

Original Article

## Legal framework in aid of biological diversity and statutory deficiencies in Pakistan

Marco legal em auxílio da diversidade biológica e deficiências estatutárias no Paquistão

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### Abstract

The traditional perception of mutual rights and obligations in the developing world was practically confined to human beings only. Fortunately, this conventional understanding is growing to include all living beings in the scope of certain basic rights. It is also addressing those creatures which are co-existing with human societies naturally or are associated for their subsistence and interdependence. It means that there should be prescribed body of rules and regulations to regulate human conduct in the society. In Pakistan social awakening for animal rights supported by international campaigns have urged state institutions to make adequate body of rules and regulations for protection of animal rights. Purpose of developing required understanding, at the first place is to clarify what is a right and what is an obligation? Secondly what should be the nature of these rights and obligations. Should these be only specific to human beings or there are other beings who also possess certain rights? If other living beings, species have rights, how these rights are to be conferred and regulated? Who is under obligation to provide these rights? Who is liable and responsible to ensure observance of such obligations?

It is becoming clearer that like human beings' animals do have certain rights as living beings. All most all religions of the world have prescribed certain rights to them which are encrypted in their holy books. Most of the people are aware of basic concept of observing mild and kind behavior towards pet animals only. Today we scientifically know that humanity and animals have co-existing inevitability. By observing mutual behavior and sensation, the world has provided special rights to the animals by making laws and Acts. Implementation of those rights can only be made through mutual understanding of the citizens under the supervision of law enforcing agencies. It is the responsibility of state and citizens of the states jointly to protect the animals when their rights are being violated.

**Keywords:** animal rights, animal protection, endangered species, biodiversity, wildlife, environmental protection, constitution of Pakistan.

### Resumo

A percepção tradicional de direitos e obrigações mútuos no mundo em desenvolvimento estava praticamente limitada apenas aos seres humanos. Felizmente, esse entendimento convencional está crescendo para incluir todos os seres vivos no âmbito de certos direitos básicos. Também está abordando aquelas criaturas que coexistem naturalmente com as sociedades humanas ou estão associadas à subsistência e interdependência delas. Isso significa que deve haver um corpo prescrito de regras e regulamentos para regular a conduta humana na sociedade. No Paquistão, o despertar social para os direitos dos animais, apoiado por campanhas internacionais, levou as instituições estatais a criar um corpo adequado de regras e regulamentos para a proteção dos direitos dos animais. O objetivo de desenvolver a compreensão necessária é, em primeiro lugar, esclarecer: o que é um direito e o que é uma obrigação? Em segundo lugar, qual deve ser a natureza desses direitos e obrigações? Devem ser apenas específicos dos seres humanos ou existem outros seres que também possuem certos direitos? Se outros seres vivos e espécies têm direitos, como esses direitos devem ser conferidos e regulamentados? Quem está obrigado a fornecer esses direitos? Quem é o responsável por garantir o cumprimento de tais obrigações?

Está ficando mais claro que, assim como os seres humanos, os animais têm certos direitos enquanto seres vivos. Quase todas as religiões do mundo prescreveram certos direitos a eles que estão criptografados em seus livros sagrados. A maioria das pessoas está ciente do conceito básico de observar o comportamento suave e gentil apenas para animais de estimação. Hoje, sabemos cientificamente que a humanidade e os animais têm uma inevitabilidade coexistente. Ao observar o comportamento e a sensação mútuos, o mundo concedeu direitos especiais aos animais, fazendo leis e atos. A implementação desses direitos só pode ser feita por meio do entendimento mútuo dos

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cidadãos sob a supervisão das agências de aplicação da lei. É responsabilidade do Estado e dos cidadãos dos Estados proteger conjuntamente os animais quando seus direitos estão sendo violados.

**Palavras-chave:** direitos dos animais, proteção animal, espécies ameaçadas, biodiversidade, vida selvagem, proteção ambiental, constituição do Paquistão.

## 1. Introduction

Wildlife is a valuable gift of nature to this planet. The term 'wildlife' not only relates to wild animals but also takes into its enclave all untamed big or small forms of living beings deserving attention and sympathies of humanity in general regardless of having origin from any continent, region, and country etc. This natural inheritance may include all kinds of birds, beetles, shrubberies, mushrooms, and even infinitesimal creatures (Preece and Chamberlain, 1993). This is essential for the purpose of preserving a dynamic biological stability on our planet. This politest aim is exclusively not only for domestic animals, green or ornamental and colored plants, it includes known even unknown types of varieties that are important for human life on the globe. Scientists of physical disciplines and biologist since time immemorial obtained the realization that each creature on this planet has an essential contribution in food chain. Each part of this natural system has to contribute to maintaining the requirements of ecosystem in its own way (Clinebell, 2013). Nevertheless, we are in this realization that many of the above stated varieties of natural species are being ignored and are facing threats of extinction. There is lack of planning and co-ordination in state developing organizations to maintain balance for visible as well as perceivable necessities of naturally existing and co-existing realities. The system of preservation and conservation of natural habitats of flora and fauna are being destroyed for agricultural development (Goudie, 2018). Domestic laws made under federal and provincial jurisdictions are not being followed as ought to have been complied. People on their own initiatives forced by humanitarian compulsions are filing petitions in civil courts. Inhuman treatment of people with animals in their ownership is deemed interference in their private affairs. Sanctity of law operates in limited manner and as discretionary function of official duty bound to prevent injury to animals. Killing animals for fashionable pursuits like making jewelry, ornamental costume and leather antiquities to show bravery are contributory factors of wildlife extinction (van Uhm, 2016). If system of law is not fully operated and rules and regulation are not applied indiscriminately to deter the violator as state sanction solely to save wildlife, most of the species of animals shall be found as literary reserves of history in museum. This dilemma shall inflict fatal impact on human life as well. We are individually and commonly under responsibility to save our earth, wildlife, and most importantly our own selves (Redford and Sanderson, 2000).

Albert Einstein said, "The indifference, callousness, and contempt that so many people exhibit toward animals is evil first because it results in great suffering in animals, and second because it results in an incalculably great impoverishment of the human spirit." World religions offer more than enough guidance on the subject. Islam

also forbids treating animals cruelly or killing them except for food (Rahman, 2017). *Zabiha* rules stipulate how an animal is to be maintained and when they are slaughtered must not be mistreated or caused undue pain (Jawaid, 2013; Ahmadova, 2016). Yet, animal cruelty is rampant and exists in varied forms in countries like ours. This research aimed to review the public perception regarding animals' rights in Pakistan, the response of public in general for recognition of animal rights, observing responsible compliance of legal obligations and the nature of problems in implementing laws. Furthermore, this article discusses the response of state institutions against violations and the enthusiasm and sense of responsibility which state may show in compliance with international obligations regarding animal rights.

