

Islamabad Wildlife Management Board Versus Metropolitan Corporation Islamabad

Islamabad High Court

W.P. No. 1155/2019

Hearing: 25.04.2020 – Judgement: 21.05.2020

Chief Justice: Athar Minallah

Case and Parties

Case

- Marghazar Zoo in Islamabad
- Kaavan the elephant
- Significant mistreatment
- Trial before the Islamabad High Court
- Judicial investigation into animal housing conditions

Petitioner

Islamabad Wildlife Management Board (IWMB)

- Responsible for wildlife management and conservation
- Claimed animals were suffering due to insufficient conditions in the Marghazar Zoo

Respondent

Metropolitan Corporation Islamabad (MCI)

- Local government body
- Operated the Zoo → responsible for wellbeing of animals

Are Animals entitled to Protection under Constitutional Law?

The case of Kaavan the elephant and the Marghazar Zoo

Approach

- Conditions at the Zoo
 - Amicus inspected the Zoo
 - „extremely disturbing conditions“
 - Small cages and enclosures
 - Mistreatment
 - insufficient veterinary care
 - Conditions not tailored to respective needs
 - Animals suffer pain, distress and agony
- Who is authorized to manage the Zoo?
 - MCI **X** → had been managing the Zoo since 2016
 - IWMB **✓**

Legal issues

- Do animals possess independent legal rights?
- Can animals be holders of legally protected rights and duties?
- Is there a duty on the part of the State and the human race to protect the wellbeing and welfare of the animal species?
- Does the **Constitution** of Pakistan impose obligations on the State with regard to animal rights and welfare?

Proceeding

Do animals have rights?

- International jurisprudence
- Universal declaration of animal rights
- Islamic injunctions
- Pakistani law
- Constitution of Pakistan, Art. 9

Conclusion

- Animals are sentient beings
- Animals possess legal rights
- Animal welfare deserves legal protection, their interests must be considered by the legal system
- Survival of humans is dependent on the survival of animals, therefore cruel treatment of an animal is a direct infringement of the right to life of humans protected by the constitution

*„Protecting, preserving and conserving the animal species and preventing it from harm is a **constitutional obligation of the State and the authorities.**“*

– Athar Minallah, C.J.

Reception

- Progressive approach to animal protection
- Challenges traditional assumptions about the legal status of animals
- Animal welfare as a constitutional responsibility
- Based on philosophical concepts
- Insufficient legal framework
- Too expansive interpretation

Thank you for your attention!

Any questions?

Discussion

- Do you agree with the Court's judgement?
 - Do you approve of linking animal welfare to the Constitution?
- Did the Court actually recognise animal rights, or did they merely strengthen animal welfare protection?
- Did the Court overstep their area of responsibility?