



RAJSHAHI UNIVERSITY LAW JOURNAL

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ইসলামী আইনে রোমান আইনের প্রভাব : একটি তুলনামূলক পর্যালোচনা



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Examine the Gap between Legal Protections of Animals Welfare in Bangladesh through the Lens of International Law

Md. Abdul Alim*

Abstract: *Animal welfare laws emphasize human behavior between animals and humans and encourage kindness to animals will teach people to have empathy and compassion for all living beings. A comprehensive concept of animal welfare deals with protective measures for animals in laboratories for unethical research, wild/forest, ocean, and agriculture. In the context of Bangladesh, animal rights and animal welfare issues are frequently absent in the policy-making mechanism. It is observed that fully acquainted with effective coordination among policymakers of different administrative organs is invisible. Around the world animal cruelty requires international cooperation to implement robust animal welfare policies as suffering from being used for entertainment, food, medicine, fashion, scientific advancement, and as exotic pet trade.*

Keywords: Animal welfare, Legal protection of animal rights, Wild animals, Animals in Transportation, International lens.

1. Introduction

The legislatures of Bangladesh have been endorsing animal rights and wellbeing measures in an approach of welfare rather than cruelty in recent days.¹ A group of people² in Bangladesh united together against cruelty to animals and animals suffering irrespective of their political affiliation. They asked for animal welfare laws to bring animal mistreatment cases to the courts so that humane treatment of animals. If legislation criminalizes mistreatment or cruelty to animals under laws that can protect sufferings to animals. It is convenient to think how to combine and modify the law regarding to the protection against cruelty to animals in Bangladesh compatible with international guidelines and lens. The activities like cruelty or unnecessarily beats, or ill-treatment that possesses or transports any animal likewise a means

* Professor, Department of Law, Rajshahi University.

¹ *The Cruelty to Animals Act*, 1920 was repealed and new act was inserted named *The Animal Welfare Act*, 2019 in Bangladesh and the preamble describe the intention of the legislature body.

² Bangladesh Animal Welfare Foundation, 'Obhoyaronno' envisions in Bangladesh allows people understanding the intrinsic value of animals and consistently make choices that represents compassion and respect.

or position which causes against the animal to preventable pain or suffering. Sometimes cruel manner of human causes suffering by remove tissue or organs offers pain, mutilation, starvation, thirst, overcrowding or slaughter or kill in an unnecessary harsh manner. Circus team or people may excite to incite any animal to fight or use for baiting. Currently, scientists split over the observation that non-human animals are conscious beings³ and thus they have sensible ability to feel and perceive the environment. It may extent such as soreness, disturbing, emotional or physical suffering, and isolation.⁴ The law of animal welfare comprises with all living animals may be accompanying person animals, another kind of animals which is upraised for human food, animals cast-off in scientific research laboratories, educational institutions, and entertaining animals, and also includes wildlife animals.⁵ Though animal cruelty laws have been adopted in some countries, the only applicable hard law instrument at the international level is that connected to animal well-being is called "the Convention on International Trade in Endangered Species of Flora and Fauna (CITES)".⁶

2. The Concept of Animal Rights and 'Big 5'⁷ Laws

Now a day every State has its own national laws and standard to take care animals promoting right based welfare principles under veterinary or bio-diversity systems. The very moment from the civilization people when moved from hunting to farming, people used to fail to show compassionate treatment for animals and started on to gaze at themselves as the superior leader of environment.⁸ The decorum of the human beings including living thing has

³ Welne Scholts (Ed.) *Animal Welfare and International Environmental Law: From Conservation to Compassion*, 233 (2019).

⁴ Saba Pipia, "Emergence of Global Animal Law as a Separate Branch of International Law" in *Animal & Natural Resource Law Review*, Vol. XVI, Michigan, p. 171.

⁵ Joan E. Schaffner, *An Introduction to Animals and the Law*, Vol 4 (Michigan: The Palgrave Macmillan Animal Ethics, 2011),p 34.

⁶ Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1973, 27 U.S.T. 1087, TIAS No. 8249.

⁷ The term "Big Five" originally referred to the difficulty in hunting the lion, leopard, rhino, elephant and African buffalo. The Big Five animals are dangerous, but they aren't invincible. The Big Five were the most difficult animals to hunt on foot in Africa to the degree of danger involved. Now it is considered the 'Big 5' laws are global instruments and a variety of regional instruments. These are binding agreements whether they are party or non-party.

