

Ensuring Animal Welfare in Bangladeshi Legislations and Policies: A Comprehensive Review Of National Legislations, Coordination and Implementation Failures

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Abstract: *Animal welfare endorses the responsible use of animals to satisfy certain human needs. Now a day there is growing realization about animal rights and animal welfare in international communities, civil society and different regional organizations. Bangladesh does not fully comply with the minimum standards for the elimination of animal cruelty. This is a very difficult task as stigma is prevalent in our communities, hindering the policy implementation regarding animal welfare. This work portrays the current situation of animal cruelty in Bangladesh, the challenges, underpinning problems, government initiatives and country achievements. The paper concludes with recommendations to the government of possible solutions.*

Keywords: *Animal Welfare, Bangladesh, Enactment.*

‘Cruelty to animals is contrary to man's duty to himself, because it deadens in him the feeling of sympathy for their sufferings, and thus a natural tendency that is very useful to morality in relation to other human beings is weakened.’-----

Immanuel Kant

I. Introduction

Our social enterprise is not composed of humans alone. Creatures of all variety are inextricably involved in many of our daily activities. The concept that we are all born with inherent rights, such as life, liberty, and the pursuit of happiness, is fundamental to our society. It is true that animals are not absolutely shares these rights but they are entitled to live avoiding pain, and pursuing happiness. Proposed Universal Declaration on Animal Welfare recognizes animals as living, sentient beings and therefore deserve due consideration and respect. Non-human animals should not be a part of destruction, pain, incarceration and underprivileged conditions that are caused by humans. Yet still we exploit and abuse them mercilessly ignoring their contribution in our global life.

According to a report of World Society for the Protection of Animals (WSPA) world's poorest people's approximately 650 million of the 1 billion poorest people on earth depend completely on animals for their livelihoods and the whale watching industry alone generates \$2.1 billion dollars and employs 13,000 people around the world. Animal systems occupy 45 percent of the global land area; generate output valued at \$1.4 trillion, and account for between 60 and 70 percent of the total global agricultural economy.ⁱ These systems employ more than 1.3 billion people globally and directly support the livelihoods of 830 million food-insecure people around the world. In the process, the systems contribute 17 percent of the global kilocalorie consumption and 33 percent of the global protein consumption.ⁱⁱ People in developed countries, comprise about 20% of the world population and consume 80% of world production of milk and dairy products and 66% of world beef production.ⁱⁱⁱ The total contributions from domesticated animals, while not approaching the proportions derived from plants, are still quite large, providing approximately 34% of human food protein and 16% of food energy supply.^{iv}

II. Methodology

This study is the combination of methods for interpreting the relevant information regarding the barrier and policy implications of animal friendly laws and policies in Bangladesh. In this research the observation method is given priorities. Some of the information was extracted from secondary sources such as books, journals, magazines, newspapers etc. to enable readers to understand the present situation.

2.1. Findings

Animal cruel activities seem to be a significant and growing problem for Bangladesh. There are a myriad of weaknesses in adopting and implementing animal friendly legislation and policies, as well as the overall comprehensiveness and effectiveness of steps taken by government. Given its clandestine nature there is a lack of reliable empirical data on the nature and extent of animal cruel act to support this observation and even

less theoretical work on it. International cooperation with local law enforcement is essential in ensuring animal welfare.

III. Defining Animal Welfare

Philosophically and theoretically animal welfare is fundamentally different from animal rights. Animal Rights is a radical ideology that believes non-human animals' life, liberty and pursuit of happiness and interests cannot be sacrificed or commercially exploited just because it might benefit others. Whereas animal welfare, encompasses humane treatment and use of animals and believes that humans have a responsibility for their care. Advocates of animal welfare, permit use of animals which is based on the premise of humankind's right to use animals for human benefit carries with the responsibility to do so humanely.

