

The Study of Animal Rights and Related Laws in Pakistan

Amjad Hussain *

A. Q. Sial †

Ahmad Usman ‡

Abstract: *The Islamic Republic of Pakistan like several other States of the world is a home to marvellous wildlife. There is a considerable variety of flora and fauna glorifying the landscape as well as forests of the country. This natural wealth of Pakistan is not being treated as it deserves for its continuous growth and preservation. Precious species of animals and birds are facing the risk of extinction or are in danger. The current study mainly explores the Pakistani legislation relating to animal rights. It also introduces certain species that if not rescued, are reported to be lost forever. The research has also tried to identify the reasons for the extinction/reduction of certain species of animals and birds. The role of law enforcement institutions including the superior courts has been made part of the study. The doctrinal method has been employed to conduct the present research.*

Key Words: Animal Rights, Biodiversity, Conservations, Endangered Wild Species, Co-existence

Introduction

Pakistan like several other States of the world is a home of marvellous wildlife. There is a considerable variety of flora and fauna glorifying the landscape as well as forests of the country. This natural wealth of Pakistan is not being treated as it deserves for its continuous growth and preservation. Precious species of animals and birds are facing the risk of extinction or are in danger because of the cleansing of the forests and due to the hunting pleasure of the public in general [Adler et al., 2020]. The forests, desserts and rivers of Pakistan are custodians of precious plants and animals.

The Markhor, a well-loved species is the pride of the nation as the national animal. This asset of the nation, unfortunately, is facing the threat of extinction [Khan, Iqbal and Khan, 2013]. This national symbol has been categorized as threatened by the Union of Conservation of Nature. The Mountain weasel is the inhabitant of higher altitudes of Kashmir valley known as the beauty of mountains. The strength of the specie is being pushed to dangerously low due to habitat change. Asian Black Bear similarly is facing threat due to unauthorized forest cutting and population expansion. This human activity is seriously affecting their habitat, restricting their movement and growth putting them on the verge of threat. Baluchistan Forest Dormouse is found in the area where it has obtained popularity as an ingredient

in medicine which has increased its so believed medicinal demand in the local conservative community and especially for Chinese workers employed in the area.

The Snow Leopard, which is commonly believed as the beauty of nature, is also under threat in Pakistan. The International Union for Conservation of Nature claims the global population of this animal is around 6000. Its general behaviour is believed as living and moving in sequestration. Its population has been estimated to be reduced due to the threat of hunting and rapid human expansion [Hussain, 2002].

The European Otter is a water animal. The amount of pollution in our water has threatened its life. This creature is increasingly dying in Pakistan. Similarly, the Indus River dolphin is a beautiful creature. Its beauty and traits have made the dolphin the most recognized creature in Pakistan [Braulik et al., 2015]. Social organizations motivated by state machinery coupled with public participation can help to take care before further loss resulting in its extinction.

The Wild Cat known as Caracal is a medium-sized cat native to Middle East South Asia. It is also facing extinction. This is a carnivore and eats smaller animals and birds with its surprising mode of overpowering its target. It looks

* Assistant Professor, Department of Law, The Islamia University of Bahawalpur, Punjab, Pakistan.

Email: ahpanwar@iub.edu.pk

† Assistant Professor, Department of Law, The Islamia University of Bahawalpur, Punjab, Pakistan.

‡ LLM Scholar, Department of Law, The Islamia University of Bahawalpur, Punjab, Pakistan.

fascinating due to its capability to jump more than twelve feet high to catch flying birds. Deforestation for urban development has pushed the specie critically endangered in Pakistan [\[Saeed, 2003\]](#). Environmental pollution and recreational fishing have influenced a considerable drop in the number of Bigeye Tuna fish. This fish has gained popularity as delicious fish for food at urban restaurants. The sheep named after Marco Polo is found in the northern areas of Pakistan and is a target of many hunters. This is a beautiful creature for its spiralling horns which have endangered its life.

Green Sea Turtle is another most fascinating water creature. Generally, when any part of the body of an animal is found source of minting money, it becomes a major threat to the existence of that category of animal. The same is the case in Pakistan where these types of animals are captured for their shells and skins. Although, it is illegal around the world to collect, kill or harm these animals, however, these are butchered, required material is collected and remains are thrown away. Thereafter, these are sold at considerable prices on the black market. Their population is also decreasing due to contamination of water [\[Malik et al., 2013\]](#).

