

PREVENTION OF CRUELTY TO ANIMALS BY ENSURING WELFARE AND PROMOTING THEIR RIGHTS: BANGLADESH AS A CASE STUDY

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Abstract

Over the last few years, the global vision on animals has changed noticeably. It is now recognized that animals are sensitive and worthy of human treatment. It is of vital importance to protect and care for the animals so that they can develop in a healthy environment. This paper primarily deals with the issues of animal rights and animal welfare. It also discusses the contribution of animals in the daily life of people in Bangladesh. Legal framework for protecting animals' well-being in Bangladesh is focused here. It seeks to identify the weakness and flaws in existing laws and policies in our country. Concurrently, the shortcomings of the draft Animal Welfare Act 2016 with some suggestions to protect and prevent our animals from being needlessly killed or tortured are also portrayed here.

1. Introduction

Animals are a living resource. They are important for their beauty, economic, scientific and survival value. Legally they are regarded as property; they are goods to be bought and sold, acquired and maintained.¹ The ecological balance of nature and the food chain are maintained by them. They provide aesthetic value to man. We have to largely depend on them for every elementary requirement in our life e.g. the clothes we wear and the food we eat. As we all depend on the flora and fauna around us either directly or indirectly, animal protection is an important part of development of the country. But it's a matter of great regret that the wild, domestic and abandoned animals all face acute brutality and insensitive behavior of human beings. They are disappearing at an alarming rate. Humans under the garb of development have exploited nature and natural resources in such a way so as to threaten their own existence. Our world would be a barren landscape if we do not do something about them at this very moment. Bangladesh is also not exception from animal cruel activities. Cases of cruelty and inhumanity towards animals are seemingly ingrained in our country. From the minimal to the atrocious crimes (such as slaughtering, hunting for skins, bones and tusks, selling, maiming of animals, pelting stones at dogs, throwing warm water on domestic cats, catching house sparrows and killing

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¹ Novak Krstic, 'Animal Protection from Killing and Abuse in the European and Serbian Criminal Law', *Facta Universitatis, Series: Law and Politics*, Vol. 10, No.1, 2012, pp 43 – 61.

them, breaking nests of birds, treating the animals like bulls, cows and hens just as playful objects) all are present in our country. Actually there is no reliable data of the incidence of animal cruelty in our country. It is true that animals are not entitled to get inherent rights i.e. life, liberty, pursuit of happiness but they may rightfully deserve to live a life avoiding pain and agony and to be protected against human actions that are detrimental to the animals' physical and ethological welfare. Animal rights' and animal welfare issues are frequently absent in policy making mechanism in our country though the practices around the world are getting strong momentum and responses from all corners. We have an ancient law to protect the animals from cruelty which is known as the *Cruelty to Animals Act* 1920. It had been passed in 1920; about a hundred years ago. This law leaves ample scope for its abuse as it is an antiquated law in the colonial era and it is only designed to prevent cruelty rather than to ensure the welfare of animals' by protecting their rights.

Thankfully there is light at the end of the tunnel. The Cabinet recently approves the draft of the *Animal Welfare Act* 2016 which aims to stop cruelty towards animals, ensure responsibility for their welfare and more importantly, protect their right which they deserve most as the sentient beings on earth: live a life without unnecessary human exploitation. However, this paper endeavours to address issues, namely,

1. Essentiality of animal rights and animal welfare;
2. Contribution of animals in our daily life;
3. Legal framework for protecting animals' well-being, which analyse the national and international laws enacted for the purpose;
4. The weakness and flaws in existing laws and policies;
5. The shortcomings of the draft *Animal Welfare Act* 2016 with some suggestions to protect and prevent our animals from being needlessly killed or tortured and
6. Conclusion

2. Animal Rights v Animal Welfare

Animals have always been regarded as objects of man's possession. They are treated according to the wish of the owner. So their rights have been exploited and they have been abused mercilessly throughout the world. Over time, the issue of animals' rights has been increasingly drawing the attention of the civilized society as they are much aware that the legal protection of animals must become one of the prominent conditions for maintaining a healthy environment. Jeremy Bentham was regarded as the earliest proponents of animal

rights who pointed out that if rationality was the main criterion of who ought to have rights and how we treated other animals than many humans would for similar reasons be treated as objects in much the same way as animals, for example babies and the mentally disabled.²