IV. Contribution of Animal Resources for Bangladesh and Vice Versa

Animals are one of the main sources of livelihood to millions of poor people in the Indian subcontinent including Bangladesh. The value of these animals is worth millions of sum in their output in the form of milk, meat, eggs, draught animal power, wool, leather and dung. Of the total GDP of Bangladesh around 3.98% comes from livestock, contribution of livestock in national economic and agriculture accounts for 2.67% and 17.15% respectively. Bangladesh earn, about 15 crore from commodities made from various parts of animals, only lather accounts for 4.31% of total export earnings. About 50% of total cultivable land is cultivated by chattels. Around 2.5 million ton additional crops are produced by using animal waste and dung.^v Livestock provides about 40% of animal protein in the diet of the people of Bangladesh. Presently the livestock population of cattle and poultry are 46/50 million and 233.0 million respectively.^{vi} The contribution of animals to national economy has not been adequately evaluated. The role of animals in economic development is generally undervalued, since many important non-food outputs which are difficult to quantify in monetary terms are excluded from calculations.

Unlike child abuse or other forms of family violence, there are no reliable estimates of the incidence of animal cruelty.^{vii} Most of the laws and policies regarding sustainable development of the country are human centered ignoring the plight of animals. According to IUCN, 'Bangladesh has 895 varieties of vertebrates of which 13 species are extinct and 201 are under threat; 702 marine and migratory vertebrates of which 18 species are under threat, 265 fresh water fish and 24 prawn inland species of which 54 are threatened and 12 are critically endangered; 475 marine fish and 38 salt water shrimp species of which 4 are under threat. The IUCN Red Book lists the species under threat and those which are critically endangered. Local birds account for 400 plus species and 201 species are migratory. The birds, especially the migratory ones, are subject to poaching and indiscriminate hunting though there are laws to prevent such action. Almost 80% of terrestrial biodiversity finds refuge in forests. Thus the forests also provide a much needed habitat for endangered biodiversity as mentioned above.'^{viii} Sundarbans harbours about 400 species of wild animals.^{ix}

In Bangladesh any animal friendly survey only disclose the number of Royal Bangle Tiger, types of deer, bear, snakes and other resident of Sundarbans. But they fail to identify the factors regarding the occurrence of animal cruelty. The local slaughter houses of six representative districts in Bangladesh which shows that 21.52% animals were in very poor health condition, 21.19% animals were injured and 11.25% animals had other clinical signs.^x

V. Causes behind the Plight of Animals

There is no doubt that most of the animal related laws and policies are implemented partially. lack of organizational capabilities, unskilled manpower, illegitimate usufruct rights, peoples' failure to participate in policy implementation, corruption, insufficient modern facilities, communication gaps, unawareness etc. are obstructions in the implementation of the animal related laws and policies in Bangladesh.

Bangladesh has a few laws against the exploitation of vulnerable species, preservation of animals etc. But this sector didn't adequately developed due to insufficient penal provisions, lack of enforcement of laws, ineffective preventive measures etc. On the other hand the lawyers are hardly found to deal with animal related issues. Again existing civil and criminal courts are over-burdened with its own workloads thereby they are insufficient for disposing of animal welfare related issues.

In the context of Bangladesh animal rights and animal welfare issues frequently absent in policy making mechanism. The authorities concerning animal issues are not fully acquainted with those issues in the most of the cases. It is observed that absence of proper authority, monitoring and continuous assessment is responsible for non-implementation of any policy in the country. Again effective coordination among policy makers of different and administrative organs is invisible.

VI. International Instruments and its Implications

In recent years, some important international and regional animal care initiatives have been formulated to protect and develop the animal and related resources on the earth. Bangladesh is merely a signatory party and signed only two of Conventions namely Convention on International Trade in Endangered Species of Wild Fauna and Flora and Convention Concerning the Protection of the World Cultural and Natural Heritage. Apart from these there are a number of international instruments guiding governments on how to address the conservation and development of non-human being, which are as follows.

