Safeguarding Animal Welfare: Understanding Laws and Animal Rights in Islam

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Abstract

Cruelty towards animals is not a new issue in our society. However, the persistence of this cruelty, despite our identity as a Muslim society, shows our failure to adhere to the teachings of Islam regarding animal welfare. Although there are legal frameworks and mechanisms in place to prevent the mistreatment and cruelty with animals, they are outdated and ambiguous in its scope. This research highlights the major issue of mistreatment and cruelty with stray animals in Pakistan and critically examines the existing legal framework designed to protect animals. Through the use of a qualitative approach, this study integrates Islamic teachings with the
current legal framework in order to provide comprehensive insights into the animal welfare. This research concludes that the existing legal mechanisms are insufficient and unable to cover all animals and it need to be updated to address our contemporary societal issues. It must be aligned with the injunction of Islam as laid down by the Holy Qur’an and Sunnah.

**Keywords:** Cruelty to Animals, Animal Rights in Pakistan, Animal Rights in Islam, Animal Welfare

1. **Introduction**

Cruelty towards animals is an unfortunate and pervasive issue in Pakistan. Despite the presence of some laws, though they are out-of-date, which are aimed for protecting animals and fetching them welfare environment, cases of their abuse and their neglect are frequently reported on news. These issues are from domestic animals to wildlife animals. Many of them suffer due to ignorance, lack of effective execution of existing laws, and a general disrespect for animal rights. Some recent incidents are horrific. The first harrowing incident that has sent shockwaves across the social media and the internet involved a deeply disturbing video which was released by the ACF Animal Rescue shelter. The footage showed a group of adult men who were throwing a dog from the terrace of a building in Karachi. It was a horrifying display of cruelty. This incident has called for an immediate action in order to protect stray animals from such a vile and inhumane behavior.² Thereafter, in Sanghar district of province of Sindh, a tragic incident occurred: a local landlord, along with his five accomplices, severed the leg of a she-camel that had unfortunately strayed into his fields, and allegedly damaged his crops. When the occurrence went viral on the social media, then action by the concerned authorities was taken. The injured camel was quickly taken into Karachi hospital, where she will be fitted with a prosthetic limb. This heart-wrenching incident of the suffering camel, who has been affectionately named 'Cammie'
by the social media users, has flooded social media platforms. It has drawn significant public attention besides outcry.\textsuperscript{2} This is not the only story. Another heartbreaking case of animal cruelty emerged in Rawalpindi city of Pakistan, where a man cut off both ears of a donkey that had lost his way and entered into his farm. According to newspaper reports, the owner of the animal repeatedly visited the police station to get an FIR register, but it could only be registered after 14 days of the incident. That also because of the social media and print media pressure.\textsuperscript{3}