People in modern times identified the rights of animals in the 18th century. Although cruelty to animals is an emerging universal concern, the lack of success in shaping internationally binding charters on animal rights has not been for want of trying. Currently there is not a single, comprehensive international law instrument that ensures the animals' well being. For the lack of success in shaping internationally binding charters on animal rights, untold numbers of animals throughout the world suffer and die on a daily basis. Perhaps the most prominent venture was the announcement in 1978 at the United Nations Educational, Scientific and Cultural Organisations (UNESCO) headquarters in Paris of the Universal Declaration of Animal Rights where it was declared that all animals have the same rights to existence, no animal shall be ill-treated or subject to cruelty, animals shall command the protection of law and dead animals shall be treated with respect. The Declaration, however, waned and faded away before it could reach significant levels of international agreement.

More recently, the United Nations is going to adopt a new declaration. This time the declaration is on the welfare of animals in lieu of rights. Why welfare and not rights? Animal welfare is a softer option which reflects a common sense approach that animals should be treated well to satisfy certain human needs for food, clothing and medical research. The main object of animal welfare is to protect animals from unnecessary harm and suffering i.e. there is nothing inherently wrong about using animals for human purposes but that should be done in a humane way. On the other hand, animal rights' is a wide term that embraces no animal will be used for the benefit of others, no matter how humane.

The object of animal rights is to legally elevate the animal to a level as high as that of a person. But when this will happen, those animals that depend upon us for their food, shelter, care and affection would be actually put at risk because the animal rights law will decrease the expected responsibilities of the animal owner. Moreover, if animals have the same rights, legally, as people then they will be expected to have the same level of responsibility as people, also e.g. giving the house payment, buying food for them, paying the vet bills that will be quite funny and also impossible. It is also true that animal welfare advocates and right adherents do agree on the best approach to a wide range of issues affecting animals. I think the best way to protect animals from cruelty or sufferings is to recognize them as sentient beings on earth i.e. to treat them with due

² Animal Rights: A History Jeremy Bentham; available at: http://think-differently-about-sheep.com/Animal_rights_a_History_Jeremy_Bentham.htm; accessed on 21 October 2017.

consideration and kindness by which their welfare - physical and mental well-being will be ensured as well as their right to let them live a life from unnecessary human exploitation will also be established.

3. Contribution of Animal Resources in the National Economy of Bangladesh

Animals are a gift of nature to us. In our daily life they are closely associated with us. Animals contribute a lot to human lives, maybe even more than the plants. Without animals it will be tough to image life. Food, clothing, medicine and even economic needs are served by them. Due to modern technology, the number of ways on how animals help humans has increased. The importance of animals in our day-to-day life cannot be overestimated. In Bangladesh the livelihood to millions of poor people depends upon the animals. In producing milk, meat, eggs, draught animal power, wool, leather and dung, the contribution of domesticated animals is quite large. Domesticated animals i.e. livestock³ is the key-component of the agricultural economy of Bangladesh. It is an integral component of the complex farming system in Bangladesh as well as a major source of employment of rural people. The livestock sector provides full-time employment for 20% of the total population and part-time employment for another 50%. The contribution of the livestock sector to overall GDP has been promotionally estimated at 3.21% for 2015-16.⁴

Table: 1

Livestock Contribution in GDP

	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
GDP (Base:2005-06)	1.98	1.90	1.84	1.78	1.73	1.66
Growth rate of GDP	2.59	2.68	2.74	2.83	3.10	3.21

Source: Bangladesh Bureau of Statistics⁵

³ According to Wikipedia, livestock are domesticated animals raised in an agricultural setting to produce commodities such as meat, milk, leather, and wool.

⁴ Livestock Economy at a Glance; available at: <http://www.dls.portal.gov.bd/.../Updated%20Livestock%20Economy%20%282015-2016%29.pdf>; accessed on 20 November 2017.

⁵ Livestock Economy at a Glance; available at: <http://www.dls.portal.gov.bd/.../Updated%20Livestock%20Economy%20%282015-2016%29.pdf>; accessed on 20 November 2017.

