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**Islamic Law on Animal Rights and Welfare in the Sri Lankan Context:  
An Islamic Analysis on the Animal Welfare Bill of 2006**

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**Abstract:** The almighty Allah (SWT) has created all living beings, humans, birds, animals and insects. He is who strongly asks people to treat animals with compassion and not to abuse them which are worthy of consideration and respect. In Sri Lanka, varying concepts are followed among different communities: Buddhists and Hindus consider slaughtering quadrupeds as a cruel act. Meanwhile, Muslims consider the similar act as a divine obligation (*Qurbani* and *Uluiyya*). This study compares the Animal Welfare Bill, initiated by the Commission of Law of Sri Lanka on 2006, with the tenets of Islamic Law (*Shariah*) through a review of literature and thematic content analysis to identify areas where the right of the animal is violated. According to Animal Welfare Bill of 2006, these areas refer to the slaughter of animals for meals, transport of animals, use of live animals for scientific purposes, and cruelty relating to animals. These identified areas coincide with the identified areas espoused by the Prophet Mohamed (PBUH), and a solution produced to prevent such violation with the instruction of almighty Allah around 1400 years ago.

**Keywords:** Animal rights, animal welfare, Islamic Law, man-made law, sri lankan context

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**Abstrak:** Allah SWT telah menciptakan semua makhluk hidup, manusia, burung, hewan dan serangga. Dialah yang sangat meminta orang untuk memperlakukan hewan dengan belas kasih dan tidak menyiksa mereka yang layak dipertimbangkan dan dihormati. Di Sri Lanka, konsep yang berbeda diikuti di antara masyarakat seperti Buddha dan Hindu, mereka yang menganggap sesuai dengan prinsip-prinsip agama mereka bahwa pembantaian berkaki empat sebagai tindakan kejam, sementara umat Islam menganggap sama dengan kewajiban Ilahi seperti *Qurban* dan *Uluhiyya*. Penelitian ini dilakukan dengan membandingkan RUU kesejahteraan hewan yang diprakarsai oleh komisi hukum Sri Lanka pada tahun 2006 dengan Hukum Islam. Metode tinjauan literatur dan analisis pendapat tematik telah disimpulkan dengan mengidentifikasi area di mana hak hewan dilanggar sesuai dengan RUU Kesejahteraan Hewan tahun 2006 penyembelihan hewan untuk makanan, transportasi hewan, penggunaan hewan hidup untuk tujuan ilmiah, dan kekejaman yang berkaitan dengan hewan. area tersebut.

**Kata Kunci:** Hak hewan, kesejahteraan hewan, hukum Islam, hukum buatan manusia, kontek Sri Lanka

## Introduction

The Oxford English Dictionary defines an animal as “a living being having the necessary systems for the existence as other living creatures have such as human and non-human”.<sup>1,2</sup> As far as concern of Rights of Animal it reads as a philosophy according to which some, or all animals are entitled to the possession of their own existence which includes their most basic interests such as preventing the suffering, confirming their living with independent and freedom.<sup>3</sup> For welfare, this means keeping an accountable and proper relationship with the environment where an individual lives in.<sup>4</sup> Animal welfare can be described as the process of creating a suitable environment where every animal enjoys the benefits of independent living without facing any kind of suffering.<sup>5</sup> This depends on the maintaining, animal husbandry and code of treatment of animals. the symptoms of the improper management such as missing to manage animals comply with the environment, facing difficulties on maintenance, Slow-moving growth, lack of

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<sup>1</sup> Oxford, University. 2023. “Oxford Advanced Learner’s Dictionary.” Oxford University Press Is a Department of the University of Oxford. 2023. [https://www.oxfordlearnersdictionaries.com/definition/english/animal\\_1?q=Animal](https://www.oxfordlearnersdictionaries.com/definition/english/animal_1?q=Animal).

<sup>2</sup> GalLaw, The Global Animal Association. 2018. “UN Convention on Animal Health and Protection (UNCAHP).” <https://www.globalanimallaw.org/downloads/Folder-UNCAHP.pdf>.