⁸ Frans de Waal, 'What I Learned From Tickling Apes', NY Times (April 8, 2016), available at <http://www.nytimes.com/2016/04/10/opinion/sunday/what-i-learned-fromtickling-apes.html>.

been inevitably shares the same fundamental emotions. In relation with the Jewish custom, *Adam* and *Eve* did not consume meat or animal. The Torah involves the supreme model of human nutrition as vegan food, that causing people consume a matter of prime apprehension from the early instant of the conception.⁹ Maimonides further considered that “there was no difference between the pain of man and the pain of other living creatures”.¹⁰ Humans had to participate into their intelligence over animals and deny animals have their own soul. It is important to change human attitudes and practices happening in the tentative of biomedical examination on chimpanzees and the disagreement to the exploit of slaughterer whales for entertaining. In fact, “[c]ognitive ethnologists and others have confirmed that animals, including mammals, birds, and even fish, have many of the cognitive characteristics once thought to be uniquely human.”¹¹ Animals are capable to exchange few words with other associates of their species and with also with humans. Some animals are highly intelligent and can “process information in sophisticated and complex ways.”¹²

The proposition that humans have mental characteristics wholly absent in animals is inconsistent with the theory of evolution. Darwin maintained that there are no uniquely human characteristics: “[T]he difference in mind between man and the higher animals, great as it is, is certainly one of degree and not of kind.” Animals are able to think, and possess many of the same emotional responses as do humans: “[T]he senses and institutions, the various emotion and faculties, such as love, memory, attention, curiosity, imitation, reason...associated animals have a feeling of love for each other” and that animals “certainly sympathize with each other’s distress or danger”¹³

⁹ God said: “Behold, I have given you every herb yielding seed which is upon the face of all the earth, and every tree that has seed-yielding fruit—to you it shall be for food.” *Genesis 1:29*.

¹⁰ Maimonides was a famous Jewish scholar of the 12th century Orthodox movement, Maimonides, *A Guide for the Perplexed*, (M. Friedlaender trans., E.P. Dutton 4th revised ed. 1904) (1186). translated from the original Arabic text, 1186, by M. Friedlaender, 4th revised ed., New York: E.P. Dutton, 1904.

¹¹ Gary L. Francione, “Animals: Property or Persons?” in *Animal Rights: Current Debates and New Directions*, Cass R. Sunstein (ed.), 108 (Oxford: Oxford University Press, 2005), p.128.

¹² *Ibid* at 128.

¹³ *Ibid* at p.127.

For example, there are recorded instances that dolphins protect humans, pets, and other dolphins from sharks and fishing netting. Again, the apes could help wounded animals, including human children, who drop into the enclosed space.¹⁴

In the United States of America, every year more than eight billion animals are being used for human food purposes.¹⁵ These animals are upraised in illnesses setting known as “factory farming,” conveyed long time distances in overcrowded, unclean conditions, and lastly killed among the disarray and dirt of the slaughter house. Throughout the world, animals are being used for therapeutic trials, manufacturer testing, and laboratory education. Nowadays in modern society, the court is taking into account the requirements and yearnings of the friend animal itself by modifying the best interest replica. Some modern judges are challenging to grant guardianship of companion animals by accepted wisdom outside the envelope of conventional belongings concepts as like property.

Wildlife conservation groups are mutually working to promote international wildlife law. As they considered the ‘Big 5’ laws are international instruments and a multiplicity of regional instruments. These are binding promises whether they are party or non-party. The ‘Big 5’ laws for the wildlife conservation are

- a) the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) 1973,
- b) Convention on the Conservation of Migratory Species of Wild Animals 1979,
- c) Biodiversity Convention 1992,
- d) Ramsar Convention 1971, and
- e) World Heritage Convention.

The international community and Government with 183 countries are in a line on safeguard for over 35,000 species of plants and animals of global wildlife trade. The second convention is for a global platform on conservation of migratory animals and their habitats. The third

¹⁴ Kristin Brethel-Haurwitz and Abigail Marsh, “Animal Altruism? New research describes how humpback whales protect seals from harm” in *Psychology Today* (Oct. 18, 2016), available at <https://www.psychologytoday.com/blog/goodness-sake/201610/animal-altruism>.

