
Review article

Understanding the legal framework addressing livestock issues: A Bangladesh perspective

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ABSTRACT

After independence, the economy of Bangladesh has started to move forward on the basis of its agricultural production in oppose to technical and mechanical perspective. One of the most important components of agriculture is rearing livestock. Obviously, the focal point of the economic growth puts light on production of crops including horticulture, livestock rearing, fisheries, forestry, etc. Besides a sufficient allocation of budget, a well-defined and well-structured legal frame work is indispensable to move further towards economic progression. Livestock is considered as a crucial component in respect of cultivation purpose as the agricultural production process, and post production activities are almost depended on livestock. As time goes on, dependency on agricultural production has been shifted on technology and the traditional household livestock rearing is now converted into commercial 'Agro Farming'. Regrettably no significant initiatives were taken to set a legal framework to deal with various aspects of livestock until 2005. Since then a number of Acts have been passed for the protection of various aspects of livestock including food safety, health safety, welfare of livestock, slaughtering rules, and maintaining quality of meat. Apart from that few Acts have been passed to setup diverse regulatory bodies which are necessary for monitoring marketing policy and controlling the quality of dairy products. The present write up intends to focus on the existing legal framework for dealing with specific aspects of livestock protection like animal disease and health care, food safety, restrictions on slaughtering, and quality of meat, and animal welfare. Also, it covers the unspoken areas of livestock aspects which are in need to come within the orbit of legal protection. In addition, the paper suggests certain measures that will contribute for actual implementation of the existing law.

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1. INTRODUCTION

In Bangladesh, livestock is a significant component of both traditional and modern complex farming systems since it provides a significant amount of income for those involved in the industry in addition to serving as a source of meat protein. Educated people today view the

cattle subsector as a significant source of income and investment for business purposes, as it offers full-time work. As a result, traditional home farming has been transformed into so-called agro framing thereby creating employment opportunities directly for 20% people and indirectly 50% people (Rowshan, 2018). In compression to its contribution to

livelihood as economic as well as food and major protein source it seems much neglected sector in terms of legal recognition.

In this subcontinent, first comprehensive attempt to establish a set of policies for livestock development was made by the Royal Commission on Agriculture in 1928, which recognised the critical role of livestock in the agricultural economy and the challenges faced by the industry, which includes the problem of excessive numbers and the scarcity of feed and fodder (Rowshan, 2018).

After Independence, a few legal mandates can be traced till 2005, when Disease of Animal Act, 2005 has been passed. Afterwards realising the economic importance mainly, a wide range of laws have been enacted to deal with livestock issues. At present time, the legal framework governing the livestock industry in Bangladesh is multi-layered, with a range of laws and regulations including national policies as well addressing different aspects of the sector.

As the entire sphere of livestock consist of several essential live stock issues and working of regulatory bodies, this paper reviews the legal framework governing livestock in Bangladesh, focusing on key legislation, policies, and their impact on disease control, animal welfare, food safety, meat safety etc. Additionally, it highlights the issues which must come within the protection of legal canopy. Emphasis has been put over the challenges in implementing these laws. Lastly the paper suggests policy recommendations to enhance regulatory effectiveness and sector growth. Understanding and improving these laws are essential for addressing the socio-economic and environmental challenges facing the livestock industry in Bangladesh.

2. MATERIALS AND METHODS

The purpose of this study is to review and analyse the legal framework governing the livestock protection related issues in Bangladesh, focusing on key legislations regarding protection. From 2005 to 2023 there are total ten number of Acts have been passed exclusively on livestock related issues. Among which number of four legislations are related to the protection of different aspects of livestock namely, The Disease of Animal Act, 2005; The Fish Feed and Animal Feed Act, 2010; The

Slaughter of Animal and Quality of Meat Regulation Act, 2011; and The Animal Welfare Act, 2021. This study employs a qualitative research design to provide an in-depth understanding of the legal framework governing livestock protection related aspects in Bangladesh. The qualitative approach is chosen to gather detailed insights and perspectives on the existing laws, their implementation, and the challenges faced by the sector. The primary sources for this study are the respective statutes. The study is limited only on the legal framework governing livestock protection issues in Bangladesh and may not cover all features of the sector comprehensively.

