



Legal Protection of Stray Animals; A Comparative Study of Pakistan, Malaysia And UK

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ABSTRACT

Animals being living things possess some rights by virtue of their existence but the rights can be enforced in any state only when they are legally recognized. This becomes problematic when it comes to the legal protection of stray animals. This study critically analyzes the legal status of stray animals in Pakistan in comparison with United Kingdom and Malaysia. Though the amendments have been made from time to time but this research puts a light on the loopholes in the laws of said countries. The main rationale of the research is to highlight that stray animals' reason of existence is not only to facilitate humans rather they have a complete, independent existence of their own. This has been done using five theoretical frameworks. The research sheds light on the maltreatment of such animals in Pakistan. The reference has also been made to a case law of Pakistan which is a step towards new approach of dealing strays. The research then suggests methods to cope up the issues.



Introduction

According to Salmond “A perfect right is one which corresponds to the perfect duty. A perfect duty is one which is not merely recognized by law but is also enforced by law”. It means that right which is recognized by law when violated should be enforced through the state. Examples of perfect rights are fundamental rights; like the right to equality, right to liberty, right to security and

the right to religion and many others as discussed under chapter 1 of the Constitution of Pakistan 1973.¹

The concept of "right" in modern times respects not only human beings but also other forms of life including animals. This research would discuss the rights of stray animals in accordance with five theoretical frame works; Utilitarianism, Right Based Ethics, Contractarianism, Ecofeminism, and Biocentrism. Where; utilitarianism, being based on utility, emphasizes good for more living beings.² The right based ethics asserts to protect the interests of animals on virtue of their inherent rights irrespective of their alignment with human interests. Contractarianism emphasizes on animal protection on basis of their ability to enter into social contract.³ Ecofeminism is unique in this regard as it links animal rights with struggle of women for their rights on basis of common elements of justice and equality.⁴ It emphasizes the fact that animals have intrinsic value and humans should treat them in a manner that preserves bio diversity and humans should not prioritize their own interests over the animal interests and ecosystem.⁵

Animals are given legal status and are shielded from cruelty by animal protection laws, which are present in every state but this has been overlooked in Pakistan where there are a lot of disagreements regarding animal rights. Some people argue that animals' rights should be protected, while other argue for no need of such rights and some view animals as commodity.⁶

Animals are sentient creatures, which feel pain and suffer. The laws governing animal welfare have grown over time however recent reports of horrific animal torture incidents in Pakistani media show the weakness of legal framework. In fact, animals in Pakistan are arguably less safe than in UK and the Malaysia, both of which have stronger legislation in place to protect animals. This article will focus on the loopholes in the Pakistan Animal welfare laws in comparison to UK and Malaysia. The PCTAA, in Pakistan takes general protection provisions into account protecting the harmonious coexistence of humans and animals, but it does not address the issues faced by stray animals thus, there is no law in Pakistan that protects them.

Undoubtedly, stray animals can be considered a nuisance because they can pose a serious threat to public health due to the spread of animal diseases,⁷ affect the general populace, raise safety issues, and have an adverse effect on the environment but at the same time the fact that stray animals suffer from a variety of mistreatments, such as neglect, willful physical harm, malnutrition, manhandling during transportation, crowding in cramped areas, inhumane treatment during experiments, and a lack of resources, including food, water, shelter, affection, and more cannot be ignored.

¹ Muhammad Haris Koresh, *Animals Rights in Pakistan: Being Kind to Every Kind* (2020).

² Guy Kahane, *Lucius Caviola, are the Folk Utilitarian about Animals? Philosophical Studies* (2022) 3.

³ Robert Garner, *Justice for Animals* (2013) 20.

⁴ Dr. Dipti Ranjan, 'Nature and Woman: an Eco-Feminist Analysis of Anita Desai's Fire on the Mountain' (2019) 6 JOELL 117.

⁵ Jan Kalisky and Lada Kaliska, 'A Man's Attitude Towards Animals in the Context of Gender, Age, Place of Living, Eating Habits, and World-view in Slovakia' (2021) 19 *Studia Ecologiae et Bioethicae* 39.

⁶ SYED MUHAMMAD ALI, 'Animal Cruelty in Pakistan' *The Express Tribune* (October 1, 2021) <https://tribune.com.pk/story/2322697/animal-cruelty-in-pakistan>

⁷ Lauren M. Smith and others, 'The Effectiveness of Dog Population Management: A Systematic Review' (2019) 9 PMC (ANIMALS) 20.

Purpose of Study

By reviewing existing laws and literature it was found that less is available on animal rights and their legal protection in Pakistan. Some of the previous studies have admitted that animals are entitled to rights, and the studies have urged at the enforcement of rights by the law enforcement agencies⁸ but the most studies have emphasized on animal protection because of their use by human beings, and some studies have discussed animals as a threat to human population and have urged on dealing with animals as to protect human from risk.⁹ The studies urge on protection of animals from maltreatment by human beings and their protection from environmental hazards so that ultimately, they can be used as a product for human growth and survival.¹⁰ Less work is available on animal being entitled to rights by virtue of living being. There is hardly any qualitative research previously available that emphasize on legal protection of “stray animals” urging on their protection on basis of them being sentient creatures. Therefore, this research will highlight the problems of stray animals like ill-treatment, torture, unnecessary pain and suffering, killing of stray dogs, and violation of their basic rights and would address the deficiencies and lacunas in the present legal regime and some recommendations for addressing these issues would be provided. This study reviews the laws and literature and critically analyzes the existing legal framework to analyze the legal status of stray animals in Pakistan in comparison with United Kingdom and Malaysia. The main rationale of the research is to highlight that stray animal are living organisms whose reason of existence is not only to facilitate humans.

Research Methodology

For this research the researcher used qualitative research method for which the reliance is placed upon the primary sources like case laws, conventions, statutes, as well as on secondary sources like books, journals articles, newspaper, and other sources available on internet. The articles and books were systematically searched and scrutinized systematically using different browsers. The terms used in searches include “Animal laws in Pakistan”, “Legal protection animals in Pakistan”, “Animal rights”, “legal protection of stray animals in Pakistan”, “legal protection of animals in Malaysia”, legal protection of animals in UK”, “maltreatment of animals”, “Animal abuse in Pakistan”. Boolean terms AND/OR were also used for effective searching. To ensure authenticity of data forward citation tracking of journals was also conducted.

Inclusion and Exclusion Criteria

The researcher considered only those articles and books that discussed rights and protection of animals in Pakistan, Malaysia and U.K. The studies discussing treatment of stray animals and pets in three aforementioned states were reviewed. The studies about treatment of animals in states other than these states, and the studies concerning treatment of animal diseases and those dealing with the ways to increase economy through animals were excluded from the research. The challenges in research were to avoid biasness, choose studies of appropriate quality and to pick recent data. Therefore, reviews, opinion proceedings, editorials that were biased and not authentic were excluded from the study.