This widespread cruelty to animals not only reflects our societal problem but it also highlights the urgent need for more stronger measures and more awareness in order to ensure the humane treatment of all animals. The public outrage over these incidents, coupled with other cases of animal abuse in our country, underscores the urgent need for a just system and upgradation of laws for these innocent and voiceless creatures. Many have voiced that it is high time for our society to learn about animal rights and to respect them. However, stray animals in Pakistan are often captured and then killed. In May of the last year, a particularly hurtful video came into surface while showing a man who was hanging a dog from a rack with the help of a rope in the city of Karachi. The man, who was a market watchman, was later detained. But then again, such moments of online outrage do little in order to curb these incidents.\textsuperscript{4} Under these circumstances, it is clear that education alone is not enough; we have to foster a sense of empathy in our people and in order to ensure strong enforcement of prevailing laws. Additionally, we need to update our laws keeping in due regard to Islamic principles and international best practices. Without this, cruel and heartless acts like throwing a stray dog off a balcony and severing the leg of a camel will continue to occur. Hafiz Basheer Ahmad in his work pointed out that cruelty to animals has evolved throughout the history. It has manifested in various forms: such as cockfighting, overloading beasts with burden, and neglect.
More recently, this cruelty has expanded in scale and sometimes it is justified by human needs. Furthermore, scientific experiments and industrial practices also have subjected animals to suffering for human gain. Traditional practices like trophy hunting are also continue. Fur-bearing animals are facing widespread slaughter. Despite of the existence of rising animal welfare protests, political and economic pressures resultantly often dominate moral considerations. Religious institutions, in spite of their potential influence, are often neglecting teachings on animal welfare. Yet, there is still remain a hope that religious teachings will eventually substitute a renewed respect for animals. It will bring a more compassionate era for them.\(^5\) Islam is a religion of compassion and affection. Its primary objective is to create and to provide ease. The word "Islam" itself is derived from concepts of peace and harmony. Throughout his life, Prophet Muhammad (صلى الله عليه وسلم) preached brotherhood, compassion, mercy, mutual cooperation, and trustworthiness. He (صلى الله عليه وسلم) also introduced a comprehensive code of welfare for animals. Before the advent of Islam, animals were often treated with cruelty. They were not treated with dignity. Then Islam came. It teaches to the world about the importance of animal welfare, and that all of living creatures, including humans, animals, birds, and insects. It put emphasis that all are worthy of consideration and all must be treated with respect because all are Allah’s creations. Islam strongly inspires its followers to treat animals with compassion. It also prohibits any kind of abuse towards them. The Holy Qur’an, Ahadith, and the history of Islamic civilization are replete with examples of kindness, mercy, and sympathy for animals. According to the Islamic teachings, animals have a specific position and purpose in our lives. They have been created to fulfill our various needs. Humans in Islam have been instructed not to waste the lives of animals. They are also held responsible for their welfare and sustenance.\(^6\)

2. Importance of the Study
This research is important due to several reasons. Firstly, this study will help in raising awareness by shedding light on the prevalent issue of animal cruelty in our country. This study specifically aims to raise awareness among the general public, policymakers, and law enforcement agencies about the rights and laws regarding animal cruelty. This can lead us towards a more empathetic society that will value and respect animal rights. Secondly, this work will aid policy makers in formulating policies regarding animal cruelty. The findings of this work can be helpful to inform policymakers about the gaps in existing laws and the urgent need for their update, keeping in due regard to the Islamic principles and international best practices, so that new and improved legislation can be developed to protect animals. Thirdly, this work will promote humane treatment of animals in our society. It will highlight generally the teachings of Islam regarding animal welfare. It will encourage citizens of our society to adopt more humane and compassionate behaviour towards animals. Fourthly, this study will support law enforcement agencies and administration to prohibit animal cruelty. Besides, underscoring the importance of the effective execution of existing laws, this work will also urge legislators to update the laws regarding the subject. Furthermore, this work will also provide valuable insights for the ethical treatment of animals from both a legal and religious perspective. Lastly, animal rights activists and concerned organizations can use this work to strengthen their efforts. This study is being conducted not just as an academic exercise but also as a vital tool for societal change: to transform our societal attitudes, to influence policies, and ultimately to ensure a more humane and just treatment of stray animals in Pakistan.

3. Research Methodology
This research basically has adopted a qualitative approach for this study. It combines an extensive literature review with injunctions of Islam in order to provide a comprehensive understanding of animal cruelty laws in Pakistan.
and animal rights and respect in Islam. The study uses a thorough examination of the existing literature available on the topic. It includes academic articles, legal texts, besides the religious sacred scripture such as the guidance from the Holy Qur’an and Ahadiths, to establish its theoretical framework. Additionally, a detailed analysis of relevant case laws and precedents available in the jurisprudence developed by the higher courts of Pakistan will also be conducted to evaluate the effectiveness and enforcement of current animal cruelty laws. This includes examination of the recent cases of animal cruelty which have been reported in the law journals in Pakistani. Through the integration of the insights from Islamic teachings and legal jurisprudence, this research not only aims to identify gaps in the current legal framework but also aims to propose recommendations for the prohibition of cruelty with animals in Pakistan.