¹⁵ Gary L. Francione, “Animals: Property or Persons?”, p.123.

conventions aim is to conservation of biological diversity and the ecological use of the globe's resources. The fourth Ramsar Convention is known for Convention on Wetlands of International Importance Especially as Waterfowl Habitat and its resources. The fifth convention is UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage which aims to protect natural and cultural heritage.

3. Legal Status of Animal Welfare

In 1993 the “dignity of the Creature” was enshrined in the constitution of Switzerland. Switzerland's Constitution is the first country in the realm becoming to acquire protection of the self-respect of the creatures. In the year of 2008 the Swiss Parliament was taken up as the “dignity of animals” in the entirely modified Animal Protection Act.¹⁶ Furthermore, in 2003 a revise of law was made into effect with a revolutionary article in the Civil Code specified that animals are not objects or property. In Sweden, medications and hormones are frequently used or permitted to treat disease and animal “slaughter must be as humane as possible.”¹⁷ If we would like to analyze with international lens Bangladesh laws should monitor with intellectual experts to set up a Manual canons that must be reviewed every after two years and revised by the scientific literature. This ministry or technical team could collect data from field level like farmers and finally place the report to National Advisory Committee for animal welfare concern. If we could extend our eyes to the European Convention for the Protection of Animals was reserved back for farming intention of 1976 laws. It was a context based convention establishing doctrines for the housing and managing of farm animals, mainly for animals in demanding upbringing schemes.¹⁸ Again, the European Convention for the Protection of Animals for Slaughter of 1979 is concern to the transport, handling, command, stunning shows, and killing of local animals in slaughterhouses, and butcher actions.¹⁹ The European

¹⁶ An English translation of the Federal Constitution of the Swiss Confederation is retrieved from <http://www.admin.ch/ch/e/rs/c101.html>. Visited on 21 July 2023

¹⁷ David J. Wolfson & Mariann Sullivan, ‘Foxes in the Hen House: Animals, Agribusiness, and the Law: A Modern American Fable’ in *Animal Rights: Current Debates and New Directions*, 191, 332 (Cass R. Sunstein & Martha C. Nussbaum eds., 2004), p. 222.

¹⁸ European Convention for the Protection of Animals kept for Farming Purposes, ETS No.087.

¹⁹ European Convention for the Protection of Animals for Slaughter, ETS No.102.

Convention for the Protection of Vertebrate Animals Used for Experimental and Other Scientific Purposes of 1986 proscribes utilize of animals in experiments in education and lab testing.²⁰ The European Convention for the Protection of Animals During International Transport of 2003 specify the universal circumstances for the international transportation of animals from their starting point of training, to loading or unloading and finally transport to the airport. The Convention also prescribes some significant rules of design of movement means, transfer, suitability for transportation of the animals, veterinary controls, carefully management of animals, and transfer certificates. This Convention sets out particular circumstances for the movement of animals by any means of highway, rail, air, and maritime shipment.²¹ The absence of effective laws or policies in Bangladesh is now a place to many vulnerable species, including leopards, tigers, crocodiles, elephants and migratory birds. The Veterinary department must come forward to work compatible with EU standards regarding slaughtering, transporting to গরু farm house animal. Again to implement the provisions of international conventions, protocols, treaties regarding wildlife animal, marine life and preventing wildlife crime on illegal trade in endangered species the Government and local authority can designate a territory for wildlife refuge, echo park, botanic garden, civic conservation area, safari park or buffer zone, or core zone.

4. The Animal Protection Dynamics in Bangladesh

It is the duty to the State as identified in Article 18A of the Constitution of Bangladesh runs “the State shall endeavour 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”. Furthermore, Bangladesh has ratified, consented to, or moreover accepted all of these international treaties and agreements regarding animal protection. More than the century-old law named Cruelty to Animals Act of 1920 has been replaced by a new Animal Welfare Act of 2019 in Bangladesh. The Bangladeshi law encloses a range of complete listing of brutal and unjust

²⁰ European Convention for the Protection of Vertebrate Animals used for Experimental and other Scientific Purposes, ETS No.123.