⁸ Usman.A. and others, ‘Legal Framework in aid of Biological Diversity and Statutory Deficiencies in *Pakistan*’ (2022) 84 BRAZILIAN LAW JOURNAL 2.

⁹ Fatima Murawat ‘Countering the Stray Dogs Crisis Using CNVR in Sindh Pakistan’ (The Bulletin Blog) accessed May 1, 2024.

¹⁰ Jamil and others, ‘Livestock in Pakistan: An Insight into Climate Changes Impacts’ (2022) 9 J Biores Manag 92-101.

Historical Legislature Background

Animal Rights' laws in Pakistan

There are laws in Pakistan that protect animals, such as the “The prevention of Cruelty to Animal’s Act 1890” (hereinafter referred as PCTAA), “The Punjab Animals Slaughter Control Act, 1963” and “The Karachi Cattle Slaughter Control Act, 1950.” As for PCTAA, it’s goal is to safeguard the harmonious coexistence of humans and animals. This law defines “animal” as “any domestic or captured animal.” This a pre-partition law that respects the sorrow and pain that animals experience. The rights of animals are also discussed in Pakistan Penal Code which defines the word “Animal” means “any living creature other than human being” and other sections such as 289, 377, 428, 429 explain offences against animals.¹¹

Overview of Relevant Provisions of P.P.C

It is illegal in Pakistan to kill, maim, or render useless any animal under sections 228, 428, 429, and 430 of the PPC and act is punishable by five years imprisonment, a fine, or both.¹² In Section 47 of the PPC all living things are included in the broader scope of the term “animal”. By virtue of this clause, all living things, regardless of their habitat, species, or classification, are covered by the scope of protection. Infringements under Section 289 of the PPC include failing to care for an animal in someone's care or failing to take care of any situation that would put the animal in danger or cause suffer serious harm.¹³ Code punishes violations of the Act with either a life sentence or a lesser sentence depending on the nature of the Act¹⁴ or the incident as properly determined by the court, this aims to stop the increasing severity of unnatural offences against the natural order of things, including animal abuse. The same is true of Section 428 and Section 429 forbid the slaughter of any animal, including elephants, camels, horses, mules, buffalo, bulls, cows, and oxen. According to the law, anyone who decreases the amount of water that is available for animals to drink or eat faces imprisonment.¹⁵

The major issue arises when it comes to enforcement of these penalties as only the animals with any monetary worth are subject to the two aforementioned regulations as established under Chapter XVII of the PPC (be it above ten rupees or fifty rupees as mentioned under sections 428 and 429). Because strays are not household pets and are not bought from a pet store they have no monetary value, these restrictions hardly ever result in crimes against stray animals.¹⁶

Overview of Pakistan’s Animal Cruelty Act 1890

In 1890, the PCTAA Act was passed for the entire subcontinent that was under British rule. India updated its legal system and passed the PCTAA 1960 after Partition in 1947. The new Act formed an animal welfare board, whose duties include advising the government on any legal changes that may be necessary, enforcing the animal birth control programme across India and putting an end to

¹¹ Pakistan Penal Code 1860.

¹² Khadija Khalil, ‘Animal Rights’ *The International News* (February 14, 2022) <https://www.thenews.com.pk/print/933366-animal-rights>.

¹³ Amjad Hussain and others, ‘The Study of Animal Rights and Related Law in Pakistan’ (2021) 6 GLSR 96-103

¹⁴ Pakistan Penal Code 1860 s 377.

¹⁵ Id s 289 and 430.

¹⁶ Gyaaneshwar Joshi, ‘Punishment for Animal Cruelty and Laws for Animal Welfare in India’(iPleaders) accessed May 1, 2024.

the slaughter of stray dogs.¹⁷ By making existing regulations stronger and ensuring that they are followed, the entire animal welfare movement has been institutionalized as a result.¹⁸

Whereas, Pakistan has not made many changes to the 1890 Act. It hasn't yet been given any regulations to follow. The Act aims to reform the rules pertaining to such prevention and to prevent the pain or suffering of animals. Any living being that is not a person is considered to be an animal. The Act expressly defends draught animals and acknowledges their importance to Pakistani society. The ability for provincial governments to develop their own wildlife protection legislation allows each province¹⁹ to assess the requirements of wild animals and the general population on a local basis. According to Section 3 of the law, a person who commits an animal cruelty offence for the first time faces a month in jail or a punishment of 50 rupees, and if they conduct the same offence again within three years, they will face three months in jail or a fine of 100 rupees.²⁰

The PCTAA Section 11 defines various types of animal cruelty, including: hitting, kicking, overloading, torturing, and harming any animal needlessly; using an animal that is ill or otherwise unsuited for employment, knowingly or recklessly administered any harmful medication or substance to any animal, carrying or conveying in or upon any vehicle in a way that would cause harm to it, Putting any animal in a cage or container that is not large enough in height, length, and breadth to give it a chance to roam around reasonably, Keeping a pet on a cumbersome chain or chord for an excessive amount of time, When an animal's owner neglects to give it enough food, water, and shelter, abandoning a pet without providing it with adequate care, intentionally allowing an animal that belongs to you to roam the streets or abandoning it there to get sick or become disabled, putting up for sale an animal that has been cruelly treated, is starving, thirsty, or otherwise in agony without a good reason, employing the injection of strychnine to mutilate or murder any animal, using an animal as entertainment-only bait for another animal, establishing, maintaining, or overseeing any location for animal combat, promotes or participates in any event when animals are let out of captivity to be killed.²¹

The PCTAA of 1980 makes animal cruelty a crime by outlawing the behaviors that constitute the offence, establishing judicial processes, and setting punishments for violations. mandate that, in order to prevent cruelty, animal owners must make sure that their charges be watched over and shielded from needless pain and any other type of special abuse. In Pakistan, the law states that it is illegal to intentionally inflict an animal with needless suffering²² by doing or refraining from doing something, or by being the owner of an animal. Animal cruelty offences currently carry too light of a penalty.²³

This article argues that, there are no explicit or direct legislation pertaining to stray animals in effect. The PCTAA 1890 of Pakistan seeks to safeguard a variety of creatures, especially draught animals. But this law is out of date. It's time to update this law to include provisions for stray animal care, protection, and the definition of consequences for animal maltreatment. Current scientific and cultural understandings of animal welfare are not reflected in the PCTAA 1890,

¹⁷ Id.

¹⁸ Prevention Cruelty to Animals Act 1890.