4. Legal Framework
The primary legislation that deals with the topic is the Prevention of Cruelty to Animals Act, 1890 (Act, 1890). Under this law "animal" includes domestic or captured animals. This law provides penalties for various forms of cruelty. The main relevant provision is its section 3. It specifies penalties for those persons who overdrive, beat, or otherwise treat any animal in such a manner that subjects that animal to an unnecessary pain or any kind of suffering. It also deals with those persons who bind, keep, carry, or consign any animal for the purpose of carriage in such a manner that causes that animal an unnecessary pain or any form of suffering. Additionally, this law also penalizes those who offer for sale or possess any living animal who is suffering due to mutilation, starvation, thirst, overcrowding, or any other ill-treatment. Furthermore, it also contains penalties for those who offer for sale any dead animal or part of a dead animal which is believed to have been killed in an unnecessarily cruel manner, as well as for those who abandon any animal without any reasonable cause, in such circumstances which are likely
to cause it pain from starvation or thirst. Under this law for a first-time offence, the punishment may extend to a fine which is fifty rupees or with the imprisonment which is for up to one month. For a second or subsequent offence within the time span of three years of the previous offence, the punishment may extend to a fine with one hundred rupees, or the imprisonment for up to three months, or both. Furthermore, this law also covers cruelty through overloading of animals. It provides penalties for those persons who overload an animal. They can be fined up to fifty rupees or they may sentence to be imprisoned for up to one month. Moreover, if an owner, trader, carrier, contractor, or their employee permits the overloading of an animal, they also may be fined up to one hundred rupees. Furthermore, under Section 5 the consequence for killing animals with needless cruelty are provided in the form of a fine which may extend to two hundred rupees, or in the form of an imprisonment for a term which may extend to six months, or with both. The next provision states that if any person has in their possession the skin of a goat with the knowledge and with the confidence that the goat has been killed in an unnecessarily cruel manner, then those may face consequences in the form of a fine which may extend to one hundred rupees, or in the form of an imprisonment which may extend to three months, or with the both. In addition, the skin shall also be confiscated. Under this legislation, if any person engages in any work or labor any animal which due to the reason of somewhat disease, illness, wound, pain or other reason is unfit to be so hired, than he may face consequences of punishment with fine which may extend to one hundred rupees. This legal framework, along with some provisions of Pakistan Penal Code, provides the foundation for punishing few acts of cruelty towards animals in our country. However, it is pertinent to mention here that these penalties which have been prescribed in the Act are very minimal. They are not sufficient to serve as a strong deterrent. Moreover, the scope of the law is also limited, as it covers primarily
the domestic and captured animals but it does not comprehensively deal with the issues that are related to stray animals.

4.1. Jurisprudence developed in the Legal Framework

This work would be incomplete if we do not discuss the story of Kaavan, an Asian elephant, who endured a tough life in a Zoo. He was gifted to Pakistan as a youngster. He had companionship for many years with another elephant whose name was Saheli. However, she died in 2012. This incident left him isolated at the Islamabad Zoo. After efforts led by animal activists, through a court case they secured his freedom. He flew to a sanctuary in Cambodia, where he is living in a more natural life with other elephants. The Court decision on Kaavan is considered as a major development in the jurisprudence for animal rights in Pakistan. The court agreed that animals do have inherent rights. The activist considered it as a big progress. The court in its decision also shed light on other jurisdictions while citing some cases about animal rights. This case has set a legal precedent for future animal welfare issues in Pakistan.

5. Critical Analysis of The Act, 1890

The Act, 1890, from its bare reading show that it represents one of the earliest legislative efforts in order to protect animal rights and to prohibit cruel treatment with them. Though it has established some important legal foundations and principles against cruelty with animals, yet there are several critical issues that undermine its effectiveness in our contemporary society.

5.1. Obsolete Provisions and Penalties

One of the most noteworthy deficiencies in the Act 1890 is its obsolete provisions and penalties. The fines prescribed under this law, such as 3, 3A, 5, and 5A, range from fifty to two hundred rupees, which are nominal by means of nowadays standards. Such minimal penalties are not be able to serve as an effective deterrent against animal cruelty. Modern legal values and
inflation demand a substantial increase in these fines in order to ensure that they are punitive and they may be used as a deterrent.