²¹ European Convention for the Protection of Animals during International Transport (Revised) ETS No.193.

behavior of animals and proscribes punishment. The Act enlisted some activities or behavior which will be treated as unnecessary cruelty to animals in section 6(2). The existing provision lists activities such as beating, beating with a sharp metallic weapon, underfeeding, over supplying food, extensive and needless restrictions, malfunction to supply necessary medical treatment, illegal use of animals for recreational or, labrotaries purposes, injecting or feeding harmful and unnecessary medicines, using unfit animals for reproduction, medicating farm animals with excessive antibiotics, etc. A diseased animal may be put to rest and domesticated animals shall be treated humanely ways. The activities defined in section 6 under sub-section (3), section 7 under sub-section (2), section 8 under sub-section (2), section 9 under sub-section (3), section 12 under sub-section (6), section 13 under sub-section (3) are responsible to be punished by with incarceration up to six months and/or a fine up to Taka ten thousand.²² Moreover, the Act makes punishment for poisoning animals under section 11 subsection (1) or causing loss of their organs under section 10 subsection (1) punishable with up to two years of imprisonment and/or a fine of up to Taka fifty thousand. In this Act, it was not explicitly mentioned of cruelty against stray animals and the protection of household and threatened species of wildlife all the way through local or domestic accomplishment.

If someone look through with an analytical aspect they could observe feature of the act is the registration of animals and prior written authorization must be obtained for farming establishments or use of animals for exhibition and training intentions respectively. But practically it was not happen. Another remarkable provision enacted that the written permission of a veterinary surgeon is necessary for the trouble-free death of a diseased or accidental animal through the exercise of euthanasia. As a practical and sensible question is regarding farmed animals have no legal shield at all where farming becomes more industrialized and less compassionate nature exist. While talking about animal cruelty, millions of animals never experience sunshine during their lifetime, or enjoyment of grass, trees, and fresh air. Sometimes they never experience unshackled movement or natural environment where sex or breeding absence. Again absence of ordinary pattern of life on earth may cause sufferings to animals. However, ineffective use of section 13 of this Act

²² *The Animal Welfare Act of 2019.*

is where necessary frequency of inspection by not bellows the rank of sub-inspector of police. The laws says about weighbridge officer will be appoint by rules²³ to check superfluous weight to be detached in case of overcapacity. The weighbridge officers' duty is to look into offence against the section 8. If he satisfied that an offence committed then then he shall notify the law enforcing officer and such person who grabbed the animal accordingly, and that officer or person shall forthwith release the animal and load. The proper supervisory duty of the authority becomes useless when well-formulated provisions of the Act stay behind principally ineffective. In addition, the Animal Welfare Act does not regulate all forms of the profitmaking shipping of animals and the recordkeeping of all transporters under the Act. (The commercial transportation of animals is shown in Figure 1)

Figure 1



In the Act, there is no clear provision that no person shall stimulate one animal against alternative and no person shall arrange a competition between animals. It is needed to insert a provision on animal contest or fighting and any illegal sports or competition involving animals is harshly prohibited.

5. Exploitation of Animals in Transportation with Various Forms

Animals are exploited through their use in entertainment in film, drama, television, zoos, carnivals, dolphin exhibits, circus show, race stadiums, Animals are using likely human slave was regarded as domestic property where the owner or master was able to ignore all of their benefits and their only aim was how much economically advantageous on them. As *Francione*

²³ Section 8, *The Animal Welfare Act of 2019 in Bangladesh*.

concludes, “the only difference between humans and animals is species, and species is not a justification for treating animals as property any more than is race a justification for human slavery.”²⁴