<sup>3</sup> Javaid Aziz Awan and Syed Fazal, “Animal Rights and Welfare in Islam.” *International Journal of Avian & Wildlife Biology* 3, No. 6 (2018). p. 427–30.

<sup>4</sup> Javaid Aziz Awan and Syed Fazal, *Animal Rights.*, p. 427–30.

<sup>5</sup> J. F. Hurnik, “Welfare of Farm Animals.” *Applied Animal Behaviour Science* 20, No. 1–2 (1988), p. 105–17.

reproduction, occurring the damage to bodies, Lack of immunity and Behavioural problems.<sup>6</sup> Furthermore, there is a difference between animal rights and animal welfare. On one hand, the philosophy of the former is based on the idea that animals should not be used by people for any reason, and that the juridical concept of animal rights should protect their interests the same way human rights protect people.<sup>7</sup> On the other hand, the latter is a set of practices designed to govern the treatment of animals domesticated by humans, whether for food, research, or entertainment.<sup>8</sup>

The rise of concern for animals during the post–World War-II period was an unanticipated result of convergent trends in demographics, animal utilization, science, technology, moral philosophy, and popular culture.<sup>9</sup> These factors and trends were brought to the attention of global legislative councils, governments, and private organizations as well as volunteer organizations. There were two different reasons for such attitudes: First, is the sharp awareness for global imaging attitudes ideas positing that “animals are entitled for compassion, kindness and care as human beings”, and where people incorporate the influence from their religious attitudes, such as the efforts made in India and Sri Lanka to prevent the slaughtering the cattle for meat.<sup>10</sup> The second reason that allowing the meats and the dairy products from the cattle maintained scientifically according to modern animal protection which would bring the fruitful benefits from meat, Milk and other benefits by applying the system of veterinary for the commercial purpose other the cattle which have no care.<sup>11</sup>

However, the concept of animal protection is universally accepted, has organized various national and international organizations,<sup>12</sup> and has created legislative measures that protect the welfare of animals worldwide such as the UN Convention on Animal Health and Protection (UNCAHP), the World Organization for Animal Health (OIE), Concentrated Animal Feeding Operations (CAFOs), and the Universal Declaration on Animal Welfare (UDAW). These animal welfare institutions promote animal-welfare activities for animals such as

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<sup>6</sup>Javaid Aziz Awan and Syed Fazal, *Animal Rights...*, p. 427–30.

<sup>7</sup>Jan Sugden Narveson and J. B. Sherwood, “On a Case for Animal Rights.” *Monist* 70 (1) (1987), p. 81.

<sup>8</sup>Simona Narmando, et.al., “Assessing Animal Welfare in Animal-Visitor Interactions in Zoos and Other Facilities. A Pilot Study Involving Giraffes.” *Animals* 8, No. 9 (2018).

<sup>9</sup> Szucs, E., et.al., “Animal Welfare in Different Human Cultures, Traditions and Religious Faiths.” *Asian-Australasian Journal of Animal Sciences* 25 (11) (2012), p. 1499–1506.

<sup>10</sup> Roberta Barrasso, et.al., “Evaluation of the Animal Welfare during Religious Slaughtering.” *Italian Journal of Food Safety* 9, No. 1 (2020), p. 39–43.

<sup>11</sup> Javaid Aziz Awan and Syed Fazal, “Animal Rights and Welfare in Islam.” *International Journal of Avian & Wildlife Biology* 3 (6) (2018), p. 427–30.

<sup>12</sup> Steiger, A, Abteilung Tierhaltung, and Universität Bern, “30 Years Animal Welfare Legislation: What Has Been Achieved?” *Gesellschaft Schweizer Tierärztinnen Und Tierärzte – Brückfeldstrasse* (2008). p. 439–48.

livestock, pets, those subjected for research, and wildlife to avoid cruelty and suffering.<sup>13</sup> For example, the UNCAHP's sole and primary mandate, aside from animal protection, is enhancing their welfare and health.<sup>14</sup>