## 2. Religious Sanctity of Animals Rights

Inviolability of mutual rights is based on religious doctrines and quotes from holy Quran has been referred the people as responsible in the context of human survival. There are commonly known verses of Quran plainly relating to animals, which are arguing emphasis regarding nature of these rights (Sarwar et al., 2021). Among those examples are common usage of animals for nourishment, carriage, decoration, and material assistance for transportation. The Earth is a natural home created for all living being with numerous common features and characteristics to attract each other for mutual attributes of subsistence. This is out of moral code that animals should be treated in a cruel manner. This temporal acknowledgement and obligation of learned as well as ignorant people to protect natural life as part of their divine obedience. We have to protect them from being harmed or treated in any manner that causes unnecessary pain and suffering to animals (Awan and Rahim, 2018).

Human values naturally induce men, women even children of common prudence that no one has right to kill or maltreat fellow living partner of the nature that includes wildlife. Our partnership should be based on mutual service sharing and due observance of righteous portion of resources reservations as endorsed by ancient philosophers. Their teachings have contributed meaningful insight in the direction of protection, conservation of wildlife boosting the sense of love and co- existence to wild creature among us (Nash, 1989).

## 3. Legislative Guaranties

Animals hold conspicuous portion of legal enactments and operative system of Pakistan. Theoretically Constitution of Pakistan directly or via interpretation addresses issues on proper maintenance and preservation of all types of life inside territorial limits of Pakistan. There is foundational

legacy of such concerns as humans have rights under this document, so they are directly tied to the well-being of wild animals (Mughal, 2020). Subsistence of animals is recognizable belief for endurance of people on the earth (Woodroffe et al., 2005). Without the wildlife species there will be extinction to human life on this planet (Woodroffe et al., 2005). It is therefore obvious that neglecting life of animals or harming their life in any way that results in needless discomfort has implications for the human life guaranteed under Article 9 of the Constitution of Pakistan (Mughal, 2020).

Pakistan has some of the world rarest animals on its territory (Roberts, 1977). Several action plans for national progress and development are in progress. Construction of barrages for expansion of agricultural sector is significant. Irrigation plan along the Indus River has altered the natural habitat and environment has become unfriendly for survival of some of the rare species in the area (Sayied, 2007). Indus fly way is internationally considered an important birds migration zone (Umar et al., 2018). Human development has inflicted some negative implications on biodiversity. With rise in population more and more issues are emerging for protection of animals in Pakistan because it will ultimately help human population to survive as well (Zubair et al., 2018).

As we owe a considerable natural wealth on our territory, we are under obligations to offer an environment of mutual co-existence to ensure reciprocal necessities of execution of natural life. Animal partner are not as socially groomed as human being do. They are although in large varieties and scattered throughout the planet but having no consensus for their protection, therefore more vulnerable to human adventurism. This is need of human society to offer protection to these fellow susceptible global partners. Although state institutions enacted laws covering areas such as environmental protection, wildlife safety, which are still ineffective. The wildlife committee in Pakistan drafted legislation recommending setting up of a National Council for Conservation of Wildlife. The Committee was established in 1974 within the Ministry of Food and Agriculture. The committee is currently working under the Ministry of Environment and Rural Development. It has been proposing laws and managed to produce the required body of laws. The first piece of legislation introduced thereunder was the Environment Protection Ordinance of 1983. This was succeeded by the Pakistan Environmental Protection Act 1997 (Nazir, 2004).

#### 4. Legal Implementation Status

Pakistan is supposed and estimated among non-adequately complying country for international obligations and its legal status on the subject is with outdated animal laws, resulting in allowing the people to mistreat animals at liberty. It is essential for the state to impose strict animal protection laws and make its implementation compulsory. Animals donated from abroad are neglected, abused, in an abnormal way (Ijaz, 2021). World Wildlife organization has positively stated how our zoos are being maintained as per the international standards. These models are set

by the international community like European Association of Zoos and World Association of Zoos and Aquarium. Animal smuggling and trafficking are prospering due to unchecked and easy-going laws (Kazmar, 2000). Precious seventy-five bustard falcons, from endangered bird species, were discovered by custom on their way to smuggling (Bailey et al., 2000). Sindh's endangered turtles are victim of trafficking as being illegally exported to many countries of Asia. They are eaten, used for several purposes and for making artificial jewelry (Bhatti, 2016). A wildlife department is of the view that small amount of fine is one of the causes of increase in outnumbered smuggling.

Pakistan owes natural habitat for at least two hundred species of mammal and seven hundred bird species. This feature makes it part of the most diverse ecosystems in the world. Unfortunately, conservation efforts are not up to the mark. Pakistan has been graded (E) on the World Animal Protection Index with (F) grade in government accountability and (G) grade in animal protection. This is lower rank from India but higher than that where human rights situation is dreadful (Animal Protection Index, 2014).

Animals owned by private people is example of animals in captivity. Although Articles 3 and 5 of the PCTAA, such wildlife is considered the responsibility of provincial governments. The elite class is openly violating laws enforced by provincial administrations. It is in practice for assumed status symbol to maintain distinction. People are keeping tigers, lions, leopards, and crocodiles at their private residences. The Wildlife Preservation Act 1975 Northern Areas forbids wild animals from being kept as pets without the permission of the Chief Wildlife Warden for either scientific purposes or as part of a recognized zoo (Koshi, 2020).

Enactment regarding fur farming in Pakistan needs rationalization ("Animal Protection Index," 2014). The current legislation includes general protection provisions. There is no legislation concerning possessing the category of companion animals in all provinces. Similarly reports indicate the discarding of wandering dogs in painful manner (OIPA, 2021). Same is the position for rearing of broiler chickens and regarding the nurturing the egg-laying hens.

Although brutality arbitrarily committed toward animal lot, to some extent has decreased. It is present in rural areas in several forms being practiced for public amusement through professional beggars who perform illegal tactics to incite several kinds of animal to fight with dog, monkeys, and bears. Such comparatively obsolete professionals have made this as a way of earning (Radhakrishna, 2007). These activities took the form of brutality and cruelty sponsored for the sake of public fun and pass-time which are not deemed as prohibited act contrary to laws and immoral. This is a form of abuse of animals even though such animals are trained for the purpose and seem ready for injuring and killing other animal. There is also need of protection of animals used in research labs as these are kept in tiny cages for lot of time and their care is given to untrained lab officials of the institutions. Legislation is regarding for animals used for scientific research ("Animal Protection Index," 2014).

## 5. Moral Grounds Enforcement

Philosopher Jeremy Bentham is of the view that while determining the rights of a being, the criterion is not they can reason or talk, but they suffer. Based on common acquaintance, it is philosophical view that animals inherently suffer the same degree that humans do. Animals surely feel pleasure, pain, loneliness, and motherly love common between humans (Panksepp, 2004). This is justification for understanding that animals too are entitled to certain basic rights.

Philosophical and theoretical foundations of contemporary animal rights also be placed within framework of social justice. Jurist writers are in support of expanding theories of social justice for minimizing violence and oppression. Animals have significant moral entitlements and are legitimate subjects of justice because they suffer universal and institutional domination and oppression (Jones, 2015). There are sound moral justifications empowering to establish that animals have vigorous moral status therefore deserve to be considered a social justice issue. Those committed to social justice must consider the interests of all sentient beings and not only those of human beings (Jones, 2015).