Moving from one place to another place animal can get injured, lost, and sometimes died during transportation. Many animals are not used to being unemotional with long time and this could be a stressful traumatic experience for the animal. The transport of pets affects their welfare. In spite of the continuation of laws prevailing the carriage of pets, feeble principles and poor administration mechanism of these procedures has had a pessimistic or harmful impact on the wellbeing of animals during transportation from one place to another.²⁵ The usual transportation of animals is made with by road, rail, sea, or airplane. Due to rapid growing of modern farm industry, in the transference of pets varieties are critical to calculate the effects of this method of carrying on the fitness and comfort of the animals.²⁶ Sometimes grievances are not instigated by animals it is by the humans regulate the animals and what makes them injury and the reason behind it is by improper handling. It is the utmost common causes of bodily harms during transportation specially to companion or friendly animals. The Animal and Plant Health Inspection Service (APHIS) is responsible throughout United States to look after the air transport of pets. This APHIS agency is a local office of the US Department of Agriculture, administers the Animal Welfare Act.²⁷ In Bangladesh there is an absence which envisioned principal to ensure the appropriate attention and caution of laboratory animals research. Moreover, it works for safeguard the benevolent behavior of animals during shipping or carriage. We need to develop modern laws and principles that could ultimately gathered in the Animal Welfare Inspection Guide. Again new provision must launch minimum supplies for crucial enclosures, food, accommodation, drinking water, proper treatment in transit, separate terminal facilities, and operating

²⁴ Gary L. Francione, *ibid.*

²⁵ In 2000, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century established Section 710, which required reports by carriers on incidents involving animals during air transport. see Jol A. Silversmith, *Airline Animal Incident Reports*, Third Amendment (Feb. 3, 2018), available at www.thirdamendment.com/AnimalReports.pdf.p.229.

²⁶ Michael C. Appleby et al., *Long Distance Transport and Welfare of Farm Animals* 69 (CABI ed., 2008) [hereinafter *Farm Animals*].

²⁷ Andrew D. Cardon et al., *The Animal Welfare Act: From Enactment to Enforcement*, 51 (3) *J. Am. Ass'n for Lab. Animal Sci.* 301-305 (2012).

management. Moreover, a safe oxygen level is required by companion animals during transport. The European Union (E.U.) has passed laws on the safeguard or protection during the carrying of farm animals in the year of 1974. E.U was the first ahead to enact such laws on protection to animals.²⁸ After a long time in 2006, United Kingdom has presented 'The Welfare of Animals (Transport) Order' that came into power in 2007.²⁹

6. Legal Protection of Animal: International Perspective

Animals and wild life animals includes a variety of amphibians, birds, mammals, and reptiles from butterfly to aquatic area. Today's younger generation have been a driving energy in refusing animal cruelty and making their voices heard throughout the world. As example OIPA³⁰ has joint the coalition in support of the European Citizens' initiative is for changing over a plant-based instead of cruelty based diet. The notion of international views stands a new avenue understanding, characterizing and relating to animals as they can live complete and meaningful lives. Inclusive development of science and research modern mind looks for redefining animal welfare and State intervention as like the Bangladesh Constitution states, "The State shall endeavour to protect and improve the environment and to preserve and safeguard the natural resources, biodiversity, wetlands, forests and wildlife for the present and future citizens."³¹ As Bangladesh has an enormous human population who lived in acute poverty, so animal protection or welfare goes unnoticed, and lack of awareness of the laws is rarely obligatory. India have federal law named "The Prevention of Cruelty to Animals Act of 1960" that comprises a collection of provisions governing the management of nearly every grouping of the animal whether domestic, farm, wild, captive, or other.

In Canada, Justice *Timothy Minnema* observed in the case of *Bogaerts vs. Attorney General of Ontario*, proscribes 'the Ontario Society for the

²⁸ *Welfare of Animals During Transport*, Dep't for Env't Food & Rural Affairs (June 13, 2011), available at <https://www.gov.uk/government/publications/welfare-of-animals-during-transport>.

²⁹ *Ibid.*

³⁰ OIPA is *International Organization for Animal Protection*. OIPA is associated with the UN Department of Global Communications, the UN Economic and Social Council, accredited at UN Environment Assembly and Programme, and listed as representative of interests in the Transparency Register of the European Commission.

³¹ The Constitution of Bangladesh, Article 18A. Article 18A was inserted by the Constitution (Fifteenth Amendment) Act, 2011 (Act XIV of 2011), section 12.

Prevention of Cruelty to Animals (OSPCA) Act' was unlawful and unconstitutional.³² The Act was questioned and Justice Minnema emphasis on enforcement of law and set down some principles of elementary policies and justice must be fair and the government agencies must be focus to accountability and transparency with answerability.³³ The decision was overturned in November 2019, and the burden shifted to the police or law enforcement agencies to put into effect animal protection laws.³⁴ After that Canadian Parliament enacted momentous milestone legislation relating welfare to animals in 2019.³⁵ In Australia, each and every State and province has its own animal welfare protection legislation whether federal law does not proscribe protecting domestic animals.