3. CONSTITUTIONAL AND INTERNATIONAL STATUS OF LIVESTOCK IN BANGLADESH

Livestock in Bangladesh are regarded as personal property of the household but not recognized as legal persons. There exists some protection for animals at statutory law, but the Constitution provides an even greater degree of protections by stating in Article 18A that, the state shall protect the environment and natural resources, contemporary generations of citizens are entitled to a sustainable development driven by the recovery, maintenance or enhancement of environmental capital (Art. 18, Constitution of Bangladesh). It ensures stewardship of land, natures as well as ensures protection and preservation of biodiversity, wetlands, forests and wildlife in the interest of present and future generations within that nation. The article was incorporated to ensure a balance between the environment, biodiversity and the importance of forest resource for socio-economic development. Although Article 18A does not specifically mention livestock, rather impliedly it permits protection of livestock as the environment and biodiversity includes everything around us, plants, animals even bacteria which are essential to maintain our lives and balance of ecosystem. All these components including livestock are essential to support our lives. Hence the essence of livestock is inherent in the expression of Article 18A. In cases relating to biodiversity and conservation under Article 18A, it is seen that the Courts often take an eco-centric approach and thereby protection of livestock can be ensured under the constitutional mandate. Any citizen of

Bangladesh has the right to report a violation of the statutory protection afforded to animals. Further, all animal welfare organizations and citizens have *locus standi* (Mohiuddin Farooque Vs. Bangladesh, 49 DLR, 1997) to seek judicial enforcement of the statutory rights of animals in public interest (Kansal, 2016). Public Interest Litigation ("PIL") is a broader manifestation of the enforcement of law. It allows any affected citizen or group (except the person who is aggrieved) to bring a public interest issue before the High Court Division of the Supreme Court (Art.102, Constitution of Bangladesh). It is often used to protect the minorities or natural world interests who are not being heard. Public interest litigation has been effective in providing remedy for betterment of animals and ecosystems, resulting in significant legal protection. So far international obligation is in question in this sector, Bangladesh is a member of the World Organization for Animal Health (WOAH) earlier known as the Office International des Epizootics (OIE) which aims to improve animal health and thereby ensuring better future for them all around the globe. Apart from constitutional mandate, several subordinate legislations are there to address various issues dealing with livestock in Bangladesh. It is worth to mention that the Apex courts are also empowered to deal with livestock protection and other issues according to the relevant legislations.

4. LEGAL FRAMEWORK GOVERNING LIVESTOCK ISSUES IN BANGLADESH

Bangladesh's livestock and aquaculture production play an important role in maintaining the population's livelihoods. Bangladesh is a densely populated country, which heavily relies on these sectors to meet the growing demand for food, protein, and livelihood opportunities (Moller et al., 2023). Therefore, sector wise legal regime is a must to deal with livestock related issues. As mentioned previously, this paper only focuses on specific issues of livestock like animal disease, animal feed, animal slaughtering, meat quality, and animal welfare. Consequently, the following sections focus light in brief on the relevant legislations dealing with those issues.

5. ANIMAL DISEASE AND HEALTH CARE

The first major law regarding health of animals as passed in 2005, namely the Disease of Animal Act, 2005 the first major law. The term "animal" in this Act refers to any and all of the following: (i) all mammals, with the exception of humans; (ii) birds; (iii) reptiles; (iv) other aquatic animals other than fisheries; and (v) any other animal that the government declares in the official Gazette's announcement. Mentioning all mammals refers to all types of livestock because people in Bangladesh have domesticated animals that fall under the category of mammals (Sec. 2c, The Disease of Animal Act, 2005).

The Animal Disease Act of 2005 stipulates that the owner, manager, controller, veterinary officer or field staff of the Animal Resources Department who comes to know of any animal's disease or death shall report it to the Director General of Department of Livestock services appointed by the Government (Herein after mentioned as DG). Once the information has been verified, the DG then reacts with the appropriate action to be taken off the disease and in the infected area (Sec.3, The Disease of Animal Act, 2005). In order to keep healthy animals away from sick ones, the owner or occupier must keep separate infected animals. (Sec.4, The Disease of Animal Act, 2005).

When a disease turns epidemic or suspected breakout occurs, he may publish a notice in the Official Gazette. This notice should include information on the disease and the animal, as well as the area, duration, and extent of the infection so that public in general on that particular locality come to know about the disease (Sec.5, The Disease of Animal Act, 2005).