The opinions and ideas produced by the famous global intellectualists and specialist on Animal Rights and welfare would be suitable in this juncture. For Mahatma Gandhi, the "reputation and the moral progress of a country can be assessed as to how the animals are treated within the limit of the country concerned".<sup>15</sup> The leader of the indigenous Thuwamas people (1855) said "the status of a country cannot be evaluated with the national production but should be evaluated with national doctrine that includes all living beings".<sup>16</sup>

Ancient Mauryan and Mughal dynasty emperors have also honoured the right of the animals.<sup>17</sup> Ashoka of India (273-232 BC) had constructed the hospitals to discharge services for quadruped and the human who have two legs including the birds and water living beings and ordered to treat the animals with mercy, kind and respect.<sup>18</sup> The King-Buddha Sasa of Sri Lanka (338AD) established separate hospitals for the medical treatment of human and animals where treatment was carried out for the elephants, horses and the soldiers of the king.<sup>19</sup> The ancient kandian King Sri Vikrama Rajasinha had a kind of appointment according to the traditional elephant management to administer and maintain elephants in the kingdom and granted wages where the killing or hurting elephants were considered as a terrible crime and a punishable offence executed with fines.<sup>20</sup> Sri Lanka's animal-friendly heritage culture began 2300 years ago during the time Arahath Mahinda (2085 BC -205 BC) encountered King Devanampiyatissa at Mihintale.<sup>21</sup> Arahath Mahinda declared before the King that the "birds in the air

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<sup>13</sup> Nations, United. 2007. "Universal Declaration on Animal Welfare." <http://www.udaw.org/>.

<sup>14</sup> Nations, United. 2007. "Universal Declaration on Animal Welfare." <http://www.udaw.org/>.

<sup>15</sup> Silva, Indira Nanaykkara. 2019. "Animal Welfare Is a Human Responsibility." In *The Asia International Conference on Multidisciplinary Research - 2019*. file:///C:/Users/azzam/Downloads/Proceedingabstract.pdf.

<sup>16</sup> Silva, Indira Nanaykkara. 2019. "Animal Welfare Is a Human Responsibility." In *The Asia International Conference on Multidisciplinary Research - 2019*. file:///C:/Users/azzam/Downloads/Proceedingabstract.pdf.

<sup>17</sup> John Rodman, "Animal Justice: The Counter-Revolution in Natural Right and Law." *Inquiry (United Kingdom)* 22, No. 1-4 (1979), p. 3-22.

<sup>18</sup> Ven. S. Dhammika, *The Edicts of Asoka. Buddha Dharma Education Association Inc.* Vol. 32. (1994).

<sup>19</sup> News, Daily. 2019. "The Animal Welfare Act: Consolidated Text." <https://faolex.fao.org/docs/pdf/swe19544E.pdf>.

<sup>20</sup> News, Daily. 2019. "The Animal Welfare Act: Consolidated Text." <https://faolex.fao.org/docs/pdf/swe19544E.pdf>.

<sup>21</sup> Mohammed Badusha. (2018, October 10). Cattle Slaughtering and Animal Kindness. Sri Lanka.

and the animals in the earth have the right of moving and living in any part of this land, since the land belongs to human as well as to other living beings”.<sup>22</sup>

Historical accounts illustrate that King Devanampiyatissa (247 BC to 207 BC), as he converted to Buddhism, declared the range spaces for animals at first time in the world<sup>23</sup> which prohibited the illegal hunting of animals and taught different social classes how to treat the elephants caught in wars, intending to protect them from ill-treatment, cruelty, and to promote empathy among all of them.<sup>24</sup>

The western colonials had violated animal welfare practices which have been narrated in the story written by Hary in the book “A Journal of a Sri Lankan Sportsman” occurred during the period in between 1909 – 1920 where the Author of this book had shared the experiences of hunting and killing animals with guns.<sup>25</sup> The gun was first used in Sri Lanka during its colonial period. Mask Milton, in his book “Jungle Sports from Snake up to Elephant” described the sports related to the killing of wildlife for commercial purposes by colonial rulers who had introduced the custom of consuming alcohol (for which animal meats also were taken as side dishes), thus resulting to the merciless attitude towards wildlife that eventually prevailed throughout the country.<sup>26</sup> Subsequently, the British colonial government had largely overlooked affairs related to animal welfare.<sup>27</sup> The end of the colonial rule paved the way towards increased awareness on human rights, which had then led to considering animal welfare as well. This awareness had paved ways to legislate ordinance related to providing protection for animals, including pets and those grown in residential areas in Sri Lanka. Ordinances related to animals include the Prevention of Cruelty to Animals Ordinance No. 13 of 1907, Animal Act No. 29 of 1958, Animal Diseases Act No. 59 of 1991, and the Animal Welfare Act of 2006.<sup>28</sup>