Animals and birds in the contemporary world have been recognized as purposeful fellow partners of humanity [\[Markwell, 2015\]](#). These are to be treated like the rest of the breathing creatures having decipherable features and characteristics besides participants in the maintainability of the ecological system of life on earth [\[Law, 2019\]](#). Earlier perception of this co-existing creature as manageable for laborious, amusable, and consumable commodity has been overshadowed by the developing rubrics of psychosomatic ethics. With the emergence of contemporary scientific knowledge, humanity has obtained a logical realization of an indispensable physical partnership of all living creatures for the orderly life of the planet. Their co-existence is no more subject to consumable or disposable status [\[Woodroffe et al., 2005\]](#). The modern world has moved for more sympathies for the fellow partners demanding certain basic rights for each creature. Now, it is a reasonable and humanitarian tenor to ask that animals do have certain rights [\[Machan, 1991\]](#). This simple assertion has broadly been proclaimed and admitted. We can speak for animals as being possessed with certain fundamental or constitutional rights. Pakistan's constitution provides guarantees to this effect and obligates State authorities to ensure these rights [\[Mughal and Ahmad, 2020\]](#).

Significance of the Study

The study has an objective to combine national interests vested in the living organism under the domain of law eliminating all types of arbitrary actions and giving smooth directions and working patterns of life. Flora and fauna have economic value in providing humanity with a system of production and consumption. Several professionals such as farmers, fishers, and timber workers, are dependent on biodiversity as it provides functioning ecosystems that supply oxygen, clean air and water, pollination of plants, pest control and many environmental services. The Ecosystem Assessment in 2005 was the first global effort to examine links between human wellbeing and biodiversity. The assessment found benefits to societies in material welfare, security of communities, the resilience of local economies, relations among groups in communities, and human health. It also emphasized the term 'ecosystem services' under broad explore able categories [\[Morton and Hill, 2014\]](#).

The current study is supposed to be a good addition to the domain of animal rights and their protection.

Pre-Partition Legal Coverage

Historical perceptions of the rulers of the sub-continent exhibit a limited vision of having the body of law for the preservation and protection of animal life. On the 21st of March, 1890, a conspicuous law (i.e., The Prevention of Cruelty to Animals Act, 1890) was passed restraining the large-scale brutality towards animals [\[Ijaz, 2021\]](#). The main provisions of the Act provided for the following matters:

1. Appointment of infirmaries for treatment and care of animals. (Sec 6B)
2. Imprisonment for overloading animals. (Sec. 3A)
3. Punishment for employing animals unfit for labour. (Sec. 6)
4. Imprisonment for killing animals with unnecessary cruelty. (Sec. 3)
5. Punishment for baiting or inciting animals to fight. (Sec. 6C)
6. Permitted destruction of the contagious animal. (Sec. 10)
7. Legal exemption with respect to religious rites and usages. (Sec. 11)

Protection of Animals under Pakistani Laws

Section 47 of the Pakistan Penal Code (PPC) contains certain provisions relating to the explanation and enforcement of animal rights in Pakistan. Its wider coverage includes all living

creatures under the definition of animal. By virtue of this Section, the range of protection extends indiscriminately to all kinds of living creatures regardless of their location, species, or classification. The operation of this Section leaves no room to escape the responsibility arising out of any act contrary to the protection and preservation of animals. Section 289 of PPC provides penal action for omission to take care of any animal in someone's possession or neglecting any probable danger or grievous hurt from or to such animal due to such negligence.

The law prevents growing brutality of the unnatural offence against the order of nature including animals by punishing the act with imprisonment for life or lesser according to the nature of the act or event as suitably determined by the court U/S 377. Similarly, Section 428 deals with the act of rendering the animals useless by punishing the culprits with imprisonment. The same Section also deals with poisoning any animal. Section 429 forbids killing an elephant, camel, horse, mule buffalo, bull, cow, ox or any other animal. Section 430 and 289 penalize anyone who causes a diminution of the supply of water for food or drinks for animals with the punishment of imprisonment.