Prominent modes of cruelty and neglect of equitable maintenance of animal in captivity are major concern of law enforcing agencies to be addressed in a manner that produce popular persuasion in lasting manner. We have to scientifically deal several options relating to animals' social, and physiological needs also enabling the society to get rid of infringement of the right to life of humans.

Following are the kinds of animals for reciprocal interaction already admitted to human sympathies and entitled to rights in the interest of both human and animals. This is the division enabling the planner to make independent policies according to existing and past experience.

1. Animals used in agriculture,
2. Animals raised in incarceration,
3. Companion animals,
4. Animals kept for public recreation and earning,
5. Animals kept for scientific research,
6. Animals generally known wild animals.

## 6. Legislative Development

Important concern of the state institutions on the subject should be periodical revision of legal structure for effective implementation. At the earliest Pakistan worked with century old law introduced by the British government during their colonial rule. The Act was known as the Prevention of Cruelty to Animals Act 1890 (Kavesh, 2018). The Act was to provide protection to the animals from human brutality. This Act was amended thrice under the British government. After independence no substantial reforms were introduced in Pakistan to update the law according to present requirements and to protect the animals from human cruelty (Ijaz, 2021). State kept on following the same negligible penalties and fine under Cruelty Act, 1890.

Animal sensation is not recognized explicitly in Pakistani legislation, but in the Prevention of Cruelty to Animals Act (1890) (India, 1928), there is acknowledgement of fact that animals can feel pain and distress. This feature equally refers to domestic or captured animals ("The prevention of cruelty of animals act, 1890," 1890). The Act also requires animals to be protected from injury and suffering, so the aim should be implemented when used in fighting events, which though is illegal and strictly banned under International Law. The Government of Pakistan despite being a member of the OIE, does not seem to consider animal welfare as an important issue of the country, which is based on the idea that animals are living beings (Vapnek and Chapman, 2010; Animal Protection Index, 2014).

## 7. Wildlife Law Enforcement in Pakistan

Pakistan Penal Code is the general law governing illegal and prohibited activities of criminal nature to prevent harm mainly to population in general. The law also prohibits to practice any act practically harmful to animals. The code in section forty-seven defines word animal as any living creature other than a human being. The law forbids neglectful conduct by prescribing that whoever, knowingly omits to take care of animal in his possession and such omission is sufficient to result in any probable danger to human life, or danger of grievous hurt, shall be punished with imprisonment for a term to six months under section 289 (Pakistan, 1860). The penal code says that whoever commits mischief by killing, poisoning, maiming, or rendering useless any animal shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both under section 428 (Pakistan, 1860). Mischief by Killing or maiming animal. Certain other acts like killing, poisoning, or rendering useless, any elephant, camel, horse, mule, buffalo, bull, cow or ox, or any other animal, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with according to section 429 (Pakistan, 1860). Section four hundred thirty punishes for decrease of the supply of water for animals to be punished with imprisonment to five years, or with fine, or with both (Pakistan, 1860).

Pakistan has a federal system of governance under the constitution comprising of provinces and territories governed under the control of federation (Pakistan, 1973). There is division of power and jurisdiction to deal for enactment of laws and system of management. There are certain matters where federation and provinces must exercise joint control for the common objects. Under the prevailing system at federal level ministry of climate change deals with policy formulation on wildlife, liaison with relevant national and international organizations.

Cruelty to Animals Act as amended includes the number of conducts that are punishable under the law by imprisonment. Sections 3 to 5 of the Act prohibit physical forms of abuse to the animals like beating, killing in an unnecessarily cruel manner ("The prevention of cruelty of animals act, 1890," 1890). Apart from this, negligence towards them, starving, thirsting, and overcrowding

are also prohibited. There is a prohibition on luring or provoking animals to fight. But free-living wild animals are not covered by this protection. The Act is also concerned to stop illegal hunting of endangered species and wild animals. However, these illegal practices against the laws are still openly being carried in Pakistan. Animals' rights are now a worldwide campaign which has enlarged human perception for dependence of humanity on their contribution (Francione and Charlton, 2017). World is increasingly benefiting from this natural asset for its resourceful wellbeing and economic prosperity.

Punitive and protective laws on violation are still not proportionate when compared to nature of conduct the individual in present time performs. The laws propose remission to controlling authorities like Magistrates and police officials for the responsibilities associated with the law. There is no provision of existing responsible authority for the development of further policy and legislation on animals. However, the foremost body of central and provincial legislation is divided into categories as mentioned here as following:

The most conspicuous federal legislation includes West Pakistan Wildlife Protection Ordinance 1959. The Pakistan Wildlife Protection Rules 1960 Pakistan Wildlife Ordinance 1971. There are provincial rules and regulations for dealing protection of wildlife and their habitat. These include Wildlife protection Ordinance Sindh 1972. Baluchistan Wildlife Protection Act 1974. Baluchistan Wildlife Protection Rules 1975. Punjab Wildlife Act and Rules 1974. Azad Jammu and Kashmir Wildlife 1975. Azad Jammu and Kashmir Wildlife Rules 1985. N.W. F. P Wildlife Act 1975. N.W.F. P Wildlife Rules 1977. Northern Areas Wildlife Preservation Act 1975. NWFP Protection, Preservation, Conservation and Management Act 1995

All states are responsible for welfare and security to all of its population irrespective of being humans or animals. It is the moral as well as spiritual responsibility of human beings to be kind towards others for creating a peaceful co-existence in between them and to maintain the natural balance in the ecosystem (Peters, 2018). Pakistan obviously delays all these protocols.

There is dire need of upgradation of laws on animal welfare legislation which is of rudimentary nature. That enactment is not matching with modern standards and our obligations under international treaties and conventions. For this national agenda government needs to establish legal experts assisted by subject scientists to review and amend the laws related to animals. Five freedoms for animals according to OIE directions, be made part of Prevention of Cruelty to Animals Act which must explicitly mentions in the provisions (Mäekivi, 2018).

## 8. Public Concern on Cruelty for Legal Action

Animal cruelty is practiced at large scale in rural as well as urban areas of the country. When event of cruel nature is known to public, it produced public concern for remedial action. Some crucial events happened in various parts of the country and caused public annoyance and were given wide publicity for protestation. An elephant named

*Kaavan*, who was in awful conditions at the *Marghazar Zoo*, and people wanted that to be to a sanctuary. *Kaavan* was known as the world's loneliest elephant after his partner died in 2012. That was gifted by Sri Lanka to Pakistan in 1985 (Afzal, 2019). The second concern was a rescued black bear injured and forced to perform tricks. The third was the killing stray dogs on mass scale in a cruel manner. These cases were presented in three different petitions before the court for legal action.