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<sup>22</sup> News, Daily. 2019. “The Animal Welfare Act: Consolidated Text.” <https://faolex.fao.org/docs/pdf/swe19544E.pdf>.

<sup>23</sup> Weeraratna, Senaka. 2021. “No One Has a Constitutional Right to Kill an Animal in Sri Lanka under the Guise of Freedom of Religion.” *Lankaweb*, July 2021. <https://www.lankaweb.com/news/items/2021/07/20/no-one-has-a-constitutional-right-to-kill-an-animal-in-sri-lanka-under-the-guise-of-freedom-of-religion/>.

<sup>24</sup> Silva, Indira Nanaykkara. 2019. “Animal Welfare Is a Human Responsibility.” In *The Asia International Conference on Multidisciplinary Research - 2019*.

<sup>25</sup> Silva, Indira Nanaykkara. 2019. “Animal Welfare Is a Human Responsibility.” In *The Asia International Conference on Multidisciplinary Research - 2019*.

<sup>26</sup> Silva, Indira Nanaykkara. 2019. “Animal Welfare Is a Human Responsibility.” In *The Asia International Conference on Multidisciplinary Research - 2019*.

<sup>27</sup> Silva, Indira Nanaykkara. 2019. “Animal Welfare Is a Human Responsibility.” In *The Asia International Conference on Multidisciplinary Research - 2019*.

<sup>28</sup> MH. Pasqual. A Better approach to animal welfare law: A Critical analysis of the law of prevention of cruelty to animals in Sri Lanka. *11th International Research Conference* (2018). p. 48-54. Ratmalana, Sri Lanka: General Sri John Kotelawala Defence University. Ordinances

The provisions of old law to protect the interest and prevent the cruelty “Prevention of Cruelty to Animals Ordinance No. 13 of 1907” was brought to the account and imposed the maximum punishment of 100 LKR.<sup>29</sup> The animal welfare organization, volunteer institutions and those interested in animal welfare have been struggling and fighting for the last 15 years to amend the law by adding the provisions which will prohibit violators and animal abusers to evade legal punishment. In 2006, the Sri Lankan government arranged a draft bill to amend the act, but could not succeed due unavoidable factors. Following the case instituted by the animal welfare organizations and a group clergy consisting with 14 members at the Supreme Court and delivered the judgment to complete the draft on 2010.<sup>30</sup> The process of legalizing the law had been dragging on due to the internal fighting among the politicians and the personal interest of the commercial institutions. The Bill has been placed in the parliament by Hon. Prime Mister Mahinda Rajapaksha has been expecting for the approval of the cabinet.<sup>31</sup> The bill continues to be delayed. Nonetheless, in Sri Lanka, it is essential to interpret it in light of Islamic jurisprudence to ensure animal welfare and protection.

Islam calls upon the human beings to enter into the comprehensive system of life leading towards kindness, which is not just a matter of the heart. Prophet Muhammad (PBUH) said, “Kindness is a mark of faith, and whoever is not kind has no faith” (Muslim). Islam touches upon all aspects of human existence, including matters of doctrine, social organization, and legislation. Islamic Law is both a juridical system and a comprehensive system of living which includes worships, transactions, and morals which are born from the two primary sources of Islamic law, namely the Qu'ran and the *Sunnah*, and secondary sources such as consensus (*Ijmah*), analogy (*Qiyas*) and public interest etc. It should be noted that Islamic intellectuals have differing opinions on applying the secondary sources of Islamic Law. Islamic law had been compiled during the period of 8<sup>th</sup> or 9<sup>th</sup> century AD,<sup>32</sup> which was considered as the period where Islamic scholars belonged to

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related to animals include the Prevention of Cruelty to Animals Ordinance No. 13 of 1907, Animal Act No. 29 of 1958, Animal Diseases Act No. 59 of 1991, and the Animal Welfare Act of 2006.