Preliminary Conservation Strategies

Conservation of the natural order of life on the planet has been realized in material terms all over the world. The people of Pakistan have the adequate realization of conservation of this ideology in their planning. Public motivation has little practical determination, therefore, it does not match with required progress. As far as legislation is concerned, Pakistan has enacted a rudimentary indispensable body of law for the purpose of conserving its natural stock of wildlife in all regions of the State. From a historical perspective, the most important laws, rules and regulations framed are referred to as under:

1. West Pakistan Wildlife Protection Ordinance 1959.
2. The Pakistan Wildlife Protection Rules 1960
3. Pakistan Wildlife Ordinance 1971
4. Wildlife protection Ordinance Sindh 1972.
5. Baluchistan Wildlife Protection Act 1974.
6. Baluchistan Wildlife Protection Rules 1975.
7. Punjab Wildlife Act and Rules 1974.
8. Azad Jammu and Kashmir Wildlife 1975.
9. Azad Jammu and Kashmir Wildlife Rules 1985.

10. NWFP Wildlife Act 1975.

11. NWFP Wildlife Rules 1977.

12. Northern Areas Wildlife Preservation Act 1975.

13. NWFP (Protection, Preservation, Conservation and Management Act 1995.

The Punjab Wildlife (Protection, Preservation, Conservation and Management) Act, 1974 has been a progressive addition in this direction. U/S 9-14, imposes restrictions on hunting and restricts the import/export of animals, trophies and meat. Wildlife sanctuaries, wildlife breeding farms, national parks and game reserves have also been provided U/S 16, 17, 18 of the Act. The Act notably provides for a wildlife park, zoological or zoo and safari parks U/S 18-A. It also mentions private game reserves, Wildlife Park, and safari parks for improvement of the existing condition U/S 20 of the Act. To ensure implementation of the rules, the Act provides the power to search without a warrant U/S 25 along with the power to arrest U/S 31. The powers granted to try offences summarily U/S 36 have a deterrent effect.

At the time of independence, the legislation on the subject was as per requirements of the old days and had limited operating scope like permitting hunting and killing predators for recreational purposes. However, there was limited possibility of improvement for the management of species and habitat conservation. The indifferent attitude of the public towards wildlife also made the enforcement of law weaker and supported the extinction of species. Many species of mammals, birds and reptiles became threatened in due course of time ([Ceballos, et al., 2010](#)).

The policy relating to the conservation of wildlife in Pakistan gained further momentum during the 1970s at national and international levels. As a result, comprehensive legislation was initiated by the Wildlife Enquiry Committee for enactment by the respective provinces. The management of wildlife is a provincial subject matter; therefore, each province had to enact its own Act and Rules. This was a good initiative for local management and contributory responsibility of all sections of the population. Yet wildlife, being a provincial responsibility, also necessitated legislation mainly consisting of provincial Acts and ordinances. The Punjab Wildlife Act 1975 was promulgated, and rules were also framed under the Acts and ordinances. Separate law for Islamabad Wildlife Protection, Preservation, Conservation and Management 1979 was also passed in due course of time.

The deficiencies in the legal framework caused irresponsible attitudes in implementing provisions for the protection of habitat, etc. Consequently, lack of coordination amongst government departments resulted in absence of implementation of law and made the legal structure ineffective. The wildlife team of the capital development authority responsible for preventing illegal hunting became powerless because of the involvement of influential figures [M. Khan, 2016]. The level of education in society and scarcity of required knowledge in government servants reduced the vision to foresee the long-term repercussions. Regulations for the public were made in seclusion and were not given wider publicity for creating public interest and participation.

Global Realization of Biodiversity and its Implication

Conservation of biodiversity is important for each State to sustain the environment and its conditions [Redford and Richter, 1999]. Therefore, for the conservation of biodiversity, the protection of animals and birds is very important. For ages, zoologists and lawmakers with collaboration have been finding out ways to protect the animal and bird species that are getting extinct due to various reasons for which human beings are also responsible. In this context, a list of endangered species has been prepared whose killing is forbidden worldwide. Several countries have made laws to provide protection to such endangered species. Those species are protected either because they are of their own country, or because they are migratory birds. In Pakistan, hunting and selling of a few of those species are still being done under the permission irregularly granted by officials of the government. Although the government has imposed a provisional suspension on hunting at the same time it has also permitted hunting for particular aristocracy [Khan, 2016]. Under those endangered species Houbara bustard, black titar [locally called *kaala titar*] and blackbuck are included but still being sold on public access pages online.