¹⁹ Prevention Cruelty to Animals Act 1890 s 16.

²⁰ Id s 9.

²¹ Syed Muhammad Ali, 'Animal cruelty in Pakistan' *The Express Tribune* (October 1, 2021)

<https://tribune.com.pk/story/2322697/animal-cruelty-in-pakistan> .

²² Supra note 18 s. 3 (c).

²³ Jawziya F. Zaman, 'Animals and the City' *The Dawn* (May 17,2020) <https://www.dawn.com/news/1557574>

which is out of date.²⁴ There have been allegations of dog mass poisonings and harsh treatment of stray animals across the nation. To ensure protections for stray animals in Pakistan and to ensure anti-cruelty regulations are in line with contemporary animal welfare, the Government of Pakistan is requested to alter and update the PCTAA 1890.²⁵

Overview of the Punjab Animal Slaughter Control Act, 1963

This act that extends to whole province of Punjab, defines “animal” as “buffalo, sheep, cow, bullock, bull, buffalo-bull and goat of any age.” This Act provides protection to these animals which act calls “useful animals” from slaughter by providing that the useful animal cannot be slaughtered except in slaughter house, it provides protection to sheep by providing that no one shall cause a pregnant sheep to miscarry or cause premature birth of its young. The Act provides penalty in form of fine and imprisonment which is in neither case less than one hundred rupees and one month respectively. The offences under this act are however cognizable. The court can also order the forfeiture of meat to government²⁶ for which the court is satisfied that an offence under this Act has been committed.

The Karachi Cattle Slaughter Control Act, 1950

As indicated from the name of the law this act deals only with cattle. The Act defines “cattle” as “buffalo, oxen, goats, sheep of either sex or of any age.” The Act provides a difference between useful cattle and other cattle. The “useful-cattle” according to the Act include “oxen and buffaloes below 3 years of age, oxen and buffaloes between 3 to 10 years of age, pregnant cows and female buffaloes, all sheep below 3 years of age, pregnant sheep.” The act provides prohibition of slaughter of any cattle except in slaughter house. The slaughter of useful cattle is not at all permitted by this act and the decision whether a cattle is useful or not is to be made by veterinary doctor at a slaughter house.

Treatment of stray animals in Pakistan

The way animals are treated at any particular period in human culture reflects how that society views those creatures. Animals' legal position at the period is reflected in how they are categorized and treated under the law. As a result, how a society views the significance of animals in their daily lives greatly influences how animals are viewed legally in that community. Of course, a variety of elements, including religion, culture, and social mores, influences the beliefs of a society. This study discusses how stray animals are treated legally in Pakistan.²⁷

Inhumane living conditions and torturing to death and burning are both common practices in Pakistan for stray animals. Many stray animals died during the lockdown from hunger and thirst. In fact, the widespread mistreatment of animals is a terrible reflection of our culture, especially when its main targets are helpless victims without a voice to protest injustice. Millions of animals in Pakistan are mistreated and kept in deplorable cages, and those deemed useless are ruthlessly put to death without a second thought.²⁸

On streets of Pakistan, there is a recurring issue of animal abuse, where working horses, donkeys, and mules serve people but are not only overworked and underfed, but also cruelly treated. The

²⁴ Supra note 13.

²⁵ Syed Muhammad Ali, ‘Animal cruelty in Pakistan’ *The Express Tribune* (October 1, 2021)

²⁶ Supra note 8 s. 9.

²⁷ Geeta Shaym, ‘The Legal Status of Animala: the World Rethinks its Position’ (2015) 40 ALTJ 266.

²⁸ Supra note 19.

fact that many animal abuse situations go unreported is even more disturbing.²⁹ The number of homeless dogs in Pakistan is increasing. The people of Pakistan are not fond of pets compared to people of west. The animals such as dogs and cats that cannot be used for eating and other purposes and often maltreated. The children tease these animals making their lives miserable.³⁰ The large number of these animals die either in car accidents or out of hunger or due to natural hazards. In Pakistan stray animals are often found dead on highways and roads.³¹ There is seen an increase in killing of the free-roaming dogs by shot or poison by government authorities,³² which according to OIE authorities is inhumane and ineffective. This is violative of principles of Islam and Constitution of Pakistan.³³ The problem of cruel and inhumane treatment of stray animals is getting worse every day.³⁴ To lessen their numbers, they are killed, poisoned, or subjected to torture. Recent reports have shown that the Pir Mehar Ali Shah (hereinafter referred to as PMAS) Arid Agriculture University in Rawalpindi is presently participating in the terrible practice of torturing and experimentation on animals. According to reports, dozens of healthy stray dogs were gathered from the streets of Rawalpindi so that students in the university's Veterinary & Animal Sciences department could conduct experiments on them.³⁵ Video captured last week on the grounds of PMAS showed several dogs with their jaws and limbs tied, lying in pools of blood, with their wounds left untreated. Following student-performed botched procedures, several of the canines were allowed to wallow in abject filth. The animal regulation in urban areas is done under two major heads; control and welfare. Animal control can be traced back to medieval villages of Europe.³⁶ The concept was brought in the form of agricultural ponds to America with first colonies. Where agricultural pond is a place for impounding lost or stray Animals until they could be claimed.³⁷ As cities modernized, the fewer benefits were observed from animal agriculture that proliferated animal control ordinances and codified them with land-use ordinances which prescribed the aesthetics, size and set-back of animal housing.³⁸

Protection of Stray Animals in Malaysia

Due to the federal structure of Malaysia's government, all of the country's laws, including those pertaining to animals, are either made simultaneously by the Federal Parliament and the relevant State Legislative Assembly or are made at the federal and state levels. The two Acts that govern animal welfare in Malaysia are the Animal Welfare Act, 1953 (hereinafter referred as AWA) and the AWA 2015.

²⁹ Ayesha Ilyas and Marukh Qazilbash, *Apathy towards animal rights in Pakistan: What needs to be done A spotlight on the laws in Pakistan, India, Sri Lanka, Indonesia & Turkey* (2021) 5.

³⁰ Muhamamd Shehryar Khan, 'Protect Stray Animals' *The Dawn* (January) 11, 2015)

³¹ Id.

³² Rimal Farrukh, 'Toddler Dies After Eating Poisoned Sweets Meant for Killing Stray Dogs' *Vice World News* (December 17, 2021) <https://www.vice.com/en/article/k7wzze/toddler-dies-poisoned-laddu-dog-culling-karachi-pakistan>

³³ Fatima Farooq Murawat, 'Countering the Stray Dog Crisis in Pakistan', *Universitat Efrut* (August 5, 2022) <https://thebulletin.brandtschool.de/countering-the-stray-dog-crisis-in-pakistan#:~:text=Although%20killing%20stray%20animals%20is,ineffective%20in%20most%20developing%20countries>.