<sup>29</sup>LM De Silva, “Legal Protection of Products Identified by Geographical Indications Having Weaker Link With the Origin.” In *11th International Research Conference 2018 of General Sir John Kotelawala Defence, University Ratmalana*, (2017), p. 1–2. [www.kdu.ac.lk/irc2017](http://www.kdu.ac.lk/irc2017).

<sup>30</sup> Indira Nanaykara Silva, “Animal Welfare Is a Human Responsibility.” In *The Asia International Conference on Multidisciplinary Research - 2019*.

<sup>31</sup> Times, The Sunday. 2021. “Govt. Should Pass the Animal Welfare Bill.” *The Sunday Times*, 2021. <https://www.sundaytimes.lk/210530/editorial/govt-should-pass-the-animal-welfare-bill-445699.html>.

<sup>32</sup> Muhammad Fuad Zain and Ahmad Zayyadi, “Measuring Islamic Legal Philosophy and Islamic Law: A Study of Differences, Typologies, and Objects of Study”. *El-Aqwal : Journal of Sharia and Comparative Law* 2, No. 1, (2023), p. 1-12. Mohamed Mosaad Abdelaziz

schools of thought within the umbrella of *Usul Al-fiqh* (Islamic jurisprudence) called *Madhab*. The founders of the *Madahib* are Imam Abū Ḥanīfa (700 – 767), Imam Mālik Ibnu Anas (710 – 795), Imam Shāfi‘ī (267 – 820) and Aḥmad ibn Ḥanbal (780 – 855) who compiled from the main source of Islamic Law (*shari‘ah*) (firdous 2016). Both Qur’an and Hadith have been unanimously accepted by the Muslims all over the world as akin to a constitution.

The Prophet Muhammed (PBUH) has dedicated his whole life on teaching and guiding the people about kindness, mercy, brotherhood, mutual understanding and religious faith and left the world leaving the models necessary for the life. Hence, he has been accepted as a model for all human beings in the world. The Prophet taught animal rights and welfare by providing guidance to his companions. There was an era before the revelation Islam where people were governed by violating their fundamental rights in the most parts of the worlds. As soon as Islam appeared, it has concentrated on the right of the animal and their welfare which is appreciated as a great concern.

It is crystal clear that humans, animals, birds, and insects are living beings on the view of Allah.<sup>33</sup> Therefore, he has ordered through the Quran and his messenger to treat the animals with compassion and due respect: “*There is no creature moving on the earth and a bird flying with its two wings but they are communities like you. We have neglected anything in this book. They will be gathered to their lard*” (Al-Qur’an 6:38), The Qur’an is Islam’s primary religious book is the first and is considered as the prime evidence of Islamic legislation. Allah said “*Certainly we have brought them a book (the Qur’an) which we have explained in detail with knowledge-guidance and a mercy to a people who believe*” (Al-Quran 7:25). Furthermore, the Qur’an consists of 144 chapters, of which 6 have been named after particular creatures such as the cow (Chapter 02), livestock (Chapter 06), bees (Chapter 16), ants (Chapter 27), spiders (Chapter 29) and the elephant (Chapter 105)<sup>34</sup> which illustrate the importance the scripture places on animals.<sup>35</sup> The Prophet Muhammed (PBUH) had shown to his immediate companions such as his family members, orphans, friends, and even strangers the values of mercy, kindness, and dignity which impressed and promoted the quality of Islam. On the purpose of sending the messenger to the world, the Qur’an says: “*And we have sent you O Muhammed not but as a mercy for all of mankind, Jinn*

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Mohamed, “Apoaching Ijmā’: Sociological, Theological and Legal Dimensions of Consensus in Islam,” *Ulumuna: Journal of Islamic Studies* 24, No. 2 (2020).