Animal protection and welfare policies has reserved apartment during interpretation of international case laws, likely the information of the 'World Trade Organization' (WTO) Dispute Settlement Panel on the 'European Community' (EC) sanction on closure products and the decision of the 'International Court of Justice' (ICJ) on case of whaling in the Antarctic.³⁶ The ICJ move toward upon the chance to thrash out the matter of animal wellbeing, specifically the safety and protection of whales. Namely a landmark judgment from *Whaling in the Antarctic*³⁷ Australia confronted the legitimacy of Japan's whaling agenda based on so-called profitmaking

³² *Bogaerts vs Attorney Gen. of Ontario*, 2019 ONSC 41 (Can.).

³³ *Ibid.*

³⁴ *Ontario (Attorney General) v Bogaerts*, 2019 ONCA 876.

³⁵ *Ending the Captivity of Whales and Dolphins Act*, S-203 2019, c. 1; Received Royal Assent June 21st, 2019 [hereinafter *Ending the Captivity of Whales*]; *An Act to Amend the Fisheries Act and other Acts in Consequence*. Bill C-68 2019, c. 14; Received Royal Assent June 21st, 2019B [hereinafter *An Act to Amend the Fisheries Act*]; and *An Act to Amend the Criminal Code (bestiality and fighting)*. Bill C-84 2019, c. 17; Received Royal Assent June 21st, 2019.

³⁶ *Whaling in the Antarctic (Austl. v. Japan: N.Z. intervening)*, Judgment, 2014 I.C.J. Rep. 226 (Mar. 31).

³⁷ In 31 May 2010 it was observed "Japan's continued pursuit of a large-scale program of whaling under the Second Phase of its Japanese Whale Research Program under Special Permit in the Antarctic ('JARPA II'), in breach of obligations assumed by Japan under the International Convention for the Regulation of Whaling ('ICRW'), as well as its other international obligations for the preservation of marine mammals and the marine environment". *Ibid.*

interests that sprint opposing to the resolution and unprejudiced of the International Convention for the Regulation of Whaling.³⁸

In October 2004, a cat was expired in a flight which was from Asheville, North Carolina to Phoenix, Arizona. APHIS³⁹ precisely recognized the death of the cat getting in an insufficient enclosure.⁴⁰ When a pet is expired then pet vendors have initiated lawsuits against airlines in an exertion to grip them responsible for the destiny of their pets. Basically, their encounter for justice usually ends with a insignificant monetary reimbursement.

In 1996, Lilo Juan Hipolito is prosecuted against Aerolíneas Argentinas S.A. for the death of his German Shepherd.⁴¹ As because the flight was international and according to the Warsaw Convention rules governing international shipping had to be applied, The Warsaw Convention is an international agreement that standardize liability for “international carriage of persons, luggage, or goods performed by aircraft for reward.”⁴² In Mr. Hipolito’s case, the Court of First Instance establish the airline was responsible for the cargo boxes did not have the suitable circumstances to transportation the animal securely, and the airline was unsuccessful to prove the animal expired of natural grounds. The uncountable number of damages and deaths of pets during air transportation have only cost airlines a small compensation amount of money, but eventually, the animals are the suffers reimbursing the highest price of their life. In the year of 2016 report specifies a total of 523,743 animals were conveyed between seventeen airlines.⁴³

³⁸ Whaling in the Antarctic (Austl. v. Japan: N.Z. intervening), Judgment, 2014 I.C.J. Rep. 226 (Mar. 31).p 249-250.

³⁹ Animal and Plant Health Inspection Service has been protecting the health and value of America’s agricultural and natural resources.

⁴⁰ A.Silversmith, *Airline Animal Incident Reports*, Third Amendment (Feb. 3, 2018), retrieved from www.thirdamendment.com/AnimalReports.pdf. p, 229.

⁴¹ *Mascota fallecia—Lillo contra Aerolíneas Argentinas*, Problemas Con Tu Vuelo Blog (Sept. 11, 2009), retrieved from <http://problemascontuvuelo.blogspot.com.es/2009/09/lillo-contr-aerolineas-argentinas.html>.