³⁴ Anisimov, A. and Ryzhenkov A. 'Is it Possible to Change the Destiny of Stray Animals by Legal Means?' (2019) 4 *IJLD* 156.

³⁵ Denis Jordan, 'Pakistan Shocker: Pir Mehr Ali Shah Arid Agriculture University Torturing Stray Animals To Teach Students, Says Report' *News Leaflets* (June 9 2022) <https://newsleaflets.com/pakistan-shocker-pir-mehr-ali-shah-arid-agriculture-university-torturing-stray-animals-to-teach-students-says-report>

³⁶ Catherine Brinkley and Jacqueline S. Kingley, *Advances in Agricultural Animal Welfare* (2018) 241-257.

³⁷ Id.

³⁸ Id.

Animal welfare Act 1953 (AWA 1953)

The AWA 1953 in Malaysia is the most significant legal document governing interactions between people and animals. It was initially passed in 1953 as an ordinance. Since then, it has undergone a number of modifications, with the most recent one occurring in March 2006. This law's primary goal is to stop the spread of animal diseases that could endanger human health in Malaysia. The act also aims to prohibit animal cruelty, regulate the movement of animals and techniques of animal slaughter, and provide measures for the well-being, protection, and promotion of animal welfare in Malaysia.

The AWA 1953 has provided a number of measures to ensure animal protection such as establishing license system to control the entry and exporting of animals and birds,³⁹ mandating inspection prior to import and export.⁴⁰ A number of powers have been provided to the veterinary officer⁴¹ for example he may use his or her professional judgement⁴² to eliminate any wounded animals or birds that are deemed unfit for import and export in order to limit illness.⁴³

The Act provides inspection of animals or birds suspected of having a sickness⁴⁴ as well as mandates the killing of diseased animals in order to stop the spread of disease.⁴⁵ The Act mandates that dogs be licensed and vaccinated in order to fight canine-related rabies. Any dog that is thought to be rabid may be imprisoned or put to death.⁴⁶ Additionally, the Act defines animal abuse as a crime punishable by MYR 200 (US\$61), six months imprisonment, or both.⁴⁷ It specifies who has the potential to bring animal cruelty cases to court: veterinary professionals, police, and the Town Board or Municipal Officers. The Magistrate's Court is the appropriate court for animal-related offences. The Act mandates sterilization of animals, particularly bulls,⁴⁸ for the welfare and safety of cattle. The Minister of Agro Based Industry has the authority to enact laws and policies under the Act.⁴⁹

Animal welfare Act 2015 (AWA 2015)

Malaysia has adopted the Wildlife Conservation Act 2010, the Fisheries Act 1985, and the AWA 2015, all of which were gazetted on December 29, 2015. The latter was implemented as a result of increased public concern and understanding about animal welfare in Malaysia.⁵⁰ Animal welfare organizations and the general public began to advocate for the new law because the AWA 1953, which covers animal welfare and interests, is not satisfactory, especially when it comes to the sanctions for animal cruelty, which are considered insufficient when it comes to deter people from animals cruelty.⁵¹

³⁹ The Animals Act 1953 s 6.

⁴⁰ Id s 16.

⁴¹ Id s 45.

⁴² Arif Fahmi, *Enhancing the Protection of the Welfare of Animals in the Malaysian Legal System* (2015) 103.

⁴³ Supra note 34, s 11 and 17.

⁴⁴ Id, s 18.

⁴⁵ Id, s 19.

⁴⁶ Buss-Tjen, PP, 'Malay Law' (1958) 7(2) *The American Journal of Comparative Law* 248.

⁴⁷ Supra note 34, s 44.

⁴⁸ Id, s 55.

⁴⁹ Supra note 37, p. 104.

⁵⁰ Zweigert, Konrad and Hein Kortz, *An Introduction to Comparative Law* (3rd edn, Oxford University Press, 1998).

⁵¹ Fieldhouse H, 'The Failure of the Kantian Theory of Indirect Duties to Animals' (2004) *Animal Liberation Philosophy and Policy Journal* 1 to 4.

The study on intensive animal husbandry in England by the Brambell Committee was released in 1965, and this led to the enactment of the Act under the guidance of the five freedoms, also known as the Brambell Five Freedoms. Instead of defining acceptable welfare norms, these liberties defined ideal states.⁵² The UK Farm Animal Welfare Council (FAWC), renamed in 2019 as Animal Welfare Committee (AWC) was established as a result of the report by the British Parliament.⁵³ FAWC believed that both fitness and a sense of well-being are necessary for excellent animal welfare, it executes the Five Freedoms,⁵⁴ which are:

1. Freedom from thirst, hunger and malnutrition by ready access to fresh water and a diet to maintain full health and vigor.
2. Freedom from discomfort by providing an appropriate environment including shelter and a comfortable resting area.
3. Freedom from pain, injury or disease by prevention or rapid diagnosis and treatment.
4. Freedom to express normal behavior by providing sufficient space, proper facilities and company of the animal's own kind.
5. Freedom from fear and distress by ensuring conditions and treatment which avoid mental suffering.

The AWA 2015 in contrast to other acts is the first one in Malaysia where public opinion was gathered and taken into account when writing a new piece of legislation. The survey began on June 27, 2012.⁵⁵ It was intended to elicit public opinion on matters such as the promotion of animal welfare, the prevention of animal injury, animal distress, and suitable offences and punishments for offences pertaining to animal welfare. It was a two-week campaign. The full draft of the proposed Animal Welfare Bill 2012 (Malaysia) was released for public comment on August 9, 2012, by the department in charge of enforcing the law.

The Act's general goals include creating the Animal Care Board, fostering responsible pet ownership and animal welfare, and establishing measures for these goals and related matters before they were brought before parliament. The AWA 1953 has been improved by the passage of a number of significant provisions (Malaysia). The Animal Welfare Board was created with the primary goals of administering, enforcing, ensuring the successful implementation of the Act, advising the Minister on issues relating to animal welfare, the avoidance of harm and unnecessary killing, and the promotion of animal welfare and well-being. The Act extends licencing and registration to particular activities involving animal matters in at least 13 different fields, including animal welfare organisations, zoos and animal parks, institutes conducting animal experiments, and animal abattoirs.⁵⁶ The Act outlines the obligations of pet owners to protect the welfare of their animals in order to promote animal welfare. In accordance with the Act, a person must be at least 12 years old to purchase a pet unless an adult is present.