If any area is declared infected under sec 5, it is prohibited to move any animal live or dead, animal product to other area from infected area with an exception that importation of animals for the purpose of performing religious rites or ceremonies, or bringing animals to Government animal farms. The importation of animals in any other case specified by the Director-General or the Veterinary Officer authorized by him(Sec.6, The Disease of Animal Act, 2005) is permitted. If the infection is such which can be controlled by giving vaccination to the animals, the DG shall take measures for vaccination and the owner or occupier shall provide assistance and all kinds of facilities for the implementation of

the said vaccination program (Sec.7, The Disease of Animal Act, 2005). Disinfection measure of the infected cage, shed, farm any other place or yard or animal feeding place in which infected animals as mentioned in the said order are kept shall be carry out by the owner, occupier, custodian upon the written order of the DG (Sec.8, The Disease of Animal Act, 2005). Death of an infected animal may lead a veterinary officer to conduct a post-mortem examination of the dead body of animal suspected to have died of disease and may, where applicable, collect any part of the dead animal for laboratory examination (Sec.10, The Disease of Animal Act, 2005).

The Act also prescribed the disposal of the deceased animal body by burying the dead body with its skin at least six feet below the ground or by burning it in fire or by any other prescribed method. And the body must not be disposed of in any way which may endanger public health or animal health (Sec.11, The Disease of Animal Act, 2005). Additionally, in writing, the veterinary office must give the owner, occupier, keeper, or controller of the animal in question the instructions to take the required steps to keep it in a designated location, remove it or segregate it as the officer may specify and direct him to treat it. The animal may be taken away, kept in a different location, and the appropriate medical actions taken if the custodian or controller does not follow the applicable instruction within the time frame given by the veterinary officer. (Sec.14, The Disease of Animal Act, 2005).

Retributive provisions are also included there to deal with offences committed under this Act. The offenses under this Act will be judged by the First-Class Magistrate or, Metropolitan Magistrate. But without the written complaint of the Veterinary Officer court shall not entertain any suit under this Act (Sec.23, The Disease of Animal Act, 2005).

Offences under this Act is non- cognizable and bailable (Sec.24, The Disease of Animal Act, 2005) subject to the provision of bail provided by the Code of Criminal procedure 1989, (Sec.26, The Disease of Animal Act, 2005) and shall be punished with imprisonment for a term up to two years or fine not less than ten thousand taka, or with both (Sec.25, The Disease of Animal Act, 2005).

Finally, the close observation of the Disease of Animal Act, 2005 provides a strong legal foundation for controlling animal diseases and protecting livestock health in Bangladesh. However, its success will depend on continued awareness, compliance, and the effective enforcement of its provisions, particularly in the face of emerging animal diseases and challenges posed by commercial farming practices.

6. SAFETY, QUALITY AND MARKETING POLICY OF ANIMAL FEED

Animal feed, which means various nutritious feedstuff and mixtures thereof prepared artificially or through other means for the purpose of living and saving the animals from malnutrition, (Sec.2.6, Fish Feed and Animal Feed Act, 2010) is another significant issue which needs to take care of, as the growth, development and breeding of animals and the quality of animal products are much depends on food quality. Therefore, an Act has been prescribed in the year 2010 to govern processing, quality assurance, import, export marketing, sale distribution, transport and incidental matters of fish and animal feed, i.e. Fish Feed and Animal Feed Act, 2010.

In order to serve the purpose of the Act, The DG of the Department of Livestock services appointed by the Government or any officer empowered by him shall be the livestock feed controlling authority (Sec.3, Fish Feed and Animal Feed Act, 2010). Commercially produced animal feed should meet certain quality standards, and the Government has established values for different ingredients in animal feed. It is essential to comply with these values in commercial production of fish feed as well as animal feed (Sec. 10.1, Fish Feed and Animal Feed Act, 2010). In the interest of maintaining the quality of feed, whether for export or produced locally, the officer empowered for this purpose can at any stage of marketing collect sample for the purpose from any producer, importer or seller and get the sample tested at any quality control laboratory (Sec.11.1, Fish Feed and Animal Feed Act, 2010). And if it is proved unfit for the fish or the animal then these shall be forfeited and the person/persons importing, producing and marketing shall be treated as guilty under this Act (Sec.11.3, Fish Feed and Animal Feed Act,