Table: 2**Contribution of Livestock and Poultry in the National Economy of Bangladesh**

Contribution of Livestock in Gross Domestic Product (GDP),(2015-16)p	1.66%
GDP growth rate of Livestock (2015-16)p	3.21%
GDP volume (Current price) in Crores (Taka), (2015-16)p	32,910
Share of Livestock in Agricultural GDP (2015-16)p	14.21%
Employment (Directly)	20%
Employment (Partly)	50%
Cultivation of land by livestock	50%
Fuel supply from livestock and poultry	25%

Source: Bangladesh Bureau of Statistics⁶**Table: 3****Production of Milk, Meat and Eggs**

Products	Unit	Fiscal Year		
		2013-14	2014-15	2015-16
Milk	Lakh Metric Ton	60.92	69.70	72.75
Meat	Lakh Metric Ton	45.21	58.60	61.52
Egg	Lakh Metric Ton	1016.80	1099.52	1191.24

Source: Bangladesh Bureau of Statistics⁷

Despite its modest share of overall GDP and export earning, this sector is also driving the country towards achieving the Sustainable Development Goals

⁶ Ibid.⁷ Ibid.

which focuses on ‘achieving food security and improving nutrition’.⁸The poultry meat alone contributes a substantial 61.52% of the total meat production in Bangladesh.⁹It is also in used in farm operation, threshing, sugarcane and oilseed crushing, local transport, dung for cooking fuel and manure for fertilization of crop fields. This labor intensive and fast income generating sector also significantly contributes to poverty reduction and foreign currency earnings. It also plays an important role in the sustenance of landless people. Livestock products namely, leather and leather products, hide and skin are also the most important exported items. The Government of Bangladesh has identified the leather sector as one with considerable growth and investment potential ranked fifth in the export earning sector. For its increasing high value addition it is considered one of the highest priority sectors of the Government. Most leather goods and footwear manufactured here are export oriented. According to the Export Promotion Bureau (EPB), leather exports totaled USD 116.73 million in the last fiscal year (July1, 2016-June30, 2017); the amount was USD 92.50 million in the previous year.¹⁰ Because of the above-mentioned advantages, we humans need to strive for animal welfare.

In spite of such a great importance of animals in our life, it is a matter of great regret that the general condition of most of the domestic animals is not satisfactory in Bangladesh. To our rural people the animals are like members of their own families, yet these animals are not as healthy as they should be. This is because they are generally overworked but they are not provided with proper and adequate food to make up the deficiency in their body. We are very much reluctant about their rights. Bangladesh does not fully comply with the minimum standards for the policy implementation regarding animal rights. Cruelty to animals is so common here that no one notices it. We can’t realize that these creatures are part of our ecosystem and as they go extinct, the human race endangers itself. Millions of animals endure at human hands daily. The deliberate torture of domestic animals has been regarded here as the owners’ justifiable dominion over their property. The fact which has already been stated that we have a law against animal cruelty¹¹ but it is long forgotten and extremely inadequate for the present days. We cannot do anything to save the animals from cruelty or to take any step against the abuser because of outdated law as people are unaware about that law.

⁸ Available at: http://www.mof.gov.bd/en/budget/16_17/...G-1_07_44_Fisheries_English.pdf; accessed on 20 November 2018.

⁹ Livestock economy at a glance; available at: <http://www.dls.portal.gov.bd/.../Updated%20Livestock%20Economy%20%282015-2016%29.pdf>; accessed on 20 November 2017.

¹⁰ Our Leather Industry; available at: <http://www.theindependentbd.com/arcprint/.../2017-09-08>; accessed on 20 November 2018.

¹¹ *Cruelty to Animals Act 1920*.