<sup>33</sup> Iqbal Saujan and Ahamed Sarjoon Razick, “Awareness of Environmental Protection amongst Muslims in Ampara District.” *ISLĀMIYYĀT: The International Journal of Islamic Studies* 43, No. 2 (2021), p. 27–37.

<sup>34</sup> The last dialogue.org. “Animals in Quran.” The Last Dialogue.Org. 2023. <https://www.thelastdialogue.org/article/list-of-all-animals-mentioned-in-quran/>.

<sup>35</sup> Javaid Aziz Awan and Syed Fazal, “Animal Rights and Welfare in Islam.” *International Journal of Avian & Wildlife Biology* 3, No. 6 (2018). p. 427–30. <https://doi.org/10.15406/ijawb.2018.03.00135>.

*and all that exists*” (Al-Quran 21:107) and the Prophet Muhhamed (PBUH) has taught everyone to behave and treat animals with kindness and compassion.<sup>36</sup> The prophet taught to his companions “*Animals are a part of creatures of Allah they should be treated with due respect and care*”.<sup>37</sup> Because animals play a vital role in fulfilling some basic requirement for people, they should be given importance and should therefore not be unnecessarily killed. Islam has condemned all kind of ill-treatment towards animals and entrusted human beings to administer the provision of food and welfare that is necessary to animals (*Imarath*). Allah has created and made the landscape of the world as a living place of all his creatures: “*And the earth He laid [out] for the creatures*” (Al-Quran 55:10). Furthermore, “*Allah it is Who has made cattle for you so that you ride some of them and from some of them you derive food., In them there are also other benefits for you, and through them you fulfil your heartfelt need (to reach places), and you are borne along upon them as upon the ships*” (Al-Quran 40:79,80). The Prophet Mhamed (PBUH) also cautioned that “*Allah will inquire the one who kills a small bird or an animal unnecessarily*”. As the companions of the prophet queried on useless conducts, the prophet Muhamed (PBUH) instructed his companions that “*You slaughter the cattle and eat but do not throw away the heads of the cattle*” (Sahih Muslim) which illustrates using the animal completely for food and to not waste even a single part of the cattle.

This study intends to explain animal rights and welfare which is described in further detail in Islamic law while comparing these with the Animal Welfare Bill proposed by Law Commission of Sri Lanka was established under the Law Commission Act No. 03 of 1969 through which an environment can be created to make aware the Muslim and other communities belong to other religion on animal rights, welfare and responsibilities taken by Islam as well as the course of the law as to how the similarity is realized and resulting an atmosphere where the protection for animal and welfare shall be confirmed.

Qualitative Analysis was used on both primary and secondary data. Primary data include the Quran, the *Sunnah*, the Animal Welfare Bill of 2006, the gazette notification of Democratic Socialist Republic of Sri Lanka, and government official websites. Secondary data includes research articles, magazines, newspapers, web publications, books, and other related publications. The current study’s Literature Review and Comparative Study have been used on the secondary data. The data collected was described per the method of Thematic Content Analysis (TCA).

### **Animal Regulation and Religious Diversity in Sri Lanka**

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<sup>36</sup> M.M. Farouk, et.al., “Industrial Halal Meat Production and Animal Welfare: A Review.” *Meat Science* 120, (2016). p. 60–70.

<sup>37</sup> Sira Abdul Rahman, “Religion and Animal Welfare—An Islamic Perspective.” *Animals* 7, No. 2 (2017).



Although several bills seeking to protect the interest of animal and prevent the killing have been proposed throughout the history of Sri Lanka, the Sri Lankan government has been applying existing ordinances as much as it could while repeatedly reforming it to improve animal welfare in general. However, the killing of wild animals such as deer, wild cow, leopards which are rear animal as well as elephants on human-elephant conflict. Some of them have been killed for entertainment, while others for commercial purposes.<sup>38</sup>

Sri Lanka is a country where diverse sets of people live adhering to their religious and traditional food customs where slaughtering is seen based on the view of religion. Buddhists believe animal slaughter is offensive.<sup>39</sup> Hindus regard animal slaughter as deicide. Generally, however, communities in Sri Lanka, without considering the religion they belong to, are in need of meat for food some of them consider the meat as their main food.<sup>40</sup> as far as concern of slaughtering the cattle executed in Sri Lanka is only for food but some animals in the jungle are killed illegally.