A pair of lions was reported in critical condition in Islamabad Zoo. The Petition was filed in Islamabad High court for appropriate action against officials of the Islamabad Wildlife Management Board. The court took notice of the issue and directed to make essential arrangement. Wildlife Management Board violating orders of court shifted animals from the *Marghazar Zoo* to private farmhouse. The pair of lions died two days after their transfer from Islamabad Zoo to an animal sanctuary in Kasur city (Asad, 2020). The Islamabad High Court directed to proceed against officials of the Islamabad Wildlife Management Board for violating the court orders on the shifting of animals from the *Marghazar Zoo* to private farmhouse. Reports were published that while shifting them to a sanctuary the transfer procedure for the lion and lioness was not followed as they were to be followed, as directed by the IHC, instead they were shifted to a private farmhouse.

Another event took place when its video got leaked showing zoo caretakers lighting a fire in the lions' cage to make them move to another cage, the video became viral on social media. In a result lioness got suffocated to death (Bray and Jaleel, 2014). The postmortem report given by the University of Veterinary and Animal Sciences, Lahore, stated that the lioness had not been de-wormed nor vaccinated. The animal was found weakened and dehydrated. Her eyes were sunken and eye conjunctiva was pale in color. This shows negligence of official authorities while they are duty bound to protect the animals. If any mishap happens that requires to conduct proper investigation to find the real reasons and make sure such things never happen again.

Houbara bustard is also threatened under the IUCN red list as being vulnerable to extinction (Adler et al., 2020). Same way many other species are towards extinction. It is an inherently true for each living being to live in an atmosphere that accommodates its social and physiological needs. The Islamabad High Court timely acted in all above cases passing a remarkable observation by holding that animals are to be protected as entitled to protection under fundamental law of the land (Pakistan, 1973). The ruling explicitly recognized that animals have legal natural rights (Sparks et al., 2020).

The High Court at federal capital in Islamabad in a groundbreaking decision has endorsed the fact that animals have legal rights and are entitled to be given protection under the Constitution of Pakistan (Sparks et al., 2020). It is unambiguously recognized that animals have natural and legal rights for the sake of shared subsistence. Inhumane treatment towards wild animals like abolishing their usual habitation and entrusting them to zoos has been referred as cruelty against animals.

## 9. International Perception

Human rights perception of democratic societies has made the people to widen the scope of liberties conferring its blessings to all living beings. Legally conscious communities all over the world have broadened their perception regarding preservation of natural environment and assets for the benefit of humanity. Rights of animals have been recognized around the world which prominently include cases of Argentina state and famous adjudication in Brazil in which judges granted legal personhood to an orangutan and a chimpanzee separately (Franceschini, 2021). Association of professional lawyers for animal rights in Argentina claimed that Sandra was a “person” in the philosophical and not biological sense. They argued Sandra was in a situation of illegal deprivation of freedom as a non-human person. They filed a “habeas corpus” writ in her favor over unjustified confinement of an animal with probable cognitive capability (Franceschini, 2021). Lawyers believed that this legal initiative would open space for apes, also for others unfairly deprived animals in circuses, parks, and scientific laboratories. The court had rejected the writ several times before deciding finally that Sandra could be considered to have rights to freedom.

In another unique movement of liberties there is an effort of its kind for imprisoned wildlife. The Nonhuman Rights Project is an American animal rights organization. This organization in its effort is seeking to change the legal status of some animals from property to persons with a goal of securing rights to liberty and not to be imprisoned in future (Wise, 2018). The project works through state-by-state litigation of law suits and develops its arguments supported by scientific evidence regarding self-awareness and autonomy in nonhuman animals. The campaign of the project purely based on legal and rational grounds has been developed by a team of attorneys, legal experts, and law students at the universities of the states. The project also filed its lawsuit on behalf of four chimpanzees held in captivity in New York State.

## 10. Tommy, Kiko, and Hercules and Leo Case

The Project initiated litigation for writs of habeas corpus for an elephant including three chimpanzees. The petitioner submitted the court for the right to bodily liberty via the writ of habeas corpus and destined them to a sanctuary. The Tommy, a privately owned chimpanzee in a cage confined in used trailer in New York city. Kiko, was also a chimpanzee living in Niagara Falls, NY. Hercules and Leo, two chimpanzees of a research center were loaned to the Brook University for research. In lawsuit, Tommy’s owner defended the chimpanzee’s living conditions.

All the petitions were rejected by the court. The case was refiled. Justice Jaffe issued show cause notice. In the hearing State University of New York was ordered to show why Hercules and Leo not be released and shifted to sanctuary. The order of the court made headlines in media around the world. The hearing of petition was held in 2015. Justice Jaffe again denied petition. The Non-human rights

project expressed determination to continue to work to free Tommy and Kiko to a sanctuary.

## 11. Famous Animal Welfare Organizations Working in Pakistan

### 11.1. Pakistan Animal Welfare Society (PAWS)

People of Pakistan are in positive response for animal rights. The tendency is increasing due to projection of animal rights by media and access to literary material in academic institutions and public libraries. International campaign has also influenced and changed the conventional perception of people to treat animals as serviceable commodity. It has changed minds of people at individual and public levels. Organizations and rescue teams are collaborating for animals abused in the society. Pakistan Animal Welfare Society has active contributed in providing and defending for rights of animals in Pakistan (Ardakani, 2014).

It is encouraging trend that shows that private organizations are taking active part in protecting animals and their rights in Pakistan, but government of Pakistan is observing leniency and carelessness towards such major internationally recognized issue. Pakistan has a different culture regarding companion animals, particularly domestic pets like cats, dogs, parrots etc. and who live indoors and are often perceived as compliant fellow creature and more than household companions or family members. Stray dogs are found in abundance in rural as well urban areas wondering around in search of food, who sometimes become aggressive towards people for their safety. Therefore, these are often found a source of social conflict and public annoyance and are frequently victims of cruel treatment.

### 11.2. Animal Care Association of Pakistan (ACAP)

The Animal Care Association of Pakistan (ACAP) was founded in 2011. This association is registered under the society registration Act 1860. The ACAP is a non-profit organization working with more than two thousand volunteers divided into teams in different cities as well as specialized volunteer veterinarians. The Society is comprising of team of Animal Lovers, working to protect the voiceless creatures. Their fundamental aim is to prevent cruelty of animals by reforming behavioral pattern of animal owners and people coming into contact with animals. The society needs to familiarize people for peaceful attitude with animals offering variety of unpaid services for humanity. The members have basic five objectives to rescue injured and homeless animals.

The (ACAP) has five major objects in executing the noblest aim of the association.

1. Publicize required awareness in public for observing moral obligations towards all living beings.
2. To identify the class of animals in need of protection and rescue the animals in need of assistance.
3. To consolidate efforts to provide shelter to endangered species of animals.

4. To make arrangements for feeding animals in search of food.
5. To provide shelter to injured animals and hospitalize for medical assistance.