4. Animal Protection Incentives: International and National Instruments

4.1. International Framework

Although some international and regional animal care initiatives have been formulated recently for the inclusion of animal welfare considerations, most of them are wildlife preservation, wildlife trafficking or protection of endangered species related. Apart from some regional treaties, no international document particularly pays attention to reduce the suffering of domesticated animals, draught animals, street animals, companion animals, animals in recreation or scientific research. However, a list of international instruments or organizations that deals with the issue of animal protection is given below-

	Name of Laws	Objectives
1.	Universal Declaration of Animal Welfare (UDAW) ¹²	to recognise that animals are sentient, to prevent cruelty and reduce suffering, and to promote standards on the welfare of animals such as farm animals, companion animals, animals in scientific research, draught animals, wildlife and animals in recreation.
2.	The International Organization for Animal Health (OIE) ¹³	to control epizootic diseases and thus to prevent their spread.
3.	United Nations Convention on International Trade in endangered species of Wild Fauna and Flora(CITES) ¹⁴	protect endangered plants and animals.
4.	Convention on Migratory Species (CMS) ¹⁵	to conserve terrestrial, marine and avian migratory species throughout their range.
5.	International Convention for the Protection of Birds ¹⁶	to protect birds in their wild state.
6.	Animal Welfare Legislation at European Level	to pay full regard to the welfare requirements of animals.

¹² A proposed inter-governmental agreement that is still under discussion.

¹³ An intergovernmental organization and is recognized as a reference organisation by the World Trade Organization (WTO).

¹⁴ Entered into force on 1 July 1975.

¹⁵ The Convention was signed in 1979 and entered into force in 1983.

¹⁶ Adopted at Paris on 18 October 1950

7.	International Convention for the Regulation of Whaling ¹⁷	to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry.
8.	International Fund for Animal Welfare (IFAW) ¹⁸	to rescue and protect animals around the world.
9.	International Animal Rescue (IAR) ¹⁹	to save animals from suffering around the world.
10.	International Coalition for Animal Welfare (ICFAW) ²⁰	preventing cruelty to animals and relieving their suffering.

4.2. National Instruments and Their Implications

The Constitution of Bangladesh²¹ is the supreme law of our country and provisions set out in the Constitution have a strong value in case of implementation. Any provision relating to animals' rights, of course, bears an importance. But there is no provision which directly approaches the animals' well being. However, there is a few articles indirectly connected to the animals. Of them, article 18A of the *Constitution of Bangladesh* enjoins the state to 'protect and improve the environment and to preserve and safeguard the natural resources, bio-diversity, wetlands, forest and wild life for the present and future generation'.

This article in a nutshell describes the nature of functions of the state relating to environment, subject matters to be protected and lastly the necessity of functioning the same. The state will take steps for the protection and improvement of the environment in which various natural resources, bio-diversity, wetlands, forests and wildlife will be the subjects of protection and safeguard and lastly this will be for the benefit of present and future generation. It is clear that the article is related to the protection of environment including the protection of wild animals except all domesticated animals, street animals or animals of such kind of these. However, it has to some extent importance as the provision is included in the chapter of fundamental principles of state policy which are not judicially principle. The principles do not impose any hard

¹⁷ It is an international environmental agreement signed in 1946.

¹⁸ It is one of the largest animal welfare and conservation charities in the world.

¹⁹ It is an animal welfare non-profit organization based in the United Kingdom that comes to the aid of wild and domestic animals with hands-on rescue and rehabilitation.

²⁰ It was formed in 2001 to represent non-governmental animal welfare organisations from all over the world at the World Organisation for Animal Health (OIE).

²¹ *Constitution of Bangladesh*.

obligation to the state for its implementation as they are the guidelines of activities of the state. So this provision contented in this chapter of the Constitution cannot fulfill the time need.

Another one ie article 25 of the *Constitution of Bangladesh* can also be mentioned here as the provision of respect for international law is enunciated in this article. So the government in the light of this article may take initiatives to implement any international law which contains the provisions relating to the protection of animals.

Till to date some laws relating to the animals' welfare are existed in Bangladesh but few people and apparently even fewer law enforcers are aware of these laws and for such unawareness animals are helpless victims. A short list of animal related laws and policies of Bangladesh are-*the Cruelty to Animals Act 1920*, the *Animal Slaughter and Meat Control Act 2011*, the *Wildlife (Conservation and Protection) Act 2012*, *Bangladesh Livestock Research Institute Act 2017(draft)*, *Bangladesh Avian Influenza Compensation Strategy and Guidelines*, *Animal Feed Rules 2013*, *Fish Feed and Animal Feed Act 2010*, *Animal Disease Rules 2008*, *Animal Disease Act 2005*.