Houbara Bustard owes distinguished charming appreciation in the hunting circle. This is one of the most wanted and significant bird species and has been placed on the endangered species list. It has been listed as vulnerable since 2014 [Allinson, 2014]. The major causes are habitat loss of land converted for commercial purposes. These activities resulted in decreasing the number of houbara bustards. If no conservation strategies are launched, this bird will be in danger of extinction. The government is not

playing a serious part in protecting this bird therefore law enforcement agencies are helpless in giving material protection to this specie due to the involvement of political figures. Whenever the officials raid the culprits, the hunters abundantly use their means to escape the responsibility. This popular bird is not only protected under international conventions signed by Pakistan but its hunting is also banned under local wildlife protection laws [Hiesemann, 1912]. The alarming hunting trend was brought into consideration by the Supreme Court of Pakistan, which ruled that the hunting of houbara bustard must be in accordance with the laws [Ahmed, 2016].

Although under the local law hunting and selling of other birds like *chikor*, *kala tittar*, *chota tilur*, *murghabi* is forbidden under the Wildlife laws, they are still being hunted without licenses commonly in the Bahawalpur region of Pakistan. However, under the law, one can hunt these birds with permission of the authority and after holding licenses in a certain number and only during the authorized days [Khan, 2016]. Contrarily, with this permission misuse has increased and people without licenses are also hunting them. People with licenses hunt and sell to people without licenses. Fake licenses are made and there is no proper check and balance to stop the violation of laws [Ibid.].

Public and Media Rejoinder

It is generally believed that public response is the most powerful and effective warning for outlaws. But that has yet to emerge as potential resistance against arbitrary actions of influential figures including public officials. The media in Pakistan is playing a significant role in this national cause. When the media approaches government officials for interviews, public servants resist replying and providing an authentic version of the events. Mass media reports are comparatively functioning as the basic statistics required for the analytical and confirmatory understanding of the issues socializing in public. In a causal media enquiry, a hunter talked to Dawn News and told them that hunting took place at the time of sunrise or sunset. Culprits during their illegal business have devised sound machines to fabricate bird sounds to lure them to land at places already devised for hunting [Junaidi, 2016]. The use of such sound-making machines is strictly banned by U/S 5 & 8 of West Pakistan Wildlife Protection Ordinance 1959 [Shafiq, 2005]. The culprits vehemently acknowledged that they in addition used replica stuffed material to attract birds and make them land. This method is being used widely and is an inducement to aspiring fresh entrants to work out the same strategy for illegal gain. On receiving

complaints, the wildlife officials escorted by local police instead of confiscating the hunting artefacts, occasionally, only warn the culprits to abandon the area. Consequently, the whole exercise which is done halfheartedly causes no deterrent effect. It shows that wildlife preserving authorities along with law enforcement authorities have been indulged in illegal killing of those species which are getting extinct in the world ([Khan, 2016](#)).

State Economic Reservations

There are several socio-economic factors in the developing countries reducing the State authorities' performance to precisely follow the obligations under national as well as international law. However, keeping in between the compulsions, a sensible approach generated and advocated under the broader vision may work for paramount global welfare objectives. Trade via import and export of live birds illegally does not operate as concealed as undetectable by the State machinery. Transactions routed or permitted to some of the Gulf countries do not match with the State proclamation. This is claimed that the Ministry of Foreign Affairs issues some of the wealthy Arab neighbours special permits for hunting the houbara bustard, a rare bird whose meat is prized among Arab sheikhs as an aphrodisiac ([Khan and Awan, 2019](#)).

These reservations also work as a compromised diplomatic strategy for manoeuvring the crumbling economy through irregular means not manageable under international and State wildlife laws. This financial fragility has been causing indisciplined reliance mode undermining the political and judicial system of Pakistan. In the end, this results in compelling State machinery to keep quiet against the prohibited exchange of hunting permission for the wealthy neighbourhood for short-term financing concessions. In return, most wanted houbara bustard hunting trips are arranged for wealthy influential Arabian figures sometimes secretly and sometimes with the permission of those authorities who have already been made to keep calm. This strategy is applied so tactfully that it hardly agitates the conscious members of the local organizations to mourn the killing of endangered species. It has been claimed that hunting parties are given a limit of 100 birds in a maximum 10-day period, which often exceeds their quota. In 2014, the leakage of an official report made it public that a Saudi prince had killed more than 2,000 birds in 21-day hunting ([Khan, 2016](#)).