## 12. International Collaboration

Government of Pakistan takes this moral task not more serious than its observance regarding fundamental rights of its people. Public officials seem inefficient in performing their assigned duties and showing interest towards internationally concerned issue. Pakistan being a member of the organization failed to comply with policy issues and made no progress on the facts deterrent for serious consideration of its state functionaries. The organization has provided animal welfare policies including all material assistance to facilitate compliance. It appears that the government has yet to fix its priorities and is reluctant to consider animal welfare idea as an important issue.

The world society for the protection of animals and its member society bioresource established a bear Sanctuary in Kund near Peshawar that was used to keep and provide shelter to rescued bears (Watkins, 2015). The international des epizooties to which Pakistan is the member also proposed number of steps relating to animal transport, slaughter and for disease control by including physical and mental condition in which they live and die. The OIE proposed renowned five freedoms in 1965 that enunciate for conditions animals have to experience when they are under human control (Mäekivi, 2018).

## 13. Five Freedoms of OIE, Developed in 1965

The five-freedom dogma is a landmark development in opening further venues for animal welfare outlines. These are minimum standard targets leading to progressive pathways for meaningful support of the inaudible society. According to these freedoms, animals' life should be:

1. Ensured to be free from starvation, undernourishment including thirst.
2. To be safe from any kind of horror and distress.
3. Maintained to be free of hurt, wound, and sickness.
4. To be behaved free to express usual patterns of behavior.
5. Saved from uncomfortable temperature, stress, or physical discomfort.

These freedoms are no more practically maintained in order in Pakistan. These are required to be ensured both at public and private levels. Freedom cannot be maintained in developing societies without producing required body of law by effective and mandatory implementation of obligations by the state machinery (Mäekivi, 2018).

## 14. Conservation Failure at Zoos

Zoos in Pakistan are established and operated under the law and regulations framed by federal and provincial legislatures. These are places of refuge and are regarded as reasonable sanctuaries for evolving intimate affinity of wild animals with local population. Pakistan has over

fifteen zoos, twelve are owned by federal government and four are in private ownership. The Lahore Zoo faced many records of mishaps relating to animals. Approximately Rs. 202,830 million master plans aimed to provide facilities to animals failed to provide for their wellbeing in Lahore. International pressure worked and forced the authorities to take notice of the misdeeds at all zoos across the country. Islamabad Zoo served as a sanctuary for animals gifted by various countries to Pakistan. Unfortunately, it lost fifteen rare animals which includes an ostrich, lion cubs, a blue bull, and a bear. On the other hand, more than 30 animals have died in Peshawar Zoo which includes a rare snow leopard (Mujtaba, 2020).

This failure has increased trend of private wild animals holding in violation of law of the land. There is common trend among aristocrats for keeping wild animals at home as status symbol. Section twelve of the provincial law known as Punjab Wildlife Act 1974, permits individuals to keep and raise wild animals in private homes. The right places are their respective natural habitat and animals must be kept in captivity when it is needed to do so for their welfare. A petition was filed in the court by Sanita Gulzar Ahmad for proper maintenance of captive creature. The petitioner has challenged the validity of Section 12 of Punjab Wildlife Act 1974. Abuzar Salman Niazi, advocate of the petitioner, contended that due to insertion and interpretation of Section 12 in the Act, as protecting law and by virtue of its extended application most of the wild animals are being kept by people for entertainment and showoff purposes without appropriate management (Dawn, 2021). Public got infuriated and annoyed when there had been reports of various incidence reported through horrific videos that circulated the pictures of wild animals in private possession of people. These were being tortured, kept in worst conditions, and also beaten by spectators while being tied at non-inhabitable places with chains. The petitioner convinced the court by providing the strong evidence of violation of law. The court thereupon directed a provincial law officer to seek directives from the establishments concerned and submit reports on behalf of the respondents. The officials were required for explaining whether rules had been made as per the provisions of Section 46 of the Wildlife Act. In addition, it was also required to report that what steps had been taken so far for the welfare of the wild animals in Punjab. The judge in addition appointed advocate Barrister Mr. Sameer Khosa and Barrister Ahmad Pansota for their noble contribution for the purpose of producing good executable understanding of the court. The court expressed deeper interest in the matter (Dawn, 2021).

Environmental awakening and globalization have had numerous effects on the modern world. Humanity is in deep concern to revert injurious effects of irresponsible use and misuse of natural resources. The nations on various continents are currently living in its grave side effects. Loss of biodiversity in early 2020 and around possibly has resulted in a deadly pandemic of COVID-19. Wildlife consumption and habitat degradation has realized Islamabad Wildlife Management Board for required essential managements under the administrative control of the Ministry of Climate. Official have proposed that the

Marghazar Wildlife conservation center must transform existing zoo facilities into a world class center for wildlife conservation and rehabilitation. There should be realized ecological and cultural importance of indigenous flora and fauna conservation (Mujtaba, 2020). The plan is meant to improve the current substructure of the wildlife refuge by increasing the movement area for animals. There should be plan of limiting space for visitors, with design resembling natural habitat. Strengthening the human resource plan is most important step that will manage the affairs of wildlife conservation. It is of course indispensable, encouraging and certainly a step forward towards the right direction.

As pointed out earlier that there is no adequate body of law to cater increasing volume of national and international responsibilities regarding rights of animals. This is agenda of secondary importance for state machinery to continue with overhauling the existing and introducing fresh set-up of required statutory coverage. However, conscious individuals observe vigilance for civil action in the courts for remedy to deal unfavorable condition of animals. Most of the time response of the courts have been very encouraging to remove grievance relating to animals' problems. Petitions were presented before Supreme Court as well as High Courts pleading grounds of statutory deficiencies to compel state machinery for performance of their duties. Some of the praiseworthy judgments on deficiencies of actions are produced as follows.

## 15. Judgements/Case Laws on Animal Rights

### 15.1. *Province of Sindh vs. Lal Khan Chandio, 2016 SCMR 48*

This is the judgment of Supreme Court of Pakistan that lays down the guidelines for implementation of national laws and international treaties to prevent the decimation of Houbara Bustard. In this case Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) was referred in the court. It was alleged that Pakistan joined membership of the organization and also participated the United Nation's Convention on the Conservation of Migratory Species of Wild Animals (CMS). Principal agenda of both conventions is protection of the most wanted bird known as houbara bustard. This bird falls hot favorite victim of expert shooters in desert areas of Pakistan. The bird is listed in Appendix II of CITES, which records those species which are most likely to be threatened with extinction. Under CMS the Houbara Bustard is placed in Appendix II. This appendage lists those migratory species of birds suffering an unfavorable conservation status and necessitate international attention including commitment for their conservation. The petitioner pleaded before the court that Pakistan became a signatory to the above cited two conventions thirty-nine and twenty-eight years ago respectively. Under the treaty law Pakistan has not only joined the convention has also incorporated the provisions of conventions in its domestic body of law. These conventions are also specifically mentioned in our national laws. But Government of Pakistan and of the provinces obstinately persist in the non-observance thereof. The petitioner sought suspension of the notification

permitting foreign dignitaries to hunt the precious bird in Pakistani territories.