A violation of the Act is the that might cause harm to animals. The Act also makes it a crime to administer poison, and to engage in animal fighting. The Act calls for the hiring of an Animal

⁵² Asmida Ahmad, 'Enhancing Legal Protection of Stray Animals Welfare Through Society Intervention' (2021)

³⁹ Study of Applied Economics 9.

⁵³ Tina Conklin, *The Five Freedoms: A History Lesson in Animal Care and Welfare* (2019).

⁵⁴ X. Manteca and E. Mainau and D. Temple, *What is Animal Welfare? AWEC* (2012).

⁵⁵ P.P. Buss-Tjen, 'Malay Law' (1958) 7 (2) *The American Journal of Comparative Law* 248.

⁵⁶ *Supra* note 47.

Welfare Officer and a Voluntary Animal Welfare Assistant, two new roles in the public sector. It grants these officers authority over administrative decisions and legal compliance.⁵⁷

The Act makes a substantial effort to deter animal-related offences by enacting harsher penalties than the present AWA 1953. Animal experimentation, cruelty, animal killing, animal poisoning, and animal fighting offences are all included and punishable by a fine of maximum MYR 100,000 (US\$24,224), and minimum MYR 20,000 (US\$4,844), and up to three years imprisonment, or both. Responsible animal owners are required to move their animals in a safe manner in order to avoid prosecution for offences requiring licensing or registration. Failure to uphold that duty of care could result in a fine of up to MYR 75,000 (\$18,168) but no less than MYR 15,000 (\$3,633) and/or up to two years imprisonment, or both.⁵⁸

Legal protection of stray animals in United Kingdom

A number of significant provisions in UK animal welfare law are related to the care of domestic or stray animals. On November 8, 2006, the Animal Welfare Act of 2006 (AWA 2006) got royal assent, putting owners and keepers of animals in charge of seeing to it that the needs of their charges are satisfied in terms of welfare. Anyone who abuses an animal or fails to meet its needs for welfare may be prohibited from having animals, subject to a fine of up to £20,000, or both.⁵⁹

Current UK law specifically upholds the principle of animal welfare and imposes prison sentence for "general" animal welfare offences.⁶⁰ By forbidding actions that harm or upset animals, the Protection of Badgers Act 1992, the Wildlife and Countryside Act 1981 (as amended), and other pieces of legislation also make explicit protections for animal welfare. The AWA 2006 combines a lot of earlier laws. The Act is intended to promote high standards of animal welfare and penalize animal cruelty offences. It is applicable to "a vertebrate other than man," which covers domestic and stray animals.⁶¹

The AWA 2006 specifically requires individuals who are in charge of animals to meet their basic needs, which include giving them enough food and water, veterinary care, and a suitable habitat to live in.⁶²

Animal welfare Act 2006

AWA 2006 provides that those in charge of animals must protect their welfare and take care of all of their fundamental needs, which include providing them with appropriate food and water, veterinary care, and a suitable place to live in that is not a condition of cruelty.⁶³ According to this Act the offences against animals include undue suffering, mutilation, docking dog tails, giving animals poison, and animal fighting.⁶⁴ The Act promotes animal welfare and imposes this responsibility on the animal's owner.⁶⁵ Additionally, the Act states the conditions that must be

⁵⁷ Sana Roger, 'These are the Top Animal Rescue Services In Pakistan' (propakistani) accessed May 4, 2024.

⁵⁸ Supra note 50. P.P.

⁵⁹ Animal Welfare Act 2006 s 32

⁶⁰ Darren Calley, 'Developing a common law of animal welfare: offences against animals and offences against persons compared' (2011) 55(5), *Crime, Law and Social Change*, 421-436

⁶¹ Edwards DJ, *The Role of The Veterinarians in Animal Welfare, A Global Perspective Proceedings of the Global Conference on Animal Welfare, World Organization for Animal Health Initiative* (2004).

⁶² Jessica Vapnek and Megan S. Chapman, 'Legislative and Regulatory Options for Animal Welfare' (2010) 104 *FAO Legislative Studies Series*.

⁶³ Id.

⁶⁴ Animal Welfare Act 2006 s 2.

⁶⁵ Id section 3.

satisfied in order to safeguard an animal's wellbeing⁶⁶ which includes the demand for a balanced meal, the desire for a cozy environment, and the need for shelter separate from other animals. Part 4 of the Act addresses the licensing and registration of activities involving animals.⁶⁷

Part 6 of the Act covers Animals in distress and allows the inspector or constable to take the appropriate action to end the animal's suffering if he has grounds to believe that the animal is in distress or agony. The act grants authority for codes of conduct and supplemental laws to advance animal welfare. The welfare of dogs, cats, horses, and non-human primates maintained privately is governed by guidelines of conduct. Additionally, the UK government has published a number of instructions on the safety of pets and the care of cats and dogs while travelling.⁶⁸ According to the Act, the maximum penalty for a person who violates the law is a fine of up to £20,000 and/or a term of up to 51 weeks imprisonment, or both. The Court has the authority to issue an order denying someone possession of a species of animal that they have in the past mistreated. According to the Act a person who disobeys the law may be ordered by the Court to refrain from owning an animal, caring for an animal, taking part in the care of an animal, or being a party to a contract that grants him the authority to direct or influence how animals are kept.⁶⁹ In addition to the Animal Welfare Act, there are other pieces of legislation that protect domestic animals. One of them is the 1925 Performing Animals (Regulations) Act, which establishes rules for the training and display of performing animals and necessitates the registration of trainers and exhibitors with the local government. Another statute that regulates the treatment of animals sold for adoption is the Pet Animals Act of 1951 (as revised in 1983). It mandates that proprietors of pet stores obtain a local council license.⁷⁰

The Animal (Scientific Procedures) Act of 1986 is another law that governs animal experimentation and testing. It contains procedures for granting licenses to individuals and organizations who wish to conduct animal research, and its most recent revision was made in January 2013.⁷¹

Comparative Analysis of Pakistan's Animal Welfare Laws with Malaysia and United Kingdom

Comparative Legal Analysis of Pakistan Animal Welfare Laws with Malaysia

Animal Welfare

In Pakistan PCTAA is the main piece of legislation that deals with the animal protection. That law was passed in 1890 and hasn't been updated since 1937. The lack of current changes to the law, which was passed during the colonial era, shows that the Pakistani government has not thoroughly researched this topic.⁷² The OIE, which has animal welfare policy standards based on the idea that animals are living entities, is a member of the country, but it doesn't seem like the government views animal welfare as a crucial concern. In Karachi, where it was first established in 1878 by a group of animal rights activists, the Society for the Prevention of Cruelty to Animals (SPCA) is still in operation today. Laws that protect against animal abuse and suffering are found in

⁶⁶ Id section 9.