2010 (11.3). Adding to the above provisions, the Act also provides that, no person either directly or indirectly or any other person on his behalf and through any establishment or company can make fish feed or animal feed, process, import, export, sale, distribute or transport which contains any poisonous or harmful substance for man, animal, fish or environment and inconsistent with the ideal level prescribed by this Act (Sec.12.1, Fish Feed and Animal Feed Act, 2010). Moreover, use of harmful chemicals including antibiotic, growth hormone, steroid and insecticides is prohibited in animal feed and violation of this constitutes a crime under the Act (Sec.14, Fish Feed and Animal Feed Act, 2010). In the case of imported feed, certification regarding fitness of consumption from the appropriate authority of the exporting country shall be compulsorily enclosed along with the shipping document (Sec.12.2, Fish Feed and Animal Feed Act, 2010).

And violation of these provisions shall be treated as crime under this Act as well (Sec.12.3, Fish Feed and Animal Feed Act, 2010). For the purpose of production of animal feed, processing, import, export, marketing, sale, distribution and other related matters, a person must obtain license (Sec.4, Fish Feed and Animal Feed Act, 2010) from the DG of the Department of Livestock Services or any other class officer empowered by the DG of Livestock in this regard (Sec.5, Fish Feed and Animal Feed Act, 2010).

Applying in the prescribed form and fulfilling all the necessary formalities for processing, import, export, marketing, sale, distribution, transport and miscellaneous activities, any person can obtain a license (Sec.6, Fish Feed and Animal Feed Act, 2010) for a period of one year which shall be renewable at least 30 (thirty) days before expiry date with the amount of fixed renewal fee (Sec.7, Fish Feed and Animal Feed Act, 2010). And license give under sec. 6 can be cancelled or postponed if the license holder breaks any terms (Sec.9, Fish Feed and Animal Feed Act, 2010).

The DG or empowered officer can inspect any feed factory to inspect the imported, or processed feed, ingredients, transportation process and all related documents (Sec.15, Fish Feed and Animal Feed Act, 2010), and shall forfeit all the animal feed and the used

merchandise and implements or any portion thereof if proved to be harmful and adulterated. The forfeited feed can be destroyed authorised officer in a healthy way having no adverse effect on public health or environment and all records of this incident shall be preserved by the factory authority in a competent way (Sec.16, Fish Feed and Animal Feed Act, 2010).

Offence committed under this Act shall be judged by the First-Class Magistrate or, Metropolitan Magistrate following the Code of Criminal Procedure 1898 according to written complaint of the DG or authorised officer (Sec.18, Fish Feed and Animal Feed Act, 2010). Offences under this Act is non- cognizable and bailable subject to the provision of bail provided by the Code of Criminal procedure 1898 (Sec.19, Fish Feed and Animal Feed Act, 2010), and shall be punished with imprisonment for one year or fine up to fifty thousand taka, or with both (Sec.20, Fish Feed and Animal Feed Act, 2010).

Enactment of a law for animal feed is surely a great step towards animal's right to have safe feed. It is almost a comprehensive piece of legislation as it includes provisions for feed production, distribution, and marketing in Bangladesh. Yet there is another issue to investigate whether it is complied of or not in reality.

7. RESTRICTION ON SLAUGHTERING AND QUALITY OF MEAT

Animal Slaughtering Act, 2011 is one of the most notable and influential Acts that every animal welfare should get them familiarized in shaping a more humane livestock industry which deals with ensuring animal welfare during slaughter. The Act outlines the control and treatment of animals, including humane methods of handling, transporting, and slaughtering as well as to ensure decent quality of meat of slaughtered animal.

Coming to the focus point of the Act, it prohibits the slaughtering of animals outside the slaughter house for sale for commercial purpose except performing religious rituals, social festival, family consumption on condition that animal shall be slaughtered in such a place and in such a manner so that it will not cause any kind of pollution impact on environment (Sec.3,

The Slaughter of Animal and Quality of Meat Regulation Act, 2011).

In the slaughter house an animal shall be slaughtered in manners prescribed by rules made under this Act and before slaughtering a pre examination and after slaughtering the examination of carcass shall be duly examined by the Veterinary officer (Sec.5, The Slaughter of Animal and Quality of Meat Regulation Act, 2011) who is a registered veterinary practitioner under section 2 (g) of the Bangladesh Veterinary Practitioners Ordinance, 1982 and working under the Directorate of Livestock Services.

