Rabies in India: WHO Sponsored National Multicentric Rabies Survey, 2003. *Indian J. Community Med.* 2005. 30:100-1:1-2.
- Sudarshan, M.K. 2005. Assessing Burden of Rabies in India: WHO Sponsored National Multicentric Rabies Survey, 2003. *Indian J Community Med.* 30(3):100-101.
- Toolis, K. 1999. The most dangerous man in the world. *The Guardian*, 6 Nov 1999 <https://www.theguardian.com/lifeandstyle/1999/nov/06/weekend.kevintoolis>
- Virginia Department Agriculture and Consumer Services report. 2010. PETA. 7.7.2010. Summary of Findings. 1-3.