5. Animal Welfare Foundations in Bangladesh

Generally an animal welfare group is concerned with the health, safety and psychological wellness of animals. It may be an animal rescue group which helps individual animals in distress or may be many animals of a kind suffering from some epidemic. As animal welfare is an increasing concern in Bangladesh amongst the general public, some animal welfare foundations are established who frequently look to Government to take the lead in both maintaining and improving standards.

5.1. Obhoyaronno

It is an animal welfare foundation (OB) which is the first animal welfare organization in Bangladesh working to rescue animals' and advocate the local people about animal welfare issues. *Obhoyaronno* (safe heaven) was established in 2009 and registered as a non-profit charity. Its mission is to initiate and lead in the promotion of welfare of all animals. Its achievement in 2014 is to secure high court's order to ban dog culling, cock/bull/goat fighting all over Bangladesh and to re-draft and submit the animal cruelty legislation to Government of Bangladesh. In 2012–2014 *Obhoyaronno* sets up the country's first CNVR (catch, neuter, vaccinate, return) clinic in Dhaka in 2012 under which in December 2014, over 10,000 street dogs in 36 wards in Dhaka city have been vaccinated and sterilized.

5.2. Care for Paws

CFP is another animal welfare organization registered under Ministry of Social Welfare-Government of the People's Republic of Bangladesh which is measurably trying to improve the lives of unwanted domestic animals and to prevent their needless suffering and death. CFP's prime focus is to make the power relations between human and non-human animals visible to start a process of love and empathy towards defenceless and less fortunate animals on the street, and create nurturing relations between human and non-human animals. Besides other problems, their activities are aimed to help reduce brutality against street animals and help change the violent mindset of the current society towards non-human animals.

6. Flaws in Existing Laws of Bangladesh

Although some laws and policies related to animals are adopted till date, they are not sufficient for the purposes (prevention of cruelty towards animals and ensuring welfare to them) and the prescribed punishments are also not adequate. Because, there are some deficiencies in the current legislative attempt which are as follows:

6.1. Blanket Definition

There is a lack of uniformity in the definition of 'animal' in different laws and policies. According to the *Cruelty to Animals Act 1920*, 'animal' means any domestic or captured animal. The *Animal Disease Act 2005* defines animal as mammals except homo sapience, birds, vertebrates, all aquatic species except fishes and any other animal as prescribed in official gazette. According to the *Animal Slaughter and Meat Control Act 2011* animal includes the following a) cow, buffalo, goat, dumba, camel, unless otherwise provided by law hear and deer; b) hog c) birds such as duck, hen, koal, pigeon, tarky etc.; d) any other animal which is declared as *halal* or otherwise approved for any community as prescribed in the official gazettes. The *Wildlife (Conservation and Protection) Act 2012* is enacted only for wild animals and endangered species. For certainty of application of law, the term 'animal' needs to be defined uniformly.

6.2. Absence of Comprehensive Law

Animal welfare in Bangladesh is not currently regulated by a single, comprehensive legal instrument. There are many laws relating to wild and domesticated animals in our country which have already been stated but none of them is designed to prevent needless cruelty and to resolve the questions of animal care and animal welfare. The *Cruelty to Animals Act 1920* becomes ineffective due to factual circumstances such as (1) the term 'animal' in this Act includes only any domestic or captured animal and thus contains no provision for prevention of cruelty to animals other than domestic or captured animals (2)

it covers only certain specified types of cruelty to animals and (3) penalties for cruelty to animals are inadequate. Moreover, a vacuum has been created as the *Cruelty to Animals Act 1920* has not been amended since its inception in 1920. The presence of such weak and ineffective legislative provision in favour of animals is continuously leading to treat the animals atrociously.