- Conservation for the protection of Migratory Birds in the United States and Canada, (Washington), 1916.
- Convention Relative to the Preservation of Fauna and Flora in their Natural State, (London), 1933.
- Convention for the Protection of Migratory Birds and Game Mammals, 1936.
- Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, (Washington), 1940.
- International convention for the Protection of Birds, (Paris), 1950.
- European Convention for the Protection of Animals during International Transport, (Paris), 1968.
- Benelux Convention on the Hunting and Protection of Birds; (Brussels), 1972.
- Convention on the Conservation of Migratory Species of Wild Animals (Bonn), 1979.
- Convention on the Conservation of European Wildlife and Natural Habitats, (Bernie), 1979.
- International Convention for the Regulation of Whaling

In-depth analysis of existing international treaty law about animals requires dividing animals into the categories of wildlife and domestic. Apart from some treaties concluded by European States there is no international arrangement dealing with domestic animal issues. There are some international accord the subject matter of which is wildlife. The primary focus of these treaties is the preservation of endangered species or the management of commercial valuable species. There are a number of treaties dealing with migratory birds and fish and the International Convention for the Regulation of Whaling deals with whales. Existing treaties ignore to pay attention on the welfare of individual wildlife. The Convention on Biological Diversity, seeks to promote the protection of the environment and the wildlife contained therein, but says nothing about the welfare of individual animals. Thus, it is clear that while the environmental perspective of the importance of wildlife as part of ecosystems is well accepted, the conditions of life and death of individual animals at the hands of humans around the world are not yet a focus of legal drafting.

VII. Key Contributions of National Legal And Institutional Framework

The Constitution of the People’s Republic of Bangladesh (1972) does not directly address to states’ obligation to prevent animal cruelty. Article 18A obliges the State to protect and improve the environment and to preserve and safeguard the natural resources, bio-diversity, wetlands, forests and wild life for the present and future citizens.

Bangladesh still lack the exhaustive legislative means to address the issue of animal welfare comprehensively. There are a few animal amicable laws and policies which are as follows:

Statutory Laws	Supplementary Initiatives
The Cruelty to Animals Act, 1920	Forest Policy 1994
The Animal Disease Act, 2005	National Biodiversity Strategy & Action Plan (NBSAP),2004
The Animal Slaughter and Meat Control Act, 2011	National Livestock Policy (NLP) 2007
Bangladesh Wildlife Conservation and Security Act, 2012	Deer Rearing Rule, 2008
	National Sustainable Development Strategy, (NSDS) 2009
	Rio+20: Bangladesh Report on Sustainable Development 2012

The Cruelty to Animals Act, 1920 is the only legislation of its kinds which to some extent deals with issues against animal cruelty. Basically The Animal Slaughter and Meat Control Act, 2011 provides provision regarding examination of animal and carcass before and after slaughter. A new addition in the list of statutory law is the Bangladesh Wildlife Conservation and Security Act, 2012 which is enacted for protecting about 1,307 species of wild plants and animals. It provides penal provision of three years imprisonment and TK 200,000 fine or both for purchasing wild animals, parts of wild animals, trophies, meat or other products without licence.

7.1. Institutional Initiatives

Now a day animal welfare is a recent inclusion in the field of protection of animals that is why; the Government as well as the Non-Governmental Organizations has taken many steps both in the national and international arena to protect the animal. As resources were found in the British period, but after independence, the government of Bangladesh has taken a few initiatives for the development and protection of the animal and related resources. The Ministry of Fisheries and Livestock is designated as lead ministry tasked with forming

animal amiable policies. Besides, the Government Research Organizations, Department of Animal Resource and Bangladesh Veterinary Council are the institutions that formulated strategies in this regard.

Concerned Ministry is responsible for zoological research, zoological gardens and zoological surveys, development of animal resources, improvement of cattle wealth, prevention and control of animal and poultry diseases, management of poultry, duck and cattle farm, animal nutrition, artificial insemination, developing veterinary practice and higher veterinary education, prevention of cruelty to animals, livestock census and cattle insurance, planning cell-preparation of schemes and co-ordination in respect of research and training in livestock, mechanized livestock operations and participation in relevant internal conference, associations, other bodies and implementation of decisions made thereof.

VIII. Deficiencies in Existing Laws

The greatest difficulty with the issue of animal welfare begins with the legislative definition and interpretation. In spite of having certain legislative attempt there are some latent deficiencies in existing laws and policies which are as follows:

8.1. As to Definition

Present legislative arrangements fail to give a uniform definition of animal. 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. In 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.

According to the Forest (Amendment) Act, 2012 "cattle" includes elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids.