5.2. Limited Scope
The Act 1890 primarily concentrates on domestic and captured animals. It has left a significant gap in legal protection for stray animals. In our society stray animals are our part. Our streets are slum areas are filled with them. There are many stories of the mistreatment with stray animals in our society. This law with its limited scope fails to tackle this issue. It should cover the broader spectrum of animal welfare and their rights. Therefore, we need a comprehensive legislation to cover all categories of animals.

5.3. Lack of Enforcement Mechanisms
Despite the existence of the Act 1890, its enforcement is weak, which is a fact. In our society, usually many cases of animal cruelty have gone unreported. Many offenders go unpunished due to the lack of strict enforcement mechanisms. We have no dedicated animal welfare authorities. The law does not specify clear protocols for the execution of this Act 1890. It also does not establish specialized bodies to oversee animal welfare of stray animals in our society.

5.4. Absence of Provisions for Animal Welfare Education
Education is the main tool to change the culture of a society. The Act 1890 does not cover the importance of public education and awareness about animal rights and welfare. Effective animal protection and prohibition of cruel treatment with them requires not only the availability of legal mechanisms but it also needs a societal shift towards empathy and respect for stray animals as well. Therefore, through the incorporation of some educational initiatives within the above referred legal framework could significantly enhance its impact through building a more compassionate attitude towards animals within our public.

5.5. Inadequate Legal Definitions
Under this law certain terms, such as "unnecessary pain or suffering," lack precise definitions. It leads the two interpretive ambiguities. This vagueness can hinder its consistent application because different authorities might interpret these terms inconsistently. This law needs clear and comprehensive definitions and commonly used terms for its the effective implementation.

5.6. Need for Alignment with Islamic Principles and International Standards

Although the Act 1890 can be considered as a first step towards animal welfare and their protection, however, it does not completely align with the sympathetic treatment of animals as prescribed in Islamic teachings. Islam stresses kindness and mercy not only towards humans but all living beings. The exiting the legal framework should reflect these values. Moreover, this law also needs to make its alignment with international best practices and existing standards. This would help to modernize the law and to improve its efficacy.

6. Islamic Teachings

Islamic teachings place a strong weightage on the rights of animals and the prohibition of cruelty towards them. The Holy Qur’an and Ahadiths provide numerous instances that encourage human society to adopt kindness, mercy, and compassionate attitude towards all living beings. In Islam animals are treated with dignity and respect because they are also creations of Allah. Prophet Muhammad ﷺ has demonstrated in his life kindness towards animals, and he also preached empathy towards them. He ﷺ always emphasised that they should not be subjected to any kind of unnecessary pain or sufferings. He ﷺ warned against overburdening animals. He ﷺ promoted their welfare through making it sure that they are being well-fed and are being treated with kindness. The Islamic perspective on the topic of animal rights shows a comprehensive ethical framework and it calls for compassion, mercy, and
justice for them as well. Islamic teachings focus on the moral responsibilities which humans have towards all creatures.\textsuperscript{13} Furthermore, Islam strongly promotes the protection of animals. Prohibition of cruelty towards them is as an essential component of Islamic traditions. This protection is rooted in the belief that all creation praises the Glory of Allah SWT, and among His greatest gifts included the animals. Even one could argue that Islam recognized and upheld animal rights before the concept of human rights that have been emerged and adopted worldwide. The Holy Qur'an has emphasised on the need to respect animal rights in numerous passages. Fourteen centuries ago, Islam has instructed humanity to treat all animals with kindness and compassion.\textsuperscript{14} Islam put emphasis on the importance of animal welfare. The Ahadiths and Sunna are rich with examples of the concern for animals. The Holy Qur'an as well has clearly addressed the use of animals for human purposes. If one makes a deeper examination of its teachings, it reveals one consistent message that is kindness and compassion towards animals.\textsuperscript{15} For instance in Surrah An-Nahl it is revealed that the cattle has been created for us to derive warmth and abundant other benefits, and we also use them for meat that we eat. And we also use them to carry our heavy loads. And there are also horses, mules, and donkeys, for us to ride and also as an ornamentation.\textsuperscript{16} God has made these animals subject to us, and we should be grateful for His kindness.\textsuperscript{17} The Ahadiths are also a vital source of Islamic law. Today, Islamic jurisprudence holds a unique and esteemed position in the legal systems worldwide. Ahadiths have played a pivotal role in expansion of Islamic law. Specifically, animal rights have held a considerable importance in Islamic jurisprudence. This could be gauged from the following Ahadith and instances.\textsuperscript{18} It is narrated by Hazrat Abu Hurayrah that: once a man was traveling and he became very thirsty. When he found a well, he descended into the well and drank water. Then he then saw a dog panting and licking mud due to thirst.
The man thought the dog must be as thirsty, as he had been, so he climbed down again into the well and filled his sock with the water, and while holding it in his mouth, he climbed back up again to give it to the dog for a drink. Allah SWT accepted his act of kindness and forgave him. The Companions asked, "O Messenger of Allah! Is there a reward for us in caring for animals?" He replied, "There is a reward in every living being." Even, it a duty to show mercy while slaughtering animals. Abu Umama reported that the Messenger of Allah صلی الله علیه وسلم said, whoever demonstrates mercy, even to an animal which is intended for slaughter, will receive mercy from Allah SWT on the Day of Resurrection. A narration about taking an egg from a small bird illustrates the level of mercy. Abdullah reported that the Prophet صلی الله علیه وسلم stopped at a place, and someone took a bird's eggs. The bird then started flapping its wings around the head. He asked, "Who has taken its eggs?" A man replied, "Messenger of Allah, I have taken its eggs." The Prophet صلی الله علیه وسلم said, "Return them out of mercy to the bird." The Qur'an, Sunnah, and Islamic history are rich with data on animal rights. In the Qur'an, many animals have been highlighted due to their significance. The Prophet Muhammad صلی الله علیه وسلم life is filled with stories of His compassion for animals. The Qur'an has also emphasised on the benefits of animals. In Islamic teachings animals are considered as signs of Allah SWT, and killing any animal without any reason or justified purpose are considered to be an act of destroying one of His signs. According to the Qur'an, all living beings, including animals, possess a mind and soul. Animals, like humans, also form communities and they also have a natural right to share in the resources of our world. If we deprive them of these rights, then in Islamic perspective it is considered as a serious sin.

7. Recommendations
Following are some recommendations to address and reduce the cruel treatment of animals, particularly stray animals.
7.1. **Update the Act, 1890**

The Act, 1890, is required to be thoroughly revised with an aim to reflect modern standards regarding animal welfare. Penalties are required to be reformulated keeping in due regards to the Islamic teachings on the animal cruelty. They should be meaningfully increased so as to serve as an effective deterrent. Furthermore, few terms are ambiguous that require clear definitions such as "unnecessary pain or suffering" in order to eliminate any interpretive ambiguity and to ensure consistent application of this law. Furthermore, we need to integrate Islamic principles and ordains into the legal framework to control cruel treatment with animals. This alignment will reinforce the moral and ethical responsibilities towards animals. Besides, we must adopt successful models from other countries in order to improve the efficacy of the legal framework and to control cruelty with animals and its enforcement mechanisms.

7.2. **Expansion in scope**

Mostly cruel acts are performed with stray animals in our society. They need protection. It is high time to extend the scope of animal welfare in the Act 1890 particularly to include stray animals in it. Our society demands a comprehensive legislation that should cover all categories of animals with an aim to provide uniform protection against cruelty and neglect. We are bound under the current circumstances of the cruel treatment with stray animals to develop and implement independent welfare programs specially for stray animals, which may include creation of shelters and feed for them and medical care.

7.3. **Establishment of Animal Welfare Authorities**

Though there are some animal welfare administrative institutions working in our country, but we need to include stray animals as well in them. It is recommended to create specialized bodies at national and regional levels which will be responsible for not only for overseeing animal welfare, but also
to enforce laws against cruel acts with animals. Thereafter, we also need to strengthen the enforcement of existing animal welfare laws through initiating specialized trainings to the law enforcement agencies.