Respondent state official pleaded justification that the foreign dignitaries who hunt the Houbara Bustard bring money and spread their generosity in establishing schools, mosques, dispensaries, etc. The Court observed that contention of state is regrettable. The court strongly objected that the laws of Pakistan and Pakistan's international treaty obligations on the subject are not saleable merchandises. In pleading so, the governments disgrace and degrade its nationals. The state and its nationals have to obey the law. If we do not respect our own laws and sovereignty, can we expect foreigners to abide by the law. Supreme Court declared the notification ultra vires of the constitution and Sindh Wildlife Protection Ordinance and struck down the impugned notification of the government passed just for financial benefits. The Court declared that neither federation nor provinces can grant license or permit to hunt such birds, rather have to ensure that their obligations under the Conventions of Wild Flora and Fauna and Migratory Species recognized by law in Pakistani law are implemented. Court required the federation to issue directions to provinces in terms of Article 149 of the Constitution.

### 15.2. *Government of Punjab v. Aamir Zahoor ul Haq, PLD 2016 SC 421*

Pakistan is signatory of Bonn Convention which was initiated on the topic of conservation of migratory species of birds and wild animals. Under the terms of convention hunting is prohibited. The provinces contrarily enacted laws allowing hunting of endangered bird species. The contention came under adjudication of the court. In this judgment, the Court held that Government must act as affirmed under the terms of conventions. State should not allow hunting in contradiction of international law rather ensure compliance by resisting the illegal activity of foreign hunters. Hunting of endangered bird species must be only in accordance with laws. The Supreme Court allowed the petition by directing imposition of ban on the issuance of permits and licenses for the hunting. The court also ordered the cancellation of all existing permits in this regard. The houbara bustard is also listed in the Convention on Migratory Species of Wild Animals, also known as the Bonn Convention. The brutal hunting of the bird in its winter seasonal habitats was highly objectionable, especially because of its popularity in foreign dignitaries. The bird has experienced swift population decline over few years owing to unjustifiable hunting as well as habitat degradation. The is a bird native to Central Asia that travels to the Indian subcontinent, including Pakistan, during winter months. Arab royals hunt the bird as a sport and because its meat is believed to be very delicious. Petitioner deplored that many houbara bustards are trapped, mainly in Pakistan and Iran, and sent to Arab countries for training falcons to hunt.

### 15.3. *Gu.Longbin v. State 2016 P Cr.LJ 1210*

This is judgment of Lahore High Court. It deals with a case where donkey hides were being smuggled without any lawful manner and authority. These hides were obtained from the accused of stolen donkeys. Authorities took into possession hides of donkeys which were stolen from different places of Punjab province. For investigation and trial S. 516-a Cr.P.C. was applied which is applicable only when an offence was committed in respect of any property, or the said property was used for the commission of any offence. When police confiscated the same as case property, petitioner was unable to prove that he was owner of donkey hides. High Court declined to hand over case property to petitioner. Respondents were nominated in FIR as accused for stealing donkeys and stolen property could not be given to a person who purchased the same from a thief. First information report (FIR) for stolen donkeys was registered. To discourage animal cruelty High Court observed that government should sell donkey hides and hand over the money to donkey owners whose donkeys were stolen and smuggled for illegal purpose.

### 15.4. *Ali Imran v Forest Wildlife and Fishery Department, PLD 2020 Lahore 24*

This is a judgment of Lahore High Court. It deals with the rights of Black Bucks' It has been held that the Government was bound to protect and preserve this endangered species of deer.

This constitutional petition was filed by way of public interest litigation for the protection of endangered species of black bucks and deer which is virtually getting extinct. Main contention of the petitioner was that black bucks are protected animals under the Punjab Wildlife (Protection, Preservation, Conservation and Management Control) Act, 1974. But appropriate measures are not being taken to protect black bucks and deer, who are not only dying but also being hunted. The claim of the petitioner was that respondents are required to maintain proper measures for preservation and protection of black bucks and deer. The Court appointed a commission vide order dated 26.06.2018 to be headed by Dr. Parvez Hassan, Senior Advocate Supreme Court. The Black Bucks Commission had to submit report regarding condition of Black Bucks in Lal Suhanra, National Park Bahawalpur, and the possibility of progressively releasing of Black Bucks in Cholistan Desert. The commission had to finally suggest measures which can be taken by the Government to ensure that no poaching of Black Bucks and other deer take place in the Cholistan Desert.

In this case The Wildlife Ordinance 1979 and the Act of 1890 came under review in view of intolerable conditions in which animals were placed and treated by the wildlife department. The Court directed that Federal Government, and the Wildlife Management Board will not ignore or overlook the foundational principle that an artificially created enclave cannot be a substitute for the natural habitat, nor suitable to provide for an environment to meet their behavioral, social and physiological needs. It was noted that each animal species has been created to live and thrive in a particular environment and can remain

free from stress, pain and suffering only in its respective natural habitat.

The Board was directed to enforce the provisions of the Wildlife Ordinance 1979 and the Act of 1890. The Federal Government was directed to advise the provincial governments to include in the curriculum importance of taking care of animals. Court observed that media may also help in educating and informing the public manners in which animal ought to be treated. The Board was directed to prescribe mechanism regarding best practices as observed internationally and in accordance with the laws of the country.

### 15.5. *Muhammad Arif vs. SHO city police Depalpur, PLD 1994 Lahore 521*

This judgment was delivered by the Lahore High court. This case deals illegal practice of confiscation and bad treatment of animals by police in investigation of theft or to compel appearance of the accused persons without following legal procedure. When any property including the cattle alleged or suspected to have been stolen, is taken into possession by the police officer under section 550, CrPC. he at once has to report the matter to the officer in charge of the police station. But no report in writing was made. The cattle heads were rounded up by police official on 1151994 and these were retained in miserable conditions with the Police till 1951994. When the bailiff raided the police station till then no order from any Court about the disposal thereof had been obtained. Under section 523, Cr.P.C. seizure of property is to be forthwith reported to the magistrate for legal coverage. The court directed that illegal practice that has developed regarding misuse of the provisions of section 550, Cr.P.C. in the province must be severely dealt with by the higher police officers or the subordinate courts, by the High Court in its inherent jurisdiction under the criminal procedure code as well as the Constitution.

The court observed, in glittering words, that every citizen has the unchallengeable right to be dealt and treated as prescribed in law. No action is allowed in law which is detrimental to life, liberty, physique, character, and property and cannot be enforced save as in accordance with law. Article four of the Constitution has the same spirit. Constitution further requires that no person shall be deprived of his assets except in accordance with law. Article twenty-four of the Constitution relates to equality before law and equal protection of law which is guaranteed to every citizen. If the Constitution is guaranteeing such wide protection to the citizens, why not the same protection to the living creature cattle and animals of the country (Pakistan, c).

### 15.6. *Ghulam Asghar Gadhi vs. senior superintendent of police Dadu, PLD 2018 Karachi 169*

This is judgment of Sindh High Court. It deals with the subject of cruelty to animals. The petitioner highlighted the provisions of Pakistan's Prevention of Cruelty to Animals Act (1890) (India, 1928) amended in January 2018. Through the petition it was contended that committing cruelty is not being treated as a concern of public official responsible

under the law to control brutality. It has been accepted as ignorable behavior by the public and state officials to treat the evil under the law. Court directed the respondents to follow the laws strictly dealing the issues raised in the petition before the court.

## 16. Conclusion

State has considerable resources in biodiversity mainly in arid and semi-arid regions. These resources cover seventy-five percent of the land area. There is variety of animal and plants spreading in all sides of the regions. Some of them are vulnerable largely due to over-exploitation and loss of natural habitat. Unregulated human population growth is increasing pressure on natural reserves. Poverty has pushed rural population to exploit biodiversity having no regard to existing regulations. Legal system of state is not as sound as required to guide the people to protect its own life and work for preservation of animals. Legal system is to be strengthened, updated and operative to meet the natural requirements. There are certain expectable reasons for unwarranted attitude observed by public against animals. Most noticeable is negligent and aggressive behavior against animals which has become a social problem.

## References

- ADLER, R., MANSI, M. and PANDEY, R., 2020. The houbara bustard: a thematic analysis of a bird's threatened extinction and a government's accountability failure. *Accounting, Auditing & Accountability Journal*, vol. 34, no. 5, pp. 1190-1219. <http://dx.doi.org/10.1108/AAAJ-07-2019-4113>.
- AFZAL, F., 2019. *Animal cruelty-who to blame?* Karachi: Institute of Business Administration, 30 p. Master of Science in Journalism.
- AHMADOVA, E., 2016. Islamic marketing: the new rules that transform the way of conducting business. *Journal of Suleyman Demirel University Institute of Social Sciences*, vol. 28, no. 3, pp. 242-257.
- ANIMAL PROTECTION INDEX, 2014 [viewed 30 May 2022]. *Pakistan* [online]. Available from: <https://api.worldanimalprotection.org/country/pakistan>
- ARDAKANI, S.H.E., 2014. Animals in islam: a brief review. In: SCHWEIZERISCHE GESELLSCHAFT MITTLERER OSTEN UND ISLAMISCHE KULTUREN, ed. *Tiere*. Iran: Schweizerische Gesellschaft Mittlerer Osten und Islamische Kulturen, pp. 24-27.
- ASAD, M., 2020 [viewed 30 May 2022]. *IHC asks govt to fix responsibility for mistreatment of lions in Islamabad* [online]. Dawn Newspaper. Available from: <https://www.dawn.com/news/1572656>
- AWAN, J.A. and RAHIM, S., 2018. Animal rights and welfare in Islam. *International Journal of Avian & Wildlife Biology*, vol. 3, no. 6, pp. 427-430.
- BAILEY, T., SILVANOSE, C.-D., NALDO, J., COMBREAU, O., LAUNAY, F., WERNERY, U., KINNE, J., GOUGH, R. and MANVELL, R., 2000. Health considerations of the rehabilitation of illegally traded houbara bustards *Chlamydotis undulata macqueenii* in the Middle East. *Oryx*, vol. 34, no. 4, pp. 325-334. <http://dx.doi.org/10.1046/j.1365-3008.2000.00133.x>.
- BHATTI, M.W., 2016 [viewed 30 May 2022]. *Chinese nationals smuggling Pakistan's black pond turtles* [online]. The News. Available from: <https://www.thenews.com.pk/print/100607-Chinese-nationals-smuggling-Pakistans-black-pond-turtles>
- BRAY, D. and JALEEL, H., 2014. International Animal Law. *Whittier L. Rev.*, vol. 167, pp. 171-176.
- CLINEBELL, H., 2013. *Ecotherapy: healing ourselves, healing the earth*. New York: Routledge. <http://dx.doi.org/10.4324/9781315799773>.
- DAWN, 2021 [viewed 30 May 2022]. *Existing laws don't deal with animal protection, suffering in captivity: LHC* [online]. Dawn Newspaper. Available from: <https://www.dawn.com/news/1622660>
- FRANCESCHINI, M.M., 2021. Animal personhood: the quest for recognition. *Animal & Natural Resource Law Review*, vol. 17, pp. 93-150.
- FRANCIONE, G.L. and CHARLTON, A.E., 2017. Animal rights. In: L. KALOF, ed. *The Oxford handbook of animal studies*. New York: Oxford University Press Oxford, pp. 35-40.
- GOUDIE, A.S., 2018. *Human impact on the natural environment: past, present and future*. New York: John Wiley & Sons.
- IJAZ, A., 2021. *Animal welfare in Pakistan*. Lahore: CUI Lahore. Doctoral dissertation.
- INTERNATIONAL ORGANIZATION FOR ANIMAL PROTECTION – OIPA, 2021 [viewed 30 May 2022]. *A mass culling of strays in Pakistan: 25,000 dogs expected to be killed in the next few weeks. OIPA International writes to the prime minister* [online]. OIPA. Available from: <https://www.oipa.org/international/stray-dogs-pakistan-mass-culling/>
- JAWAID, M., 2013 [viewed 30 May 2022]. *Zabiha or halal meat?* [online]. Available from: [https://d1wqtxts1xzle7.cloudfront.net/32470658/Zabiha\\_vs\\_Halal\\_Meat\\_Rev\\_8-with-cover-page-v2.pdf?Expires=1655989551&Signature=df04-uuHn~oVo-wJJZMbkv9k6Ng5UuDvVqe6Atbpd6Yjsnw8Azx6x1f-lhQcsO5OXetxHz0UtlWefLYmxO6MahpdaSvoOwI2vU6bxYIyuRP4JAPSQ2DNDP0X2ezU2Kzx9vq2ljevjpM-3gOT-QDwdjzbQVloLvk6rCd33ciKbpN49q3YXQKx-FPjIQZ1vcyDHAnaMyP10zvChba3W2lQtASG4rU-StbV55T6LoFxB-cMSXqH8iBVFKMqOhFZi-zgSHfAwlW8xWaFgqONnlEoUDPd5vE1Pip9qYu3Bgfa7xaOZQfwq3fUSdauSMgSnh3OCWP7xOMLzTI86oHfEnxw\\_&Key-Pair-Id=APKAJLOHF5GGSLRBV4ZA](https://d1wqtxts1xzle7.cloudfront.net/32470658/Zabiha_vs_Halal_Meat_Rev_8-with-cover-page-v2.pdf?Expires=1655989551&Signature=df04-uuHn~oVo-wJJZMbkv9k6Ng5UuDvVqe6Atbpd6Yjsnw8Azx6x1f-lhQcsO5OXetxHz0UtlWefLYmxO6MahpdaSvoOwI2vU6bxYIyuRP4JAPSQ2DNDP0X2ezU2Kzx9vq2ljevjpM-3gOT-QDwdjzbQVloLvk6rCd33ciKbpN49q3YXQKx-FPjIQZ1vcyDHAnaMyP10zvChba3W2lQtASG4rU-StbV55T6LoFxB-cMSXqH8iBVFKMqOhFZi-zgSHfAwlW8xWaFgqONnlEoUDPd5vE1Pip9qYu3Bgfa7xaOZQfwq3fUSdauSMgSnh3OCWP7xOMLzTI86oHfEnxw_&Key-Pair-Id=APKAJLOHF5GGSLRBV4ZA)
- JONES, R.C., 2015. Animal rights is a social justice issue. *Contemporary Justice Review*, vol. 18, no. 4, pp. 467-482. <http://dx.doi.org/10.1080/10282580.2015.1093689>.
- KAVESH, M.A., 2018. From the passions of kings to the pastimes of the people: pigeon flying, cockfighting, and dogfighting in south Asia. *Pakistan Journal of Historical Studies*, vol. 3, no. 1, pp. 61-83. <http://dx.doi.org/10.2979/pjhs.3.1.04>.
- KAZMAR, J.P., 2000. The international illegal plant and wildlife trade: biological genocide. *U.C. Davis Journal of International Law & Policy*, vol. 6, pp. 106-128.
- KORESHI, M.H., 2020 [viewed 30 May 2022]. *Animal rights in Pakistan: being kind to every kind* [online]. Courting the Law. Available from: <https://courtingthelaw.com/2020/07/27/commentary/animal-rights-in-pakistan-being-kind-to-every-kind/>
- MÄEKIVI, N., 2018. Freedom in captivity: managing zoo animals according to the 'five freedoms'. *Biosemiotics*, vol. 11, no. 1, pp. 7-25. <http://dx.doi.org/10.1007/s12304-018-9311-5>.
- MUGHAL, M.A., 2020. Rights of animals in Pakistan: constitution and law. *Social Science Research Network*. <http://dx.doi.org/10.2139/ssrn.3698976>. In press.
- MUJTABA, M., 2020 [viewed 30 May 2022]. *With neglect and abuse rampant, Pakistan must permanently shut down its zoos* [online]. ARAB News Pakistan. Available from: <https://www.arabnews.pk/node/1763401#:~:text=In%20this%20regard%2C%20>

- the%20Islamabad,wildlife%20conservation%2C%20rehabilitation%2C%20education%20and
- NASH, R.F., 1989. *The rights of nature: a history of environmental ethics*. Madison: University of Wisconsin Press.
- NAZIR, N., 2004. A critique on environmental protection ordinance (epo) 1983 and environmental protection act. 1997. *Journal of Law and Society*, vol. 30, no. 43, pp. 35-43.
- PAKISTAN, 1860. *Pakistan penal code 1860: act no. XLV of 1860*. Lahore, Mansoor Book House.
- PAKISTAN, 1973. *The constitution of the Islamic Republic of Pakistan*. Lahore, Mansoor Book House.
- PANKSEPP, J., 2004. *Affective neuroscience: the foundations of human and animal emotions*. New York: Oxford University Press.
- PETERS, A., 2018. Rights of human and nonhuman animals: complementing the Universal Declaration of Human Rights. *The American Journal of International Law*, vol. 112, pp. 355-360.
- PREECE, R. and CHAMBERLAIN, L., 1993. *Animal welfare and human values*. Waterloo: Wilfrid Laurier University Press.
- RADHAKRISHNA, M., 2007. Civil society's uncivil acts: dancing bear and starving kalandar. *Economic and Political Weekly*, vol. 42, no. 42, pp. 4222-4226.
- RAHMAN, S.A., 2017. Religion and animal welfare: an islamic perspective. *Animals* vol. 7, no. 2, p. 11. <http://dx.doi.org/10.3390/ani7020011>. PMID:28218670.
- REDFORD, K.H. and SANDERSON, S.E., 2000. Extracting humans from nature. *Conservation Biology*, vol. 14, no. 5, pp. 1362-1364. <http://dx.doi.org/10.1046/j.1523-1739.2000.00135.x>.
- ROBERTS, T.J., 1977. *The mammals of Pakistan*. Karachi: Oxford University Press.
- SARWAR, M., RAZA, A. and TANZEEM, H.M., 2021. Care for animal rights in islam. *Al-Irfan*, vol. 6, no. 12, pp. 44-57.
- SAYIED, N., 2007. *Environmental issues in coastal waters-Pakistan as a case study*. Malmo: World Maritime University, 109 p. Dissertation of Master of Science in Maritime Law and Policy.
- SPARKS, T., KURKI, V. and STUCKI, S., 2020. Animal rights: interconnections with human rights and the environment. *Journal of Human Rights and the Environment*, vol. 11, no. 2, pp. 149-155. <http://dx.doi.org/10.4337/jhre.2020.02.00>.
- INDIA. Legal Department, 1928. *The Prevention of Cruelty to Animals Act, 1890 (Act XI of 1890), (in Its Application to the Bombay Presidency), (as Modified Up to the 31st December 1927)*. Government Central Press, Bombay, p. 1-6.
- UMAR, M., HUSSAIN, M., MURTAZA, G., SHAHEEN, F.A. and ZAFAR, F., 2018. Ecological concerns of migratory birds in Pakistan: a review. *Punjab University Journal of Zoology*, vol. 33, no. 1, pp. 69-76. <http://dx.doi.org/10.17582/pujz/2018.33.1.69.76>.
- VAN UHM, D.P., 2016. *The illegal wildlife trade: inside the world of poachers, smugglers and traders*. Cham: Springer. *Studies of Organized Crime*, vol. 15. <http://dx.doi.org/10.1007/978-3-319-42129-2>.
- VAPNEK, J. and CHAPMAN, M.S., 2010. *Legislative and regulatory options for animal welfare*. Rome: FAO. FAO Legislative Study, 104.
- WATKINS, V., 2015. Bear-aware for twenty years. In: L. KEMMERER, ed. *Bear necessities: rescue, rehabilitation, sanctuary, and advocacy*. Leiden: Brill, pp. 41-42.
- WISE, S.M., 2018. The struggle for the legal rights of nonhuman animals begins—the experience of the nonhuman rights project in New York and Connecticut. *Animal Law*, vol. 25, pp. 367-393.
- WOODROFFE, R., THIRGOOD, S. and RABINOWITZ, A., 2005. *People and wildlife, conflict or co-existence?* Cambridge: Cambridge University Press. The future of coexistence: resolving human-wildlife conflicts in a changing world, pp. 388-405. <http://dx.doi.org/10.1017/CBO9780511614774.025>.
- ZUBAIR, M., MARTYNIUK, C.J. and SHAHEEN, A., 2018. Rising level of arsenic in water and fodder: a growing threat to livestock and human populations in Pakistan. *Toxin Reviews*, vol. 37, no. 3, pp. 171-181. <http://dx.doi.org/10.1080/15569543.2017.1348360>.