⁶⁷ Id.

⁶⁸ Masiga WN, 'Munyua S.JM, Global Perspective on Animal Welfare: Africa' (2005) 2 Rev. Sci. Tech. 579-81.

⁶⁹ Animal Welfare Ac 2006 section 34 (2).

⁷⁰ Elaine I. Hughes and Christiane Meyer, 'Animal Welfare Law in Canada and Europe' (2000) 6 Animal L. 83.

⁷¹ Bentham J, *An Introduction to the Principles of Morals and Legislation* (1907) 1789.

⁷² Asmda Ahmad, *Enhancing Legal Protection of Stray Animals Welfare Through Society Intervention* (2021).

Pakistan's PCTAA 1890. The definition of animal⁷³ as in P.P.C, 1860, protects many types of animals, including farm animals, pets, working animals, wild animals, and animals used for entertainment and scientific research, but there is no special policy or regulation regarding stray animals.⁷⁴

The AWA 1953 and the AWA 2015 are the two primary pieces of law in Malaysia that address animal welfare. The Society for the Prevention of Cruelty to Animals Act is another law that governs animal protection organizations. Since 1953, Malaysia has had a national law governing animal welfare. However, the AWA 1953 was criticized for being weak and little implemented.⁷⁵ The use of ambiguous language in the current cruelty law is its principal drawback.⁷⁶

Punishment

Anyone convicted of animal cruelty that falls under the more severe and updated act of offences shall be liable to a fine of not less than 20,000 ringgits and not more than 100,000 ringgits, a term of imprisonment of not more than three years.⁷⁷ No person shall kill any dog, cat, or other animal that may be prescribed by the Minister by notification in the Gazette by shooting it with a firearm, unless it is authorised by the veterinary authority during an emergency or for the purpose of disease control.⁷⁸ Anyone who violates the provision is guilty of an offence and, upon conviction, is subject to a fine of not less than 20,000 ringgits and not more than 100,000 ringgits, a term of imprisonment of not more than three years, or both. AWA 2015 also provides stronger regulations for administering poison and for animals in distress.⁷⁹

The AWA 2015, can be used as a good model because it is written in a clear, straightforward, and efficient manner. It provides far clearer and simpler laws. Animal crimes are deemed to have been committed if protected animals are "usually domesticated," "under the control of man, whether on a permanent or temporary basis," or "not living in a wild state." The justification is probably that there is a greater need to prevent needless suffering for an animal once it is in close contact to humans or under their control. The punishment is far harsher than PCTAA 1890, which provides for a maximum 51-week prison sentence if found guilty.⁸⁰

As a result, it is possible to draw the conclusion that the animal welfare laws in Pakistan and Malaysia are not as thorough as they ought to be. This is due to the fact that policies pertaining to the promotion of human rights are more crucial than laws governing animal care.⁸¹

Legal Analysis of Pakistan Animal Welfare Laws with United Kingdom

Animal Welfare

Unowned, stray, and roaming animals, especially cats and dogs, have become a crucial aspect for societies all over the world, including Pakistan. Animal welfare concerns have in fact been a persistent thorn in Pakistan's side. Except for reports from specific organizations or bodies like the

⁷³ Pakistan Penal Code, 1860 s 47.

⁷⁴ Cass Sunstein and Martha Nussbaum, *Animal Rights, Current Debates and New Directions* (2004).

⁷⁵ Peter Carruthers, *The Animals Issue: Moral Theory in Practice* (1992).

⁷⁶ Roger Scruton, *Animal Rights and Wrongs* (2006) 41 and 59.

⁷⁷ Animal Welfare Act, 2015, s 29.

⁷⁸ Id s 30.

⁷⁹ Joseph Minattur, 'The Nature of Malay Customary Law' (1964) 6 Malaya Law Review 340.

⁸⁰ A-Hafiz Basheer and Ahmad Masri, *Animal Welfare in Islam* (2007).

⁸¹ R. O. Winsted, 'Old Malay Digests and Malay Customary Law' (1945) 77 JRAS.

Society for the PCTAA or local news on the rising number of cases of cruelty against and their welfare protection, there are no precise total numbers nor statistics for stray cats and dogs in Pakistan. Numerous factors, including animal brutality, human abandonment, failure to spay or neuter, ignorance, and indifference, as well as animal defection, contribute to the accumulation and overcrowding of cats and dogs on our streets. Due to the circumstances, it is much more difficult to protect the welfare of stray animals when laws and policies in place give more emphasis on domestic animals.⁸² These creatures require shelter, care, food, and water to survive as the number of strays increases for no fault of their own. When numerous stray animals are poisoned, shot, disfigured, tortured, set on fire, or killed in other horrific ways, the landscape deteriorates.⁸³

The Animal Welfare Act of 2006, which imposes the duty to ensure the wellbeing of stray Animals, is of particular importance when discussing the legal status of strays in the United Kingdom. Animal welfare laws cover stray animals for which a person may accept some duty to give a particular level of care and comfort. These laws do not just apply to pets, wild, companion, and farm animals that are clearly linked to a specific property and an identified owner.⁸⁴

According to the AWA 2006, the UK's Department of Environment, Food, and Rural Affairs has created a number of rules of conduct and regulations on animal welfare. The website provides access to these guidelines and standards of conduct. The Federal and Provincial levels of Pakistan have the authority to create legislation pertaining to animal care, however they have not done so, making it impossible to enforce animal welfare standards.⁸⁵

The Department of Environment, Food, and Rural Affairs is responsible for developing the laws and regulations governing animal welfare in the UK, while the Home Office is in charge of enforcing these laws through the use of the police. Other institutions also play important roles in the framework of animal welfare law in the country. A nonprofit non-governmental organization that promotes the maintenance of animal welfare standards is the Royal Society for the Protection and Care of Animals. Thus, it is clear that the UK's multiple agencies that administer animal welfare legislation have made it possible for such laws to be implemented correctly.⁸⁶

Beyond particular delegations to provincial wildlife departments, it is unclear in Pakistan who is responsible for animal care, and there has never been a known police department that upholds animal welfare regulations. Despite advocating for the maintenance of animal welfare standards, the Pakistan Society for the Prevention of Cruelty to Animals lacks the resources and personnel to fulfil its mission. As a result, despite the PSPCA's efforts, it has been more challenging to execute animal welfare legislation in the US than it has been in the UK due to the shortcomings of other institutions, particularly those inside the government.

Punishment

Due to the fact that "general" animal welfare offences carry prison penalties; current UK law clearly upholds the fundamental value of animal welfare. Additionally, other laws that specifically address animal welfare include the Protection of Badgers Act 1992, the Hunting Act 2004, and the Wildlife and Countryside Act 1981 (as amended), which forbid certain actions that endanger or inflict pain on animals. Many pieces of prior laws are combined in the Animal Welfare Act of

⁸² Supra note 24.