Some proposals have recently been placed in the parliament and cabinet by some pressure groups and politicians intending to prevent the slaughtering of cattle. A proposal placed by Vijedhasa Rajapaksha on 2009, who was the Member of Parliament, requested prohibiting the slaughtering of cattle in Sri Lanka which may support an increase in milk production and generate the job opportunities in the country. However, the government presided by His Excellency Mahinda Rajapaksha did not cooperate for its approval.<sup>41</sup> The Municipal Council of Kandy has approved unanimously and declared an internal law prohibiting the slaughter of cattle applicable within the limit of the Municipal Council of Kandy on the month of September 2012. This was coupled with awareness programs and demonstrations and protests against the slaughter organized by some Buddhist clergies in 2013 with the support of Bodubala Sean and Sihala Rawaya.<sup>42</sup> They who have changed the subject on the sale of the meat bearing the Certificate of halal. Following the chain of activities, the Sivaseena organization based in

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<sup>38</sup> The Sunday Times, "Govt. Should Pass the Animal Welfare Bill." *The Sunday Times*, 2021. <https://www.sundaytimes.lk/210530/editorial/govt-should-pass-the-animal-welfare-bill-445699.html>.

<sup>39</sup> Halifax, Trinity Academy. 2021. "Religious Studies : What Are the Key Beliefs in Buddhism ?" <https://halifax.trinitymat.org/wp-content/uploads/2021/12/RS-Y8-Term-3.pdf>.

<sup>40</sup> Mohammad Agus Yusoff and Athambawa Sarjoon, "Anti-Halal and Anti-Animal Slaughtering Campaigns and Their Impact in Post-War Sri Lanka." *Religions* 8 (4) (2017).

<sup>41</sup> P.K. Balachandran, "The Intricacies of a Cow Slaughter Ban in Sri Lanka." *The Citizen*, 2020. <https://www.thecitizen.in/index.php/en/NewsDetail/index/6/19341/The-Intricacies-of-a-Cow-Slaughter-Ban-in-Sri-Lanka---?infinitemscroll=1>.

<sup>42</sup> P.K. Balachandran, "The Intricacies of a Cow Slaughter Ban in Sri Lanka." *The Citizen*, 2020. <https://www.thecitizen.in/index.php/en/NewsDetail/index/6/19341/The-Intricacies-of-a-Cow-Slaughter-Ban-in-Sri-Lanka---?infinitemscroll=1>.

Jaffna has protested against the slaughter the cattle on 2018.<sup>43</sup> Eventually the proposal made by the Prime Minister, Hon. Mahinda Rajapaksha against to slaughter of cattle had been approved and was to be applied on 29<sup>th</sup> September 2020 but it is still pending with some political interference.<sup>44</sup>

Most Sri Lankans belong to either one of three major different religions who have different faith, culture, traditions and identical customs representing different dress code and custom of food have been living in this country.<sup>45</sup> The Muslim community used to slaughter cattle annually and distribute among relatives and poor people as *Ulhiyya* during the eve of *Hajj* festivals once in a year as this means they have completed the tradition taught to them by the Prophet (PBUH).<sup>46</sup> The Muslims focus on meat as their important food which reflect the negative thought among the other communities as the Muslims have no kindness to animals and those who do not respect the law of the country and the feeling other of religions. This kind of consequence has isolated the Muslim community from other communities. Prophet Muhamed (PBUH) has taught to the world that mercy is the ethereal quality that embodies gentleness, pity, care, consideration, love and forgiveness. When these qualities are observed in this world, they would reflect God's mercy and welfare towards his creations. Islam has legalized the wrathful provisions to protect the right and the welfare of both humans and animals. Researchers believe that explaining animal rights and welfare constituted by Islamic law as compared with the ordinance of Sri Lankan and general law would pave the way to create favourable environment in the country where multicultural communