



WHISPERS OF JUSTICE, ROARS OF LIBERATION: A COMPARATIVE STUDY TO DETERMINE AND REASSESS PRIORITIES IN ANIMAL WELFARE AND ANIMAL RIGHTS DISCOURSE

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ABSTRACT

What should one prioritize in a society full of moral conundrums: animal welfare or animal rights? People who support animal rights believe that animals should not be utilized for human purposes and should have the same rights as people. It is preferable if people let them live their own lives. On the other side, supporters of animal welfare aid in providing animals with an optimal lifestyle that includes food, housing, affection, and any necessary medical care. Nevertheless, it also views a relationship as a give-and-take. Here, using animals for beneficial purposes is ethically permissible as long as the animals get proper treatment. It entails giving them access to food, drink, shelter, and the freedom to behave naturally. It has been said several times that human intervention is necessary for animal welfare and that survival becomes extremely difficult in the absence of it. In India, there is a high prevalence of animal abuse and cruelty, which causes trauma, severe bodily harm, aggressive behavior, and trust issues for animals. Animal rights activists have prioritized resisting human intrusion over the lives of animals in several historical cases, which undermines the movement's core goals—asserting that the "survival of the fittest" law would be applied and that Nature would take care of the rest.

Keywords: Activist, Co-dependent, Cruelty, Awareness, Rights, Welfare.

INTRODUCTION

Charles Darwin once said, “The love of all living creatures is the noble attribute of man”¹. In a world where we are upright alert about human rights and welfare, which is great, might one

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¹ Charles Darwin, *The Origin of Species* (First Published 1859, Fingerprint Publishing 2013) 65

add, we overlooked animal rights and their welfare somewhere. Unfortunately, the animals are not very well aware of their rights, nor can they do anything about it. This is why humans came up with a series of rules to protect them and their habitats. Naturally, there weren't supposed to be rights specifically for animals since they are responsible for their survival, unlike humans, who need to be governed to avoid chaos. But this fact was misused to a great extent. Since our whole ecosystem is co-dependent, all beings are interrelated and coiled in some way or the other. But where is the line? How much interference is considered natural? How are animal welfare and animal rights not the same thing?

ANIMAL RIGHTS

Animal rights, to put it simply, believe that animals have the same rights as humans. Just like humans have certain natural rights from the minute they are born, the same applies to all beings and is not restrictive to humans. They can deal with their own life as long as they are where they are supposed to be and do what they are supposed to do. Their main motto is to protect the animal's life and its way of living and not let humans misuse it or interfere in any manner possible. It is firmly believed that the mere purpose of animals is not to provide food, clothing, or entertainment to humans. They have their own lives and interests.

Animal rights emerge from a philosophical viewpoint, however, there lies more than what meets the eye. The reason why the concept of Animal rights was brought into existence was because humans, who are a dominant aspect of civilization, have an intrinsic need to keep growing and exploring. One may call it curiosity, whereas the other may call it greed. There is a constant need to keep on trying to expand their horizons. This requires them to use their surrounding biodiversity for the same.² This slowly and gradually led to the exploitation of flora and fauna, which kept on getting worse as time went by. What started as simple exploring had now convulsed into something extremely horrific that had gotten out of control. Using animals for food was justifiable due to the practice of human beings since medieval times. However, hunting them for pleasure, torturing them for illegal races, and killing them mercilessly to sell their skin and other body parts as a high-end luxury product for commercial gain is unnatural. Somewhere between this commercial greed, people started to forget that animals are living beings who also sustain emotional intelligence just like humans do. Animal

² Peter Singer, *Animal Liberation* (First published 1975, HarperCollins 1989) 365

Rights were introduced to spread awareness among people and explain that animals are not inanimate objects who are subject to exploitation.

ANIMAL WELFARE

Animal welfare refers to the ethical treatment and well-being of animals, encompassing various factors like psychological state, quality of life, and physical health. It stresses the inherent responsibility that humans possess to ensure the safety of animals. Animal welfare extends across various fields of human interests and professions such as agriculture, research, entertainment, and many more.

The famous “Five Freedoms³” which revolves around the concept of Animal Welfare states the types of freedoms that animals experience when they are in a healthy environment, unabused. The “Five Freedoms” are as follows:

1. Freedom from hunger and thirst
2. Freedom from discomfort
3. Freedom from pain, injury, or disease
4. Freedom to express normal behavior
5. Freedom from fear and distress

Keeping in mind these five types of freedoms, animal welfare primarily focuses on ensuring the well-being and humane treatment of animals within existing human-animal relationships. It aims to improve conditions for animals while at the same time acknowledging that humans may still need to use animals for various purposes, such as food production, research, or companionship.

HOW ANIMAL WELFARE IS THE POLAR OPPOSITE OF ANIMAL RIGHTS

Animal Rights activists and Animal Welfare activists are known to be in quite a bickering relationship due to their differences in ideologies despite their common interests in animal well-being. Some of the essential differences between them include-

³ Melissa Elischer, 'The Five Freedoms: A history lesson in animal care and welfare' (2019)MSU Extension <https://www.canr.msu.edu/news/an_animal_welfare_history_lesson_on_the_five_freedoms> accessed 13th February 2025

1. Focus and Approach-

- Ensuring the well-being and ethical treatment of animals as far as human-animal relations are concerned is the main goal of animal welfare. It seeks to improve animal conditions while acknowledging that humans need animals for various reasons, like companionship, research, food production, and much more.
- In contrast, animal rights adopt a more absolute stance, claiming that, just like humans, animals have intrinsic rights that must be acknowledged and safeguarded from the minute they come into existence. Animal rights activists fight to outlaw methods that involve the exploitation of animals, including factory farming, animal experimentation, and the use of animals for entertainment purposes. They support releasing animals from human captivity and exploitation and oppose the common notion that animals could be treated as property.

2. Ethical and Moral basis-

- Animal welfare is often based on functional ideals, which determine the morally just course of action by balancing the negative and the positive, which, in this case, is the suffering and the pleasure. According to this approach, enhancing the welfare of animals may help reduce suffering and increase everyone's general well-being, including humans as well as animals⁴.
- Animal rights, on the other hand, rely on morally upright or rights-based ethics, which hold that all animals, regardless of how useful they are to humans, have innate moral rights. Given that animals are capable of feeling pain, joy, and other emotions, those in favor argue that animals have the right to life, liberty, and freedom from exploitation.

3. End goals-

- The ultimate objective of animal welfare is to improve the overall conditions and care that are provided to animals while preserving the existing human- animal relation. It keeps in mind the everchanging surroundings and focuses on adapting as gently as possible. Activists often support the ongoing use of animals by humans as long as it is

⁴ Catia Faria, *Animal Ethics in Wild* (First Published 2022, Cambridge University Press 1534) 89

done humanely, even if they have to change industries and methods to lessen the suffering.

- Animal rights activists believe in a future where animals are not used as commodities or resources, and they seek to prohibit all practices that include exploiting an animal in any manner. Their ultimate objective is to bring an end to the long-standing, orthodox, and institutionalized animal exploitation by achieving the legal recognition and protection of animal rights.

THE SIMILARITY BETWEEN ANIMAL WELFARE AND ANIMAL RIGHTS

Despite their differences, animal rights and animal welfare share some resemblance in their widespread concerns for the well-being and treatment of animals. Their similarities include but are not limited to

- **Concern for Animal well-being:** Animal welfare and animal rights both support better animal care and treatment. Recognizing that animals are living beings with feelings of pain, sorrow, and joy, their goal is to prevent needless trauma and promote positive welfare outcomes.
- **Recognition of Animal Consciousness:** According to both points of view, it is critical that we acknowledge animals' awareness or their ability to see and feel the world, including emotions like joy, fear, and sorrow. Both highlight the moral need to take into account and lessen animal suffering.
- **Opposition to cruelty:** Organizations supporting animal rights and welfare stand together against needless suffering and cruelty to animals. They support eliminating abusive practices such as exploitation, neglect, and intentional infliction of pain.
- **Education and Public Understanding:** The significance of educating the public and increasing their understanding of issues related to animal welfare is highlighted by both sides. They aim to educate people on the moral issues of interactions between humans and animals, foster compassion and empathy for animals, and support the necessary treatment of animals.