⁸³ Supra note 19.

⁸⁴ Supra note 52.

⁸⁵ Tom Beauchamp, *The Human Use of Animals: Case Studies in Ethical Choice* (2008).

⁸⁶ Gary and Robert Garner, 'The Animal Rights Debate: Abolition or Regulation?' (2010) 1 PMC 202.

2006. The Act covers "a vertebrate other than man," including domestic animals and stray animals, and it aims to promote high standards for animal care while also prosecuting offences of cruelty.⁸⁷

It is important to note, nevertheless, that laws governing animals, such as the Wild Mammals Protection Act, the Wildlife and Countryside Act 1981, and the Countryside and Rights of Way Act 2000, also include provisions against certain forms of cruelty. The Animal Welfare Act of 2006 specifically requires individuals who are in charge of animals to safeguard their welfare and to meet all of their basic needs, which include giving them enough food and water, veterinary care, and a suitable habitat to live in.⁸⁸

It is clear from the laws of both nations that there are offences that result in animal cruelty, but the UK law clearly specifies the needs of animals that must be protected in order to advance their welfare. The most recent revisions to the UK Animal Welfare Act's fines and penalties were made in 2006. Although the Pakistan PCTAA was updated in 2018, the fines and punishments are still insufficient to serve as a deterrent.⁸⁹ The UK's legal system demonstrates how crucial institutional collaboration is to the creation and enforcement of animal welfare regulations. As can be seen from the image above, many institutions have a variety of functions in ensuring that animal welfare rules are enforced. This leads to the conclusion that the Pakistani framework should be made up of operational institutions that effectively carry out their tasks and, as a result, result in the application of the country's animal welfare laws as in a logically and morally coherent legal system the laws governing animals' rights seems an ineluctable result.⁹⁰

Critical analysis

The plight of strays is one of the most visible animal welfare issues in the world today.⁹¹ Stray animals can be seen as a nuisance and threat to public health because they spread diseases.⁹² Nevertheless, stray animals also may experience poorer welfare themselves through a lack of resources, such as shelter, food, water and though exposure to cruelty. The close associations of humans with companion animals such as dogs and cats have substantial positive benefits, which are psychological and physiological.⁹³ The comparison of the laws of Malaysia and UK with Pakistan provides an understanding of the loopholes in laws in Pakistan. The very first issue is presence of very few laws in Pakistan concerning welfare and protection of animal. The second issue is that these laws deal only with protection of domestic animals or as discussed "Useful Animals"⁹⁴ also called "man's best friend."⁹⁵ The paramount of the loopholes is the absence of any piece of law for protection of stray animals, this reflects the negligent approach of authorities towards these creatures. The treatment as discussed is worse than could be possible for any living being. This emphasizes the importance of an evaluative study in legal perspective for the protection of stray animals in Pakistan. The types of animals entitled to rights may broadly be categorized into six sections, namely:

⁸⁷ Supra note 52.

⁸⁸ Radford Mike, *Animal Welfare Law in Britain, Regulation and Responsibility* (2001).

⁸⁹ Marc Bekoff (ed), *Encyclopedia of Animal Rights and Animal Welfare* (Greenwood Press, 1998) 55.

⁹⁰ Bisgould, Lesli, *Animals and the Law* (2011).

⁹¹ Supra note 47.

⁹² M.A Belshan and F.C.Knoop, *Reference Module in Biomedical Sciences* (2014).

⁹³ C.N.L Macpherson and others., *Role of Society and Culture in Epidemiology and Control of Foodborne Parasites* (2015).

⁹⁴ Punjab Animals Slaughter Control Act, 1963.

⁹⁵ Sneha Jaiswal and others, '*Balancing the Scales of Governance: Man vs. Strays*' (2021) 6 NUJS 70

1. animals used in farming,
2. animals in captivity,
3. companion animals (including strays),
4. animals used for recreation,
5. animals used for scientific research, and
6. wild animals.

The laws should be made keeping these categories and their needs in consideration. This is alarming that Pakistan received an overall score of "E" on the World Animal Protection Index⁹⁶ along with grade "G" for animal protection⁹⁷ whereas, Malaysia received a "C." (World Animal Protection, 2014).⁹⁸ This places Pakistan below its neighbor India and above only a handful of nations where even the state of human rights is appalling. Pakistan has some of the most diverse ecosystems in the world, according to WWF it has at least 660 bird species and 177 mammal species. Unfortunately, there are very few conservation and rehabilitation attempts. This more clearly portray the condition of animal protection which more emphatically urge on the need of special law for stray animals. The inspiration can be taken from Malaysian laws which provide clear protection from any kind of cruelty as well as proper humane treatment. However, there are some flaws with respect to protection received by stray animals in Malaysia under the current animal protection regime, as the numbers of cases reported since the Animal Welfare Act 2015 came into force are increasing, but this is due to lack of clear guidelines in the enforcement of laws concerning stray animals.⁹⁹ Whereas, for Pakistan it's not only the implementation but the existence of law that is lagging. Pakistani laws govern how animals should be treated for welfare of people rather than regulating animal welfare in particular. "Animal law" is an ambiguous term in Pakistan.

The rights of a being should be judged on their capacity of suffering, not their capacity of reason or of speech this has been emphasized biocentrism theory and has been reflected in utilitarianism. As Jeremy Bentham provided that all creatures have the innate capacity to suffer, not only in the same way as humans do, but also to the same degree. Generally, there is very little protection for animals under state and federal laws but for stray animals exclusively there is no legal status at all.¹⁰⁰ There is no legislation explicitly related to the upbringing of boiler chickens, egg-laying hens, dairy cows, or calves, and the provisions of the PCTAA do not address animal welfare. Farm animal transportation is not covered by any laws.¹⁰¹ In *Islamabad Wildlife Management Board v. Metropolitan Corporation Islamabad through its Mayor & 4 others*.¹⁰² An elephant kept in isolation at a zoo, a rescued bear that had been made to dance and do tricks, and the slaughter of stray dogs were all issues discussed in the court. In this case, the court acknowledged that all animals have inherent rights, and it is the fiduciary duty of people to protect these rights in order to prevent these species from going extinct on this earth. According to Chief Justice Athar Minallah of the Islamabad High Court "Like humans, animals also have natural rights that should be

⁹⁶ This index, produced by World Animal Protection, is a ranking of 50 countries around the globe according to their legislation and policy commitments to protecting animals. Explore the findings to discover how your government can help improve the lives of animals in your country. The Animal Protection Index has given each country an overall score. These scores fall within scoring bands, where A represents the highest results and G identifies countries with the most room for improvement.