6.3. Constitutional Guarantee as well as Judicial Approach is not Ensured

Where many countries have reached the highest level of animal protection by casting a fundamental duty of every citizen to care for all the animals and to have compassion towards them, no constitutional guarantee is directly ensured for the welfare of animals in our country. It is pertinent to mention here that our neighbouring country India has also such a provision in its Constitution²² which enjoins ‘every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures’.²³ Our Constitution has an indirect provision relating to animals but it is included in the environmental provision and the principle does not impose any hard obligation to the state for its implementation as it is the fundamental principle of the state. Such provision cannot fulfill the time need. Even the Indian courts of law gave many judgements which either mitigated or put an end to the sufferings of animals e.g. in *People for Ethical Treatment of Animals v Union of India* (2006),²⁴ Bombay High Court ruled that a film wishing to use an animal needs to obtain a no objection certificate from the Animal Welfare Board of India. This ruling safeguards animals from being exploited or ill-treated during the period of film making. In *Nair, NR v Union of India* (2001),²⁵ Kerala High Court upheld that bears, monkeys, tigers, panthers and lions shall not be exhibited or trained as performing animals. In a recent case of *Karnail Singh v State of Haryana* (2019)²⁶, the High Court of Punjab and Haryana recognized all animals in the animal kingdom, including avian and aquatic species, as legal entities. The Indian judiciary took such a liberal approach also in many other cases eg *Gauri Maulekhi v Union of India* (2016)²⁷, *Aamir Khan v State of Gujarat* (2015),²⁸ *Salman Khan v State of Rajasthan* (2016)²⁹, *Animal Welfare Board of India v A Nagaraja* (2014)³⁰ etc. All these judgments passed by the Indian courts have helped to some extent alleviate the suffering endured by hapless animals. But our courts of law including the Apex court is still silent towards violations of rights of animals.

²² *Constitution of India*.

²³ *Constitution of India*, article 51A, clause (g).

²⁴ WP (C) No.23480/2005.

²⁵ AIR 2000 Ker 340.

²⁶ CRR 533-2013(Judgment delivered on 2019).

²⁷ WP(C) 413 of 2016.

²⁸ “Chinkara Killing: Gujarat HC quashes case against Aamir Khan”, The Indian Express, 09 May 2015.

²⁹ Criminal Revision Petition 905/2007, decided on July25, 2016.

³⁰ 7 SCC 547.

6.4. Absence of Proportional Punishment

According to Michael Davis, the only acceptable reason for punishing a person is that he has committed a crime and only acceptable reason for punishing a person with certain severity is that the punishment fits the crime.³¹ The penalties in the *Cruelty to Animals Act 1920* are insufficient to the severity of the crime. Under this Act, any person shall be punished with fine of one hundred taka for cruelty to animals and for sale of animals or with imprisonment for term of three months or with both and one hundred taka for overloading animals.³² It also prescribes for a fine of five hundred taka for practicing *phuka* or with imprisonment for a term of two years or with both and two hundred taka for killing animals with unnecessary cruelty or with imprisonment for a term of six months or with both.³³ Under this Act, a person having in his possession the skin of a goat, and has reason to believe that the goat has been killed in an unnecessarily cruel manner so as to constitute an offence under section 7, he shall be punished with fine which may extend to one hundred Taka, or with imprisonment which may extend to three months, or with both, and the skin shall be confiscated.³⁴ Further a person shall be punished with a fine of Taka one hundred for employing animals unfit for labour and fifty taka for baiting animals or inciting them to fight.³⁵ The amount of fine had the potential of having a deterrent effect in the society at that time when the Act was enacted in 1920 but at present such minimal penalties have become negligible as the offender may not have any problem of paying such little amount of money. Punishments under the Act are also minimal in nature, so as not to constitute any deterrent impact upon society. Therefore, the very object of this Act is not being implemented as it is not able to have the deterrent effect in the society to reduce cruelty to animals and to promote animal welfare.

6.5. Declaratory but not Mandatory Provision

Provisions in the *Cruelty to Animals Act 1920* are declaratory in nature rather than mandatory. Because, most of the sections imposes an optional obligation on the government for protecting animals from cruelty by using the word ‘may’ but not ‘shall’. The word ‘shall’ imposes clarity on the concept of obligation but the word “may” is ambiguous.

³¹ M Davis, *To Make the Punishment Fit the Crime: Essays in the Theory of Criminal Justice* (Westview Press, 1992,) p 69.