8.2. As to Offences

The Cruelty to Animals Act, 1920 provides punishment for overdriving, cruel or unnecessarily beating, ill-treatment of any animal, causing unnecessary pain or suffering, overloading and killing animals, incitement or baiting any animal. It doesn't include all offences regarding animal cruelty. It permits slaughter of any animal in a manner required by the religion or religious rites and usages of any race, sect, tribe or class, or for any *bona fide* scientific purpose or for the preparation of any medicinal drug. But what would be considered as *bona fide* scientific purpose has not been mentioned.

The Bangladesh Wildlife Conservation and Security Act, 2012 permits to collect any part of body of any wild animal, meat, trophy or uncured trophy from forest or any place in the country, for some definite purposes, namely education, scientific research, scientific management, collection, preservation and display of specimen for any botanical garden, safari park, recognized zoo, museum, herbarium or any other similar institutions, collection and preservation of plants or snake venom for manufacturing lifesaving drug; and reproduction by any person or institution approved by the Government. Sufficient determinant for allowing permission and justified treatment of animal for the above mention purposes have not inserted. In Bangladesh there is no legislation dealing with scientific management or scientific purpose.

8.3. As to Penalties

In The Cruelty to Animals Act, 1920, the penalties are insufficient to the severity of the crime. Inserted penal provisions are inadequate (Minimum term of imprisonment is 2 months whereas Maximum is 2 years), and the amount of fine is also inadequate (Minimum 50 TK equivalent to 0.625USD and Maximum 500 TK equivalent to 6.25USD.).Maximum punishments under the Act are insufficient to deter serious crime; in fact they are so weak that it calls into question the sincerity of the law.

8.4. As to Obligations

The Cruelty to Animals Act, 1920 Act imposes an optional obligation on the government for taking steps for the treatment and care of animals but not mandatory. All most every section state the word 'may' not 'shall'.

IX. Recommendations for Preventing Cruelty to Animals

Based on study findings it is observed that, considering our socio-economic and cultural determinant enactment and implementation of the animal related laws and policies of Bangladesh in the light of national and international arrangement is essential. The following strategies may be taken into account.

9.1. Enhancing Effective Co-Ordination

For effective response to the issues covering animal cruelty it has been strongly suggested to make co-ordination in full length among all the officers and staffs in all hands. Co-ordination among all the administrative organs and local consultants should be ensured. Policy to lead a national effort against animal cruelty must bring together and coordinate work in bureaucracy, law-making, public information, border control and law enforcement.

9.2. Strengthening Implementation Measures

The Government has formulated some animal protective policies and legislations. But corruption of authorized persons is the greatest barriers to the implication of policies and laws in any country of the world. Irregularities in respective department/offices should be monitored. Effective implementation of animal friendly laws and policies is essential for sustainable conservation of nature. It should be understood that the wildlife conservation including all other species is possible by the proper implementation of adequate laws and policies.

9.3. Proper Problem Assessment and Strategy Development

Frequent visiting, inspection and auditing systems should be introduced. The animal sectors have been suffering much for want of budgetary allocations. These allocations are not properly regulated or maintained in case of implementation. Insufficient budget makes hindrance to the implementation of animal related laws and policies. At the same time logistic support (sufficient man power, equipment and conveyance facilities, sufficient remuneration, substantial allowances, technical and scientific facilities, infrastructure, and necessary training and academic facilities) for concerned authority are to be provided as much as required.

9.4. Undertaking Preventive Measures

Animal cruel activities are often the result of lack of education and awareness. Along with implementation measures sufficient motivational programs, observation of special days, street plays can contribute much more for building awareness among laymen. Bottom up method can be implemented. It is a method for collecting data and information from the field officers or concerned person who is quite known about those facts and circumstances having technical knowledge and also well-known about the solution or policy implications.

9.5 Enacting Animal protective legislation

Enactment of exhaustive law and application of animal friendly legislation is the prime need for ensuring safe environment for animals in Bangladesh. To meet with the problems of animal welfare in Bangladesh including other developing countries, it would not be adequate to adopt international standards. We should evolve standards based on our individual priorities. In general, the following recommendations would be helpful and their implementation will be more appropriate and practicable.