ARGUMENTS AND DISCUSSIONS

With animal rights and welfare awareness spreading more and more throughout the globe, a lot of critics have come forward to put forth their opinions as well. Their opinions could be rooted in culture, scientific analogies, anatomical reasons, social conventions and traditions, economic reasons, and many more. These critics usually emerge to abscond the need to change one's traditional ways of doing certain things.

WHERE DOES BRUTALITY AGAINST ANIMALS STEM FROM?

Our society comes across several cases of animal brutality daily, and one of the most common reasons for those cases is humans with zero or no empathy. However ridiculous it may sound to a spectator's ears, it is still true that a lot of people, due to a lack of education on sympathy and disregard towards their moral responsibility towards the flora and fauna of their habitat, commit several brutal crimes against animals. One of the main reasons why these aforementioned people think it is okay to commit such crimes is because a) Animals have no means of verbal communication and b) it is considerably easier to physically overcome a defenseless animal.

Another reason why this brutality never seems to cease out of existence is that regardless of the acknowledgment of crimes against animals being committed in the Indian Legislature, the punishments for those crimes are very insignificant, and the entire process of getting an abused animal to justice is so incredibly tiresome and excruciating, that most people would rather turn a blind eye to the incident than go through all the process and still not get reasonable justice. Moreover, the awareness of the existence of such laws is so minimal amongst the people that many who witness such crimes do not know that there is redress offered by the legislature.

Studies show that people who commit brutal crimes against animals rarely stop there. Robert K Ressler, who developed profiles of serial killers for the US Federal Bureau of Investigation (FBI), states, "Murderers ... very often start out by killing and torturing animals as kids". Studies have now convinced sociologists, lawmakers, and the courts that acts of cruelty to animals deserve our attention. They can be the first sign of a dangerous pathology that threatens humans as well.⁵. Some examples of Notorious killers who showed similar signs are as follows-

⁵ Cynthia Hodges, 'The Link: Cruelty to Animals and Violence Towards People' (2008) Animal Legal & Historical Center <<https://www.animallaw.info/article/link-cruelty-animals-and-violence-towards-people>> accessed 13th February 2025

1. Ted Bundy, the serial killer and rapist who was convicted of two murders but is suspected of killing over forty women, saw his father abusing animals as a youngster and went on to torment animals himself.
2. Cannibal and serial killer Jeffrey Dahmer was known to use sticks to impale the heads of dogs and cats.

WHICH IS MORE ACCEPTABLE- ANIMAL WELFARE OR ANIMAL RIGHTS?

Although it is still an ongoing debate as to which one of the two ideologies- Animal Welfare or Animal Rights should be considered better, let us poke about this topic further to understand which is more realistic and sustainable to follow.

Animal Rights require one to completely stop using animals for any means, be it for consumption, entertainment, etc. They believe the exploitation of animals for any human needs is preposterous, and all of those practices must be abolished. But here is where the conflict of interest occurs- it is firmly believed that since the animal habitat practices natural selection, even if an animal is in potential danger or requires any sort of external aid, and human beings are well-equipped to provide that help, they must not. Using the defense that wildlife has a concept of “Natural Selection”⁶ Discovered by Charles Darwin in his book “Theory of Evolution”, which indicates that this mechanism of evolution where Organisms that are more adapted to their environment are more likely to survive and pass on the genes that supported their success, and the Organisms that are not very adaptable to their environment will not be able to survive. In short, the “Eat or get Eaten” concept is followed by Animal Rights Activists, wherein any form of human interference with the animal kingdom, even helping the animal, is frowned upon. It is believed that any human involvement in the animal kingdom might change the course of nature, which in the long term, would not be desirable.

For Instance, in 2007, Berlin Zoo’s polar bear cub “Knut” was found to be left with no parental figure after his mother turned a blind eye to him⁷. Zoo authorities found it appropriate to intervene and decided to raise that cub themselves. This is where Wolfgang Apel, an Animal Rights Activist, entered the scenario and claimed that taking a cub out of its environment is a gross violation of animal protection laws and that the aforementioned cub should be left to die,

⁶ Charles Darwin, *The Origin of Species (First Published 1859, Fingerprint Publishing 2013)* 65

⁷ Johnathan Amos, ‘Knut Polar Bear death riddle solved’ (2015) BBC news<<https://www.bbc.com/news/science-environment-34073689>> accessed 13th February, 2025

just like how nature's instincts were meant to. The Activist was more focused on not letting humans get involved than the cub's survival.

On the contrary, although Animal Welfare Activists continue using animals for various purposes, they focus on doing it humanely with several restrictions to keep a check on the severity with which animals are being treated, making sure that animals are not being abused while being used for various reasons. This is so because Animal Welfare activists believe that humans and animals live in a co-dependent relationship, and it is only natural to depend on them for our survival and expect them to depend on humans to make sure that they are not being exploited out of proportion for commercial reasons.

Apart from implementing Acts specific to animal welfare like "The Prevention of Cruelty against Animals Act, 1960⁸", "Wildlife Protection Act, 1972"⁹ and Sections 428¹⁰ and 429¹¹ of the Indian Penal Code, 1860, The Indian Constitution under Article 51-A(g) (Directive Principle of State Policy) ¹²makes it the "duty of every citizen of India to protect and improve the natural environment, including forests, lakes, rivers, and wildlife, and to have compassion for all living creatures." Simultaneously, Article 48A¹³ Our Indian Constitution provides that the State shall endeavor to protect and improve the environment and safeguard the forests and wildlife of the country.

In *Kennel Club of India (KCI) v. Union of India (2013)*¹⁴, The Animal Welfare Association Board of India informed the petitioner that puppies of various dog breeds, including Doberman, Cocker Spaniel, Great Dane, Boxer, and others, were all subjected to avoidable and unnecessary cosmetic surgeries, according to a notice the petitioner sent to the Veterinary Council of India. As a result, they carried out procedures including tail docking. The Kennel Club of India's notice to cease cropping puppies' ears was dismissed by the Madras High Court, which decided in favor of the veterinary doctors. The Court stated that cropping the ears of the dog or docking their tails does not subject them to any sort of cruelty as provided under the

⁸ The Prevention of Cruelty against Animals Act, 1960

⁹ Wildlife Protection Act, 1972

¹⁰ The Indian Penal Code, 1860, s.428

¹¹ The Indian Penal Code, 1860, s.429

¹² The Constitution of India, art.51

¹³ The Constitution of India, art 48

¹⁴ *Kennel Club of India (KCI) V. Union of India*, 2013, AIR 2013 (NOC) (Supp) 1439 (Mad.)

provisions of Section 11 of the Prevention of Cruelty to Animals Act, 1960, it is upon the decision of the owner¹⁵.

Despite the judgment not ruling out in favor of the Animal Welfare Activists, this Landmark Case sheds light for the readers of this article to understand better how Animal welfare works and what they represent.