The environment and standard of the slaughter house shall be determined in accordance with the rules made under this Act (Sec.6, The Slaughter of Animal and Quality of Meat Regulation Act, 2011), which provides that, slaughter house, meat selling structure or meat processing factory shall not be established nearby in any water way, school during school time, park, playground, health care center, or garbage yard etc (R.12, The Slaughter of Animal and Quality of Meat Rules, 2021). The waste of slaughtering house, and meat selling and processing center, must be removed at earlier moment before people approaching to that place. The liquid waste must be removed by sewerage which must not be connected with any waterway as well. The offal and other solid body parts waste shall be collected and put them deep inside the soil so that nothing left uncovered (R. 7, The Slaughter of Animal and Quality of Meat Rules, 2021). Where it appears to a Veterinary Officer that any carcass or part thereof, meat or offal is likely to be polluted or poisonous in any manner by the wastes emitting or releasing from any animal or substance of the slaughter house, he may order for removal or destruction of such wastes (Sec.20, The Slaughter of Animal and Quality of Meat Regulation Act, 2011).

To ensure meat quality and safety of human consumption the Act also expresses that after examination of a slaughtered animal, it appears to a Veterinary Officer that the whole carcass or any part thereof is unfit for human consumption, he may declare the those as unfit for consumption in such a manner as it cannot have access in any way in the human food chain (Sec.17, The Slaughter of Animal and Quality of Meat Regulation Act, 2011). And he may order

for removal or destruction of the carcass or part thereof or meat or offal declared as unfit for consumption according to prescribed rules (Sec.18, The Slaughter of Animal and Quality of Meat Regulation Act, 2011).

A Veterinary Officer may collect sample of carcass, part thereof, meat, edible offal or inedible offal or any part thereof, used water, ice or sample of such other thing as he deems fit and may order to examine the said sample in any veterinary public health and microbiology laboratory (Sec.19, The Slaughter of Animal and Quality of Meat Regulation Act, 2011). And he is also empowered to seize any slaughtered animal or meat of animal if those has been transported, sold or catered in contravention of this Act or rules (Sec.22, The Slaughter of Animal and Quality of Meat Regulation Act, 2011). For ensuring safety of meat, the Act also stipulates, that all the workers related with slaughter of animal, meat processing and marketing must be free from contagious or infectious diseases and must be certified by a competent physician. This shall be maintained by the owner, manager or any other authorized person of the slaughter house, meat selling structure and meat processing factory and, he shall be bound, if necessary, to show such certificate to the Veterinary officer (Sec.13, The Slaughter of Animal and Quality of Meat Regulation Act, 2011). So far, the establishment of slaughter house, meat selling structure and meat processing factory is concerned, the Act made it compulsory that without license from DG, no person, institution or corporate body shall establish or conduct any slaughter house or meat selling structure and meat processing factory for commercial purposes (Sec.8, The Slaughter of Animal and Quality of Meat Regulation Act, 2011). After fulfilling the required conditions, a person, institution, corporate body will obtain the license for one year which renewal option (Sec.10, The Slaughter of Animal and Quality of Meat Regulation Act, 2011).

The DG or any Veterinary Officer empowered by him, on his behalf may enter into any slaughter house, meat selling structure and catering structure, meat processing factory, any other place to inspect the same (Sec.12, The Slaughter of Animal and Quality of Meat Regulation Act, 2011) and finds any activity or

situation which is inconsistent with this Act or rules, he may take necessary action in accordance with this Act or rules which includes suspension or cancellation of license (Sec.11, The Slaughter of Animal and Quality of Meat Regulation Act, 2011).

Lastly, the Act prescribed that any contravention of any provision of Act or rules shall deemed to be an offence which will be triable by the Mobile Court under the Mobile Court Act, 2009 (Sec.23, The Slaughter of Animal and Quality of Meat Regulation Act, 2011) and shall be punished with simple imprisonment for a term which may extend to one year, or with fine which may extend to twenty five thousand taka but not less than five thousand taka, or with both (Sec.24, The Slaughter of Animal and Quality of Meat Regulation Act, 2011).

Bangladesh's Slaughter of Animal and Quality of Meat Regulation Act, 2011 sets up a broad system to limit cruel killing methods and to protect the safety of meat from slaughtered animals. The law's attention to environmental effects, vet supervision, and public health matches global rules for animal care and food safety.

8. WELFARE OF ANIMAL

The present concept of Animal welfare has a long history of unwaveringly supporting animals all across the globe. Animal welfare has grown to be a serious concern as animal productivity has increased. Bangladesh requires a strong center of animal farms because it is a highly populated country. Additionally, this country is blessed with a wide variety of wild animals due to its diverse geography and natural greenery. Due to the significance of this subject, Bangladesh has repeatedly made amendments in its laws and replaced a 100-year-old Cruelty to Animals Act-1920 with Animal Welfare Act-2019. Besides dramatically raising the punishment for the cruel and unjust treatment of animals, this new Act also contains a much wider range of offences, with potential scope for further definition through rules and gazettes. It is a landmark step towards recognising the vital need of treating animals with kindness and compassion.

The Act provides prohibitions against cruelty, with the object behind ensuring proper and humane treatment as well as responsible

ownership and guardianship to prevent ill-treatment. The legislation is primarily concerned with how domesticated animals, in particular farm animals are treated. The Act provides a specification of some acts which constitute cruelty to animal but does not confine the actions to that list. The additions, however, are provided through respective official gazettes as per section 6(2) (Sec.2.6, Animal welfare Act, 2019). The current provision enumerates on things like overfeeding, underfeeding, long and unnecessary restrain, causing hurt with sharp object with a view to restraint, use animal as allurement, instigate to fight, using animal as target or shooting practice, confine and leave animal unattended for uncertain period, deliberate withholding of veterinary care, using animals for leisure purpose without valid reason, use of unfit animal for breeding, inflicting or injecting harmful and often unnecessary drugs etc. but not limited to those as the government may time to time include any specific treatment as cruelty to animal (Sec.6.2, Animal welfare Act, 2019). Accordingly, such behaviors are punishable with imprisonment of up to six months and/or a fine up to Taka ten thousand (Sec.16 a, Animal welfare Act, 2019). The activities defined as cruelty is subject to the exclusions which include use of animals for research and academic purposes and sacrificing animals for religious purposes, execution of animals' sufferings from contagious or incurable diseases (Sec.6.4, Animal welfare Act, 2019). These allowable exceptions create a scope to ensure a proper balance between religious activities and the need to adhere to the standards of animal welfare. Though not explicitly mentioned, the nature of the activities addressed therein implies that section 6 largely determines how domesticated animals shall be treated. But the Act does not ignore other categories as well. So far stray animal's welfare is concerned, it disposes that stray or abandoned animal must not be killed or deported (Sec. 8, Animal welfare Act, 2019). Another category, the tamed animal's well-being is protected by prohibiting commercial production and management of them (Sec.9, Animal welfare Act, 2019).

The explicit announcement of certain acts as cruelty to animals does not preclude the Act to include very crucial other issues, which might be need to address for well-being of animals, as it considers cruelty to use physically unfit

animal for transportation purpose (Sec.8, Animal welfare Act, 2019). Loss of limbs or sensitive organ with a view to causing harm of animal (Sec.10, Animal welfare Act, 2019) and deliberately giving any animal any medicine or feed, which is poisonous as to likely causing death to that animal is also considered as cruelty (Sec.11 Animal welfare Act, 2019).

The Act gives authorised persons the power to visit and inspect any registered or unregistered farms within their jurisdiction and undertake appropriate steps as per the Act or its subsequent rules (Sec. 13, Animal welfare Act, 2019). Furthermore, the Act recognises painless death of a diseased animal through the use of euthanasia under the guidance of and with the written permission of a veterinary surgeon. Offences under this Act is trial able by Mobile Court under the Mobile Court Act, 2009 (Sec20, Animal welfare Act, 2019) and shall be punished with simple imprisonment for a term which may extend up to two years, or with fine which may extend to fifty thousand taka or with both (Sec.16, Animal welfare Act, 2019).

The Animal Welfare Act 2019 marks a big move forward in how Bangladesh deals with animal protection, which animal activists care about these days. This law spells out what counts as animal cruelty, giving pet animals and farm animal's stronger rights. At the same time, it gets that livestock matters for money and culture. The Act covers a lot and can bend to fit new ways of doing animal welfare as well.

9. A CRITICAL INSIGHT IN TO THE LEGISLATIONS

The livestock is rearing mainly for dietary convergence and meat consumption as we know (Kumar, 2022). The above mentioned the laws relating to health care, disease control, animal welfare, food safety, is a commendable initiative assumed by the government. The growing importance of livestock adding economic value in the GDP puts a great impact to regulate and formalise livestock sector in a stronger way. Despite many notable provisions in those Acts, certain critical and practical factors remained unnoticed. Nevertheless, the realistic encounter with livestock related issues will be difficult to deal without addressing those unnoticed features. In this segment of write up a brief

discussion is made to put light on those unnoticed yet crucial aspects.

The Disease of Animal Act 2005 is considered as a great initiative to serve animal health issues offering legal mandate for the spread and control of animal diseases and related matters. Discussed in the previous section, the Act arranges a wide range of protection after the outbreak of diseases in a locality. A deep inside into the law discloses, that all the provisions covers the real time incidents after the outbreak of diseases. Despite the fact that, sometimes the measures and steps provided by the law may fall inadequate if the situation goes beyond control. Therefore, the need of preventive measure in disease of animal Act is much sensible. It may argue that, there is preventive measure as it provides vaccination to prevent the spread of diseases in the declared infected area. Nevertheless, the area is already infected, and the preventive measure is taken in respect of those animals which are yet to infected. Hence the measure is not absolutely preventive rather it seems to prevent further epidemic. The Act overlooks the need to compulsory vaccination for every domesticated and framed animal to protect them with various animal diseases that might occur frequently. On a serious note, the Act completely fails to recall the stray animals. But stray animal's protection from diseases must be a vital one as they are free to move everywhere and a high chance of spreading infectious disease by them if once they are infected. Additionally, there are some important concerns like declaration of infection, evacuation of infected area, etc. in respect of which the Act leaves those to the satisfaction of DG. As satisfaction of DG is subjective, so there is a chance of manipulation. The contravention of Act is offence, but appealing for judicial resort is not possible without the written complaint of Veterinary Officer which really makes helpless of those respective affected persons. Above all, limited resources and lack of veterinary infrastructure have been barriers to full implementation.

Feed is the vital component for growth, production and health of animal. Consequently, the enactment of animal and fish feed Act is a fabulous step. The main focus of the Act concentrated with the quality, production of animal feed which is produced for commercial

purpose. Presumably commercially produced feed is used in commercial farm in a large scale. But the animal which is nurtured for meeting family purpose, their feed most of the time supplied under private supervision and choice. As most of the time it is produced domestically, thus the quantity, quality and food value cannot be maintained or monitored. The Act is also silent on the point of continuous monitoring by visiting, inspecting the factory where animal feed is commercially produced. Also, introduction of criminal proceedings is facing slab as the court cannot proceed without the written complaint by DG or authorised officer rather than the damages incurred by the owner of the animal. That so-called bureaucratic intervention has made access to justice complex. As mentioned earlier, animal products are huge source of protein, among which meat is vital. Hence the quality of meat must be maintained. The Slaughter of Animal and Quality of Meat Regulation Act, 2011, is the masterpiece to deal with the process of slaughtering of animal and quality of meat. Environment of slaughter house, meat selling shed, and meat preservation processes is governed by the Act. Though license is required for those activities, but there is slaughter house without license especially in rural area. Again, informal slaughtering practices are still common, in many areas both in urban and rural areas. The inside scenario of a slaughter house is still very frustrating in many market places due to lack of water supply, cleaning products, and ancillary objects. The Act permits informal slaughtering outside the slaughter house for religious ceremony, social function, and so on considering the religious values and social practices. But this exceptional case most of the times shakes the spirit of the law. Since most of the time after performing religious sacrifice, people seldom follow the cleaning procedure appropriately. Therefore, wastages left negative impact on the surroundings.

The Animal Welfare Act, 2019 which is the replacement of The Cruelty to Animals Act, 1920, is mostly appreciated for its extended scope, by addressing the word welfare instead of cruelty. The Animal Welfare Act, 2019 addresses humane treatment and protection of animals. This Act establishes guidelines to prevent animal cruelty, covering transportation, housing, and humane slaughter practices. It promotes the

ethical treatment of livestock and is significant as Bangladesh aligns itself with international standards of animal welfare. Regrettably the Act provides no explicit provision for stray animal and provides no such specific activities which must be treated as cruelty to them. Very recently, a heart bleeding incident that shakes the conscience of prudent people happened at Japan Garden city, Mohammadpur, where ten stray dogs and a cat lost their lives after consuming poisoned food. The stray animals in cities are vulnerable to hunger and rely mostly on the kindness of individuals. Still, the deceit led to their tragic deaths, leaving animal lovers and activists devastated and traumatized (The Daily Star, 2024).

A deep insight into the Act makes it evident that one of the most heinous acts against animal that is unnatural offence does not cover by it as cruelty. Though the Penal Code, 1860 speaks about natural offences as it mentions, voluntarily causing carnal intercourse against the order of nature with any man, woman, and animal is an offence and hence punishable under the penal code, 1860 (Sec.377, The Penal code, 1860). Though the penal code offers protection for animals in case of unnatural offence yet it is quite ineffective as the animal welfare Act does not include this type of behavior as cruelty. Consequently, being a special law and predominant over any other law makes an obstacle in this regard that one can resort legal protection under any ordinary law. There leaves a strong possibility of not being heard the distress of animals' in case of monstrous act.

Another shortcoming of the present Act is, though it gives authorised persons the power to visit and inspect any registered or unregistered farms within their jurisdiction and undertake appropriate steps as per the Act or its subsequent rules, yet in the absence of any requisite frequency of such inspection, it is likely that the well-formulated provisions of the Act will remain largely ineffective. Conversely, it falls short on proper determination of supervisory duties of the authority. On a positive note, the Act makes several mentions of the issuance of rules and gazettes to supplement or clarify its position, an avenue which can be utilised in order to bring the law to fruition.

10. A SUGGESTIVE APPROACH

Bangladesh has a relative density of livestock population well above the averages for many other countries of the world. The growing livestock population marks it mandatory that strong and adhesive legal regime is indispensable to make it more happening and growing. The enactment of a plenty of legislation is commendable in this regard. But there are miles to go to. Because the enactment of legislation is not only sufficient to deal with livestock regimes. Along with the legislative mandate there are several other things without taking care of those the sustainable development of livestock is difficult to reach. A significant challenge is the lack of resources, including trained veterinarians and access to veterinary services in rural areas. Many rural livestock owners do not have the financial means to afford necessary vaccinations and healthcare for their animals. To control diseases and enhance livestock health, it is essential to increase access to veterinary services in rural areas. Training more veterinarians and establishing veterinary clinics in remote areas could improve the health and productivity of livestock. Many livestock owners are small-scale farmers with limited financial resources, making compliance with legal standards and regulations difficult. Subsidies, low-interest loans, and government grants for livestock farmers would help alleviate economic barriers to compliance. Financial assistance can enable farmers to adopt best practices, maintain animal health, and meet welfare standards. Again, non-accessibility and lack of proper circulation of legal standards makes it impossible for livestock-oriented people to implement the law. Awareness campaigns that educate livestock owners about welfare standards and disease prevention are critical for successful law implementation. Local workshops, community-based outreach, and training programs would help bridge the knowledge gap.

11. CONCLUSION

The issues surrounding animal rights and protection have largely been overlooked since independence, while the western world has made significant strides in promoting and safeguarding these rights. However, the harsh reality is that economic development primarily hinges on agriculture, which heavily relies on

livestock. To enhance the role of livestock as a potential driver of the national economy, it is crucial to focus on healthcare, animal feed, and safety. Since 2005, the enactment of The Disease of Animal Act has marked a significant advancement in our country. Following this, numerous legal instruments have been introduced to address animal rights and protection. Nowadays, animal activists are increasingly vocal in their efforts to promote and uphold these rights, which is commendable. Yet, there are still gaps in the current legal framework that have raised concerns within civil society. The challenges in achieving justice for cases involving animal injury highlight the need for a more effective approach that aligns bureaucratic processes with social practices, religious beliefs, and economic realities. Addressing the various shortcomings in the existing legal framework requires not only legal reforms but also active community engagement through workshops, training initiatives, and stakeholder consultations. Additionally, raising awareness and fostering understanding can promote responsible practices, ultimately leading to a better realisation of the law's intent.

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