⁴² *Warsaw Convention*, Bus. Dictionary (“Warsaw Convention” is an “international civil aviation agreement that establishes the legal framework for carriage of passengers, luggage (baggage), and goods (cargo)”.

⁴³ Dep’t of Transp., *Air Travel Consumer Rep.* (2016) retrieved from <https://www.transportation.gov/sites/dot.gov/files/docs/2017FebruaryATCR.pdf>.

7. Endangered Animals Protection

The aim of the miscellaneous biodiversity directed to the ratification of laws for the security of nature, environment, wildlife, and their natural habitats. The author clearly describes about the Endangered Species Act in these words “(It) was enacted to provide for the conservation of domestic and endangered species of wildlife through domestic action and through cooperation with state endangered species conservation programs consistent with the domestic law. Moreover, the US Congress in enacting the Endangered Species Act, intended endangered species to be afforded the highest of priorities because the question of the existence of endangered species threatens is great issues. The objective of the Endangered Species Act is to enable listed species not merely to survive but to recover from their endangered or threatened status.”⁴⁴ Again, in Bangladesh, “with the line of international framework it makes illegal to import into or export from Bangladesh any listed species of fish or wildlife; possess, sell, deliver, carry, transport, or ship any listed species taken in violation; deliver, receive, carry, transport, or ship any listed species in interstate or foreign commerce, or by any means whatsoever in the course of commercial activity; sell or offer for sale in interstate or foreign commerce any listed species; or, violate any regulation promulgated pursuant to the authority. It is unlawful for any person to make or submit any false record, account, or any false identification of, any fish, wildlife, or plant which intended to be imported, exported, transported, sold, purchased, or received from any foreign country; or transported in interstate or foreign commerce.”⁴⁵ Climate change throughout the World will carry on threatening species and its impact could be a great danger. The author proscribes,

The CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora) is an international agreement between governments. Its aim is to ensure that international trade in specimens of wild animals and plants doesn't threaten their survival. The resolution was approved in 1963 with a draft at a meeting of members of the International Union for Conservation of Nature (IUCN). The Convention entered into force on 1 July 1975. Bangladesh ratified the convention in November 1981. The parties state of the CITES has been binding towards it. It regulates the international trade in specimens of selected species to a specific

⁴⁴ Abdul Alim, 'Protection of Endangered Species of Wild Fauna and Flora' in *Advances in Earth and Environmental Science*, Volume 2 Issue 1, ISSN 2766-2624, Uniscience Publishers LLC, 1908 Thomes Ave, Cheyenne, Wyoming 82001, USA.

⁴⁵ *Ibid.*

mechanism. All import, export, re-export, and introduction from the sea of species covered by the Convention have to be authorized through a licensing system. Each State party to the Convention is required to delegate one or more Management Authorities responsible of controlling that licensing system. The term “import” means to land on, bring into, or introduce into or attempt to land on, bring into, or introduce into, anywhere subject to the jurisdiction of the States. Moreover, it included whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the States.⁴⁶

According to IUCN report, “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”.⁴⁷ Sundarban harbor about 400 species of wild animals.⁴⁸ In figure two a red serow was rescued from *Bandarban* district of Bangladesh which is a species confirmed threatened by the authority of ‘International Union for Conservation of Nature’ (IUCN).

Figure 2



Source: 25 January 2020, The Business Standard

The concern not only to Bangladesh also all the way through the world is that habitats are being demolishing in at a shocking rate. The objective of the

⁴⁶ *Ibid.*

⁴⁷ See Rio+20: Bangladesh Report on Sustainable Development". May 2012 and Rowshan Jahan Farhana, "Ensuring Animal Welfare in Bangladeshi Legislations and Policies: A Comprehensive Review Of National Legislations, Coordination and Implementation Failures" in *IOSR Journal Of Humanities And Social Science (IOSR-JHSS)*, Volume 21, Issue 3, Ver. IV, 2016, pp. 82-87.

⁴⁸ Fourth National Report to the Convention on Biological Diversity (Biodiversity National Assessment and Programme of Action 2020).