FINDINGS

More people are becoming concerned about improving the care and protection of animals, according to several surveys and interviews conducted on animal rights and welfare. Individuals often show compassion for animals and urge for laws that prohibit cruelty to animals. Findings show a substantial relationship between larger ethical concepts like kindness and compassion toward animal welfare. To protect animals' welfare in a variety of settings, such as farming, entertainment, and research, participants also stress the significance of laws and their enforcement. Animal testing, factory farming, and the exploitation of wildlife are just a few of the practices that have sparked moral concerns. Increased education and awareness initiatives are also required to promote a society that is more animal-compassionate.

In a recent interview conducted with Animal rights activist Mr. Alok Hisarwala Gupta discussed the SC verdict, which upheld Jallikattu and its impact on the rights of animals. In this Interview, Mr.Alok Gupta expressed his concerns on The Hon'ble Supreme Court's reversal of its own 2014 Jallikattu Ban, protecting and elevating the cultural defense to exploit animals for entertainment – in the year 2023, contrary to a rising global trend calling for better protection of the interest of animals, is indeed a great setback to animal rights as well as environment justice.¹⁶

Surveys show that since 2015, India has recorded an improvement in cases filed for Animal Cruelty. This shows that due to a constant increase in awareness of Animal Rights and Animal Welfare. The feeding of community animals has also increased significantly.

¹⁵Kakoli Nath, Animal Rights in India: Landmark Cases and laws(2022)Finology

Blog<<https://blog.finology.in/Legal-news/animal-rights-india>>accessed 13th February 2025

¹⁶Gauri Kashyap, 'Interview: Mr. Alok Hisarwala Gupta on Jallikattu and Animal Rights' (2023) Supreme Court Observer <<https://www.scobserver.in/journal/interview-mr-alok-hisarwala-gupta-on-jallikattu-and-animal-rights/amp/>> accessed 13th February 2025

About Animal Rights estimating the global vegan population is a hefty task. However, data suggest that there are approximately 79 million vegans worldwide. With the global population rising to 7.8 billion, the percentage of the vegan population is not as significant.¹⁷ India has the second-highest population by a narrow margin. As of 2022, 1.4 billion people are living in India, second only to China, whose population sits at 1.45 billion. 24% of the Indian population is strictly vegetarian, 9% is vegan, and 8% is pescatarian, according to recent surveys.

CONCLUSION

Coming back to the topic of the Article, which of the two is better- Animal Rights or Animal Welfare? In conclusion, the discourse around animal rights vs animal welfare frequently showcases a division between theoretical principles and realistic approaches. Animal rights push for more significant moral and legal changes, whereas animal welfare provides a more practical and flexible framework that makes incorporation and adaptation into the current society's norms and legal frameworks simpler. However, despite their different approaches, the ultimate goal of both principles is to improve animal care and welfare worldwide.

Animal welfare is concerned with enhancing the living and working environments for animals, with a particular emphasis on reducing suffering and meeting fundamental requirements at the same time. This strategy often receives more support and has been crucial in promoting industry standards, legislative changes, and public awareness campaigns that have resulted in noticeable advancements in animal welfare throughout the world.

Activists for animal rights, on the other hand, reject the idea that animals are property and support their natural right to exist without being exploited, harmed, or subjected to cruelty. Although this viewpoint is occasionally seen as more extreme, it has led to significant ethical debates and discussions and changes in the way society views animals.

In the end, the worldwide development of animal welfare has benefited greatly from the efforts of both animal rights and animal welfare groups. Their cohabitation reveals an in-depth understanding of the intricate and on-ground problems of interactions between humans and animals. We can continue to make significant progress toward treating animals with greater

¹⁷Namratha Pai Kotebagilu, 'A qualitative investigation on Indian vegan food service providers' perspective of trends, challenges and the future of vegan consumption' (2023) *International Journal of Gastronomy and Food Science* <<https://www.sciencedirect.com/science/article/pii/S1878450X2300166X>> accessed 13th February 2025

compassion and ethics by acknowledging the harmonious nature of their perspective and valuing their unique strengths. This will help to ensure that animals' well-being and dignity are respected in a variety of cultural, social, and, ethical contexts.