⁹⁷ 'Animal Rights' (The International News) accessed May 5, 2024

⁹⁸ Supra note 68.

⁹⁹ Supra note 47.

¹⁰⁰ Muhammad Haris Qureshi, *Animal Rights In Pakistan: Being Kind To Every Kind* (2020).

¹⁰¹ Dr. Munir Ahmad Mughal, 'Rights of Animals: Constitution and Law' [2020] Elsevier 110.

¹⁰² *Islamabad Wildlife Management Board through its Chairman Vs Metropolitan Corporation Islamabad through its Mayor & 4 others* [2019] IHC W.P.No.1155.

acknowledged". This judgement reflects the idea of Right Based Ethics Theory which urges to take more of such steps to guarantee animals such standards of life which could meet their behavioral, social and physiological needs.¹⁰³

In 2018, an amendment to the PCTAA, 1890 was made. The modifications to sections 3, 3A, 4, 5, 5A, 6, 6c, 7, and 15. The British amended this Act three times, but regrettably, Pakistan has not introduced any significant reforms to bring the law up to date with current needs. The minimal punishments and fines amounts imposed by the PCTAA, 1890, are still in effect. In order to safeguard animals from human cruelty, this Bill should aim to ensure harsher penalties.¹⁰⁴ The issue faced is the adherence to extremely low sympathy criteria for stray animals¹⁰⁵ by the people in Pakistan who largely view stray animals a threat to environment and human health.¹⁰⁶ To avoid which the solution most vastly adopted by Pakistanis is the mass culling of strays. The P.P.C though has provided penalties for animal abuse but this law needs amendment in order to include category of strays. The P.P.C provides penalty for killing or maiming those animals that have worth but strays as are not bought from pet store or any other place they automatically get excluded from this protection. Therefore, this law cannot be relied solely for protection of strays the need for special law in any case maintains. As it is proved through studies that only a set of economic, legal and other measures can lead to success.¹⁰⁷ There is a need of creating awareness in society.¹⁰⁸ Decrease in the number of stray animals will lead to the improvement of the sanitary situation in cities, lower the risk of diseases, and reduce the number of offenses of animal cruelty, provided that this decrease is brought through legal and ethical means such as changing their status from strays by taking them as pets or keeping them in animal shelters or by other means as provided in recommendations.¹⁰⁹

Conclusion

The forgoing study discuss the legal status of stray Animals, which is not recognized by Pakistani law, and that they are sentient beings who are capable of feeling pain and suffering. In Pakistan, stray animals may also have less favorable conditions for themselves due to a lack of resources like food, water, shelter, and protection from maltreatment. Animal welfare has not received enough attention in Pakistan. The PCTAA, 1890 which was in place before partition, did not result in the effective enforcement of animal welfare. There is a significant legal gap involving stray animals because this Act contains neither a policy nor a provision for them. Inadequate promotion of animal welfare has also been associated with ignorance and a lack of awareness.¹¹⁰ This paper gives potential recommendations for improving the protection of stray animal welfare in Pakistan by utilizing data from developing nations like Malaysia and developed nations like the United Kingdom. The Animals Act of 1953 and the Animal Welfare Act of 2015 are Malaysia's current and previous laws. Examined is a cross-reference to international norms and guidelines for the protection and wellbeing of stray animals, including the Universal Declaration of Animal Welfare

¹⁰³ Supra note 4.

¹⁰⁴ Id.

¹⁰⁵ Supra note 68.

¹⁰⁶ Kasim Abbasi, 'No Unified Strategy to Fight Rabies so Far' *The News* (June 22, 2021) <https://www.thenews.com.pk/print/853285>- (accessed at: May 4, 2024)

¹⁰⁷ Anisimov, A. & Ryzhenkov, 'Is it Possible to Change the Destiny of Stray Animals by Legal Means?' (2020) 4 *International Journal of Legal Discourse* 160.

¹⁰⁸ Laura A. Reese, *Strategies for Successful Animal Shelter* (2019).

¹⁰⁹ Jeremy Masten, 'Don't Feed the Animals: Queso's Law and How the Texas legislature Abandoned Stray Animals, A Comment on H.B 2328 and the New Tex. Penal Code § 42.029' (2008) 60 *Baylor Law Review* 1.

¹¹⁰ Muhammad Rezan bin Tambi, 'A Study of the Causal Factors of Animal Crimes in Malaysia' (2023) 8 *MJSSH* 1.

(UDAW) and the Office for Epizootics (OIE). Comparing the UK's Animal Welfare Act 2006 to Pakistan's PCTAA, which only provides for strong, clear, simple, and effective regulations with severe penalties.

Recommendation

Here are some recommendations deduced from the short comings observed in the current rules and literature available

- the section 2, subsection 1 of PCTAA 1890, should be amended in a way that the definition of animal can incorporate “Stray Animals”
- the stray animal issues cannot be resolved without the use of international treaties or agreements, to deal with problems on a global and national level treaties, agreements, and declarations should be used to identify guidelines and practices.
- the government should run a regular awareness campaign nationwide.
- the Animal Rights Authority, should be established nationwide to improve the enforcement and accountability mechanisms. Currently authority is only working in Islamabad
- the laws should be amended to include heavy penalties and severe punishments to eradicate cruelty practiced against animals.
- laws, policies, and regulations must be updated to reflect animal protection in relation to the various categories; including farm animals, animals kept in captivity, companion animals, working animals, animals used for entertainment, animals used in scientific research, and wild animals and most importantly stray Animals¹¹¹
- the World Organization for Animal Health's (OIE) animal welfare standards must also be incorporated
- massive vaccination campaigns should be used to protect from diseases such as rabies instead of poisoning strays.¹¹²
- the government should enact certain mechanism for controlling stray animal's population through medical Science¹¹³
- the stray animals should be provided a shelter where they should be provided human interact sessions.¹¹⁴

¹¹¹ Niloofar Peiman and others, ‘Should Animal Welfare Regulations Be More Restrictive? A Case Study in Eight European Union Countries’ 9 (4) *Animals (Basel)* 1.

¹¹² Elizabeth Frerking, *Poverty and Methods to Control Stray Dogs, The Borgen project* (October 4, 2018)

¹¹³ Yakun Zhang, *Statistical Analysis of the Influence of Stray Animals on People's Lives* (2022) 5 (3) *IJEH* 163.

¹¹⁴ Crista L. Coppola and others, ‘Human interaction and cortisol: Can human contact reduce stress for shelter dogs?’ (2006) 87 (3) *Physiology and Behavior*, 537-541.