7.4. **Public Education and Awareness**

Our educational courses and programs in schools should include ethical and moral studies regarding all kind of animals. We also need to promote public awareness within our communities through media campaigns in order to raise awareness about animal rights and about the importance of humane treatment that has been prescribed in injunctions of Islam. Furthermore, there is also a requirement to work with religious leaders and institutions, as they are an important part of our society, to incorporate the above referred teachings on animal welfare into their weekly sermons, and religious education etc. We must highlight the compassionate treatment of animals as a core Islamic value to our society.

7.5. **Collaboration with Animal Welfare Organizations**

If we want to attain sustainability in the issue of stray animals then we have to work closely with local and international animal welfare organizations to take leverage from their expertise, resources, and the networks. Collaborative efforts can amplify our efforts and it can enhance the overall impact on animal welfare initiatives.

7.6. **Monitoring and Evaluation**

We must tag stray animals in our country to count them in order to save both humans and animals from each other. For this purpose, we may create specialized crisis intervention teams to respond quickly in severe cases of animal cruelty. Then we need to implement a system of their regular monitoring and evaluation in order to assess the effectiveness and implementation of animal welfare laws and programs. The collected data can be used to make necessary adjustments and improvements.

7.7. **Humane Urban Planning**
Stray animals are mostly an issue in urban areas. There we need to integrate animal welfare considerations into our urban planning and developmental policies. We must ensure that our cities and towns have some spaces for animal shelters and their veterinary services. These must be accessible to all communities.

7.8. **Public-Private Partnerships**

In order to prohibit cruelty with animals, we need to foster partnerships between the government, private sector, and non-governmental organizations (NGOs). Their collaborative efforts can enhance the implementation of policies for the welfare of animals and to reduce cruelty with animals.

7.9. **Media use**

Our administration and NGO’s working for animal welfare and to prohibit animal cruelty must start working with media channels in order to highlight stories of animal cruelty, rescue and their welfare to promote public information on animal rights.

8. **Conclusion**

Animals in Pakistan are enduring and facing harsh living conditions without any new legislation since the country has gained independence. The condition of government-run animal hospitals also reflect neglect. Private facilities are mainly serving affluent pet owners who are willing to spend on imported pets. Stray animals, particularly dogs, cats, and donkeys, etc are facing the brunt of these challenges. The discarding of dogs generally by both civil society and the governmental authorities is a blatant contradistinction with the Islamic religious teachings which stress on the compassion for all living beings. As a Muslim country, we must adhere to the teachings of the Holy Qur’an and the commands of the Holy Prophet صلی الله عليه وسلم regarding animal rights. Therefore, it is essential to reform our laws on animal rights. G.R. Baluch, a former ambassador, recommended five steps that should be taken for the protection of animal rights: 1) National Policy on Animal
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Rights; 2) New Animal Rights Act; 3) Animal rights Advisory Body; 4) Animal Rights Protection Agency; 5) Public Awareness Campaigns. He also argued that the national policy should be a comprehensive instrument and it should cover both the animal protection and their welfare. It must be prepared after taking inputs from all relevant stakeholders. The outdated Act 1890 should be replaced with all new Animal Rights Act. According to injunctions of Islam, the earth is meant for all living creatures; thus, the new legislation should acknowledge the dignity and respect for all life forms. Kindness and mercy towards animals are our societal responsibility. Therefore, the administration should itself participate with the civil society and other religious institutions to raise public awareness about animal rights. It should be included in school curricula.\textsuperscript{24}

9. Conclusion

In conclusion, while the Act, 1890, has laid the groundwork for animal protection from the cruel treatment and abuse in Pakistan, yet it requires substantial reforms and it needs to be revisited by the legislative authorities in order to address its deficiencies. This law requires to be updated the law in order to cover our contemporary issues regarding stray animals as well. Therefore, there is a clear need to strengthen the legislation to ensure protection and better treatment of all animals and to ensure more humane and just treatment with them in accordance with the both contemporary standards and Islamic principles.

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