The Role of Superior Courts

Superior Courts of Pakistan have exercised jurisdiction under the Constitution and law for the preservation and subsisting conditions of life and rights of animals in the country. The Supreme Court of Pakistan laid down the guidelines for adherence and implementation of national law and obligations under international treaties to which Pakistan is a signatory. The emphasis is on wholehearted devotion to the cause of creating accommodating conditions for all living creatures. In a judgment, the Lahore High Court held for the rights of Black Bucks deer. The judgment declared that the government was bound to protect and preserve the endangered species of deer ([Ali Imran v. Forest Wildlife and Fishery Department, 2020](#)).

The Islamabad High Court called upon that animals had rights that ought to be respected and it was the duty of humans to protect these rights for their own survival. In this petition, the treatment of living beings kept in captivity in its small and ill-equipped enclosure was the subject matter of the case ([Islamabad Wildlife Management Board v. Metropolitan Corporation Islamabad, 2020](#)).

To regulate the influential elite, the Supreme Court of Pakistan put a ban on the hunting of endangered species for Arabs. But later in 2016, the Supreme Court lifted the ban silencing its own order. A five-member larger bench announced the verdict by saying that the "*role of the judiciary was to interpret the laws and not to legislate*". However, Justice Qazi Faiz Isa recorded his dissenting opinion ([Khan, 2016](#)). On one side, where the world was taking measures to protect the endangered species, on the other hand, the Pakistani government was lifting the ban on hunting and killing (Ibid.). This discrepancy adjudged in a manner prejudicial to the enforcement of rights of wildlife law needs reconsideration by the apex court.

The sustainable Public Conservative Measure

The preservation and sustainability of the natural environment have been a well-founded ideology of human beings. The need for conservation has been in practice up to the knowledge and resource-based capacity of each continent. This is inbuilt faith of the nations to have common strategies for obtaining and materializing maximum use of natural assets. This realization has forced the reluctant communities to take refuge in the fabrics of nature for a promising future for humanity.

The Government worked for international partnerships in ecological fields on the occasion of

a conference on the environment in Stockholm in 1972. Pakistan played a leading role at the conference under the auspices of the United Nations on Environment and Development in 1992. Pakistan jointly designed the comprehensive national conservation strategy in 1992 in cooperation with international organizations.

The establishment of the Pakistan Wildlife Foundation in June 2010 as an organization of like-minded conservationists and lovers of nature was an encouraging movement due to public involvement. This organization enjoyed the technical expertise of wildlife ecologists. The mission of the organization included augmenting awareness among the public in general. This basic-level drive in the country boosted contributory information on biodiversity and the environment. On the academic side, this foundation provides a linkage for university students and researchers to share their experiences and ideas for long-lasting objectives. A quarterly journal was also launched by Pakistan wildlife researchers to publicize interrelated information and to propagate the national and individual accomplishments for nature conservation in Pakistan ([Baig and Al-Subaiee, 2009](#)).

Conclusion

The earth is rightly known and pronounced as our motherland and owes the properties required for the survival of humanity. Humankind can only survive on this planet if we protect its natural habitat of it. Protecting the habitat means protecting the living organisms of the earth. In

past, we have seen that many species have got extinct from this world due to negligence. The extinction of species has caused adverse effects towards human beings as well as the environment. The world governments are making rational laws and policies to protect God gifted inhabitant species of birds and animals. Whereas in Pakistan their hunting and selling are taking place in outnumbered quantity and the government exercises no meaningful role to sustain those species. It is time to achieve the noble cause of wildlife conservation which has been determined as a foundation of the well-being of humanity at large. International institutions are generously offering co-operation in all aspects of exploration and exploitation of local expertise and magnificent natural resources. The areas in which Pakistan can extend assistance are the implementation of law of the land along with the execution of international obligations.

The law enforcement mechanism is not enough to achieve the objectives we are under national and international obligations to comply with. Still, we need improvements in the following sectors:

1. There is a need for further reviewing and upgrading the existing body of law which is inadequate to perform national and international obligations.
2. The existing volume of rules and regulations needs effective and indiscriminate enforcement through all segments of law enforcement agencies.
4. The provisions for protected areas are not categorically reasonable.

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