- An exhaustive legislation to safeguard the welfare of animals should be introduced. Existing provisions fail to make differences between commercial animals, captive wildlife, domestic animals, companion animals, wildlife and stray animal. Specific penal provisions should be inserted regarding offences such as causing unnecessary suffering, mutilation, tail docking, poisoning and animal fighting. Separate court is to be established to deter offences against animal. Sufficient determinant should be included regarding imposition and disposal of any portion of fine
- The breeding or genetic manipulation of an animal must be prohibited when it is foreseeable that either the health and welfare of a parent will be put to risk or that the offspring of any such process will have anatomical, physiological or behavioral characteristics which result in increased risk of pain, injury, illness or death of the offspring.
- Animals shall be transported in a way which safeguards their welfare, including health. When animals are injured or become sick during transportation, then as soon as possible, appropriate veterinary treatment shall be made available by the animal's owner.
- Marching animals for long distances on foot to abattoirs should be banned by law. Feeding, watering arrangements, journey times and resting periods should be compulsorily ensured. Loading, unloading and handling devices to be introduced to reduce damage and suffering of transporting animals. As far as possible, animals shall be transported without delay to their place of destination. No person or transportation agent shall ship or accept for shipment an animal in a container. The term "person" must include individuals, business entities, organizations or agencies.
- Ill or injured animals shall not be considered fit for transport. Unless it is in the best interest of the animal involved, mammals that are likely to be in an advanced staged of pregnancy shall not be certified as fit for transportation. Likewise, females with nursing young or young animals incapable of feeding themselves shall also not be considered fit for transportation.

- Caring veterinary certificate should make compulsory. The veterinary certificate shall state that the animals are fit for the expected conditions of transportation and free from infectious disease. The veterinary certificate must be signed not more than 12 days prior to shipment by appropriate authority.
- Animals should be kept separate during transport where injury or suffering is likely to occur if they are mixed. This shall apply in particular to:
 - a. animals of different species;
 - b. animals hostile to each other;
 - c. animals of significantly different sizes or ages;
 - d. uncast rated adult males;
 - e. tied and untied animals
- Animals shall only be detained where this is strictly necessary for their welfare or for disease control purposes. If animals are detained, appropriate arrangements shall be made for their care and, where necessary, their unloading and accommodation. Specific guidelines should be set for maximum stocking density for animal such as birds, broiler chickens and the like.
- There should provisions regarding how much suffering be treated as justified. In determining whether suffering is “unnecessary” the court will have regard, to whether
 - (a) the suffering could reasonably have been avoided or reduced;
 - (b) the conduct which caused the suffering was in compliance with any relevant enactments or provisions or code of practice;
 - (c) the conduct which caused the suffering was for a legitimate purpose, such as benefiting the animal, or protecting a person, property or other animal;
 - (d) the suffering was proportionate to the purpose of the conduct concerned; and
 - (e) the conduct was that of a reasonably competent and humane person.
- Animals are severely abused in animal experimentation. Legislative attempt is necessary for the humane treatment of non-human animals in laboratories and other settings.

X. Conclusion

The growing phenomenon of animal cruelty requires international cooperation and innovation of all concern. A plethora of agreements, resolutions, programs, conference and treaties was concluded by the developed countries to fight against animal cruelty. Now it is the turn of developing countries like Bangladesh to pay some attention on animal and related issues. In our country if we discuss about animal welfare then the policy makers and laymen would like to minimize the concept to proper feeding, housing and health facilities of animals. A comprehensive concept of animal welfare deals with protective measures for animal in the laboratories, wild/forest, ocean and agriculture. The time has come to acknowledge the significant and extensive role that nonhuman animals play in the lives of humans. Availability and implementation of adequate laws to identify animal cruelty as a criminal offence and prescribe realistic penalties is a necessary step towards the establishment of workable animal care policies. Many of you might be disagree with this opinion as experience shows that majority of third world countrymen are not absolutely willing to follow the legislative actions. ‘May be’ people fail to follow the Act but if there is no legislation people ‘shall’ definitely ignore the present inhuman condition of animals. We all know the deepest difference between the words ‘may be’ and ‘shall be’. Apart from implementing legislative attempts it is our foremost duty to practice our respective religious belief and moral education.

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