³² *Cruelty to Animals Act 1920*, sections 4 & 5.

³³ *Cruelty to Animals Act 1920*, sections 6 & 7.

³⁴ *Cruelty to Animals Act 1920*, section 8.

³⁵ *Cruelty to Animals Act 1920*, section 11.

7. The Draft Animal Welfare Bill: A Ray of Hope

As already discussed that Bangladesh is far behind in promoting the animal welfare issue, it is a matter of great hope that with the growing awareness of the civilized society the Cabinet approved the draft 'Animal Welfare Law' earlier in the 20th February 2017. This is a legit concern of our law makers who take initiatives to speak on behalf of those who can't speak for themselves. A positive feature in the draft is that the definition of animal has been clarified adding that all vertebrate except human being, domestic animals and pet animals would also come under the boundaries of the new law. The other key features of the new law will hopefully decrease the rate of killing and persecuting animals in Bangladesh.

As per the proposed law, showing unnecessary cruelty to animals, killing animals or behaving cruelly with them or forcing them to do extra hard work would be considered as punishable offences. The most admirable steps of the draft bill are to increase the jail terms and fines as forms of punishment for animal abuse. The draft law proposes six months' imprisonment or Tk.10000 as fine or both for cruel or heartless behavior or for any unnecessary harmful behavior to animals. It also proposes two years of jail or Tk. 50,000 fine or perhaps both for killing an animal or injuring it intentionally. Any member of the police holding the post of sub-inspector can file a case against any person for committing such offenses as per the bill. According to the bill re-production of pet animals and their methods of management will have to be animal-friendly and registered with the concerned department. The adoption of 'Animal Welfare Law' is just the first step to protect and prevent the animals from being needlessly killed or tortured. But the cruelty to animals may not only be confined to the adoption of legal rules; it has to be articulated through implementing the legal provisions efficiently by the Government as well as through the process of motivating a wider range of social subjects to fight for a more comprehensive animal protection. In order to generate the desired effects, some recommendations may be taken into account:

- i) The welfare of animals must be a common objective and must be based on the principle that animals are sentient beings whose specific needs must be taken into account. And all appropriate steps for preventing cruelty towards animals and reducing their sufferings must be taken to fulfill this objective.
- ii) Appropriate policies, legislation and standards on the welfare of animals will be further developed and they must be observed by improved measures. Each person shall care for and treat animals in a humane and sustainable manner.
- iii) The Constitutions around the world have provisions to ensure protection of nature or rights of animals.³⁶ Bangladesh should also make the provisions in its

³⁶ *Constitution of India*, articles 48, 48A & 51A and article 80 of the *Swiss Federal Constitution*, article 225(1)(VII) of the *Constitution of the Federative Republic of Brazil*, Part 4 of the

Constitution to give the animals a constitutional category and it should be our fundamental duty to have compassion for living creatures. This will accelerate forwarding the best step to ensure animal welfare.

iv) Obviously, the draft bill is a commendable move to protect and prevent our animals from being needlessly killed or tortured. But it will have to be effectively implemented after the parliament finally passes the law. Because, without implementation a law is merely a legal provision in papers- nothing more.

v) The intrinsic value of animals must be emphasized so that they are able to live a life that they rightfully deserve and not as a commodity or an object of entertainment. The term intrinsic value legally implies that animals have interests of their own that must be protected against human actions that are detrimental to the animals' physical and ethological welfare or otherwise harmful.

vi) Like many other European countries such as Germany,³⁷ Italy,³⁸ France,³⁹ Slovenia,⁴⁰ Montenegro,⁴¹ we should also envisage the act of animal killing or abuse as a criminal offence. Cruelty, in any shape or form, cannot be condoned and the perpetrators must be taken to task. In this context, the *Criminal Procedure Code* 1898⁴² must preserve more stringent sanction for animal killing or abuse.

vii) The range of awarded penalties should be as high as possible which would reflect how serious the matter of animal killing is. As the prescribed penalties in the *Cruelty to Animals Act* 1920 are inadequate and completely incompatible with the cruelty to animals, the penalties must be set high enough in order to achieve the preventive and repressive objects.

viii) Monetary charges can't be a proper deterrent. The provision of alternative monetary charges in the proposed animal welfare bill drags the praiseworthy endeavor one step backward. Punishment, by deterring the offenders, can play one of its theoretically important roles. So a well-calculated jail terms must be added in the bill which will definitely serve the need.

ix) A higher penalty must be provided for anyone who organizes or promotes shows and events involving torture or cruelty to animals, against also who

Constitution of the Republic of Serbia, article 20a of the *Basic Law for the Federal Republic of Germany*.