Endangered Species Act is demarcated how to afford ecosystems upon which threatened and endangered species be contingent may be well-maintained and to deliver a program for the protection of such species as affirmed by the Endangered Species Act.

Many wildlife species are in threat of extinction. Threatened and endangered wildlife live around the globe and we're likely to search out some in our own backyard. Critically Endangered species are Cross River Gorilla, Black Rhino, Orangutan, Hawksbill Turtle, Amur Leopard etc.. Some are endangered listed as like Blue Whale, Asian Elephant, Chimpanzee, Galápagos Penguin, Ganges River Dolphin, Green Turtle, Indus River Dolphin, Red Panda, Sea Lions, Whale Shark. Vulnerable species are Gaint Panda, Dugong, Black Spider Monkey, Hippopotamus, Polar Bear etc. and some are near threatened or least concern. To defend endangered animals, think both globally and locally. Be familiar with the wild fauna and flora in their many attractive and various forms are an irreplaceable part of the natural systems of the earth which must be protected for this and therefore the generation to come back. We'd like to watch out of the ever-growing value of wild fauna and flora from aesthetic, scientific, cultural, recreational, and economic points of view. We the people and therefore the State mechanism should be the best protectors of their own wild fauna and flora. In this regard, international co-operation is crucial for the protection of certain species of wild fauna and flora against over-exploitation through international trade. Bangladesh Government is incredibly much convinced on taking appropriate measures to the current end. If any dispute arises between two or more Parties with relevancy to the interpretation or function of the provisions of the present Convention shall be subject to negotiation between the parties involved within the dispute. If the dispute cannot be resolved in accordance with paragraph 1 of this Article, the Parties may, by mutual consent, submit the dispute to arbitration, in particular that of the Permanent Court of Arbitration at The Hague, and the Parties submitting the dispute shall be bound by the arbitral decision.⁴⁹

⁴⁹ <http://www.cites.org/eng/disc/text.shtml#XVIII> acceded at Nov.6, 2019.

8. Conclusion

This paper examines according to the lens of international law that animals are not property or pieces of furniture and also critically analyzes whether animals have the same legal status as living creatures. So international and regional animal precaution initiatives must have been articulated in the domestic level by the State compatible with international law into the domestic laws of Bangladesh to protect and develop animal welfare. According to the lens of international law in animal rights viewpoint, the animals are not property or pieces of furniture but have the same legal status as a living creature. If we do not think so it will always be defenseless to the notions of human beings.⁵⁰ Jewish believers' principle of *tzaar ba'alei chayim*⁵¹, that means the suffering of breathing creatures forbidding unjustified brutality, or triggering pointless agony to the animals as a biblical authorization frequently recognized by the *Torah*.⁵² Again the *Qur'an* is the Islamic source for messages of sympathy towards animals and all human beings. There is an amusing custom of the Prophet Mohammed's (pbuh) apprehension for animals to be originate in the Hadith and Sunna. For example, the Prophet Muhammad (pbuh) destined the beating of animals and prohibited striking, stamping, or marking them on the face. In a hadith says 'One who kills unnecessarily, even a sparrow, will be questioned by Allah on the day of Judgment'. He was uttered in his dissatisfaction of the "cruel practices of notching and slitting of ears of animals and the practice of putting painful rings around the necks of camels" (Hadith: Bukhari). Islam has also laid down set of laws for halal animal food with humane killing. Though in many countries animals are slaughtered without pre-stunning but we need to pay concentration for the accepted fundamentals lifecycle of animals by legislature and in harmony with domestic law, or by the administrative order and judicial activism on decisions, within the construction of the own constitutional framework. So, Bangladesh should come forward to take welfare policy to protect animal rights in according to international lens.

⁵⁰ Gary L. Francione, *Animal Welfare and the Moral Value of Nonhuman Animals*, 6 Law Culture & Human. 24, 24 (2010) ("Although we do not treat all humans equally, we accord all humans the right not to be treated as property. We cannot justify not according this one right to all sentient nonhumans.").

⁵¹ This is a Hebrew word means suffering of living creatures.

⁵² Michelle Kretzer, *Israel Orders Slaughterhouses to Install Cameras*, Peta (Jan. 12, 2016), <https://www.peta.org/blog/israel-orders-slaughterhouses-to-installcameras/>.