³⁷ *German Animal Welfare Act (Rechtstierschutzgesetz)*, 1972.

³⁸ *Italian Penal Code* 1930, article 544-bis to 544-sexies).

³⁹ *French Penal Code*, article 521-1 (paragraph 1).

⁴⁰ *Criminal Code of the Republic of Slovenia*, article 341.

⁴¹ *Criminal Code of Montenegro*, No. 70/2003, Chapter 25.

⁴² Act No.V of 1898.

promotes, organizes or holds animal fights or unauthorized competition between animals that may jeopardize their physical integrity.

x) It is absolutely essential to raise the general public awareness through strong media campaigns in order to institute a more extensive animal protection action. In that context, it is necessary to ensure the participation of a large number of people in the implementation of the prescribed legislation, to make co-ordination in full length among all the officers and staffs in all hands, to ensure co-ordination among all the administrative organs and local consultants, to make policy for coordination in bureaucracy, law-making, public information and law enforcement. Awareness must be created not only about the laws but also about the need of their urgent attentions towards the matter.

xi) Enactment of law is not enough unless legal provisions are not effectively implemented in practice by the competent state authorities and fully observed by other social subjects. There is a need to provide a mechanism for a more consistent observance and enforcement of the legal norms to promote the welfare of animals by i) appointing special force of officials, ii) instituting an office of animal advocate (defender) which will be in a charge of animal protection and welfare etc, iii) setting up mobile clinics for stray dogs, cats and other animals, iv) providing larger fund for the animal sectors, v) encouraging the lawyers interested in practicing animal law or related cases as the lawyers ignore such field which are not more money prosper. Without the little awareness or interest amongst lawyers, it is hardly possible to implement any law.

8. Conclusion

Right to dignity and fair treatment are not confined to human beings alone but to animals as well. Every species has an inherent right to live and shall be protected by law, subject to the exception provided out of necessity. Animals have right against human beings not to be tortured and against infliction of unnecessary pain and sufferings. The animal welfare and animal protection has become the important ethical and legal issues in many countries. The civilized society now realizes that by destroying everything around him, man unconsciously destroys himself and his environment. Obviously the draft animal welfare bill in the context of Bangladesh is a commendable move towards instituting the legal protection of animals and revolutionizing the treatment of animals in the national legislation-but adoption of laws regarding any matter is not enough to ensure justice on that very issue. It requires to be enacted by the legislature as soon as possible without any further delay which will reflect our submission or recognition to the seriousness of the issue. In addition, for a more comprehensive animal protection legal system and to the utmost welfare of the animals, effective implementation of laws and motivation of social subjects are

also important. It also needs to be a sustained campaign to bring about policy changes, to raise awareness amongst the law implementing authorities and most importantly, changes in people's behaviour. The law exists for all, and it is upon every citizen and animal lover to harness its benefits. No organization is strong or large enough to combat animal cruelty on its own no matter how strong the law is. Even with the new law, if animal lovers do not muster the strength to fight animal cruelty, the abusers will end up having the last laugh. The United Nations Sustainable Development Goals (SDGs) also includes substantial reference to the importance of animal protection. In its vision for 2030, all world leaders declare:

We envisage a world in which every country enjoys sustained, inclusive and sustainable economic growth and decent work for all. One in which humanity lives in harmony with nature and in which wildlife and other living species are protected.

The inclusion of animal protection in this new global vision signifies the achievement to mainstream animal welfare globally and will help to secure a Universal Declaration on Animal Welfare (UDAW). Bangladesh is also committed to implement the SDGs. So prevention of cruelty towards animals with the development policies is must for sustainable development and implementation of development policies should be taken at the same time to attain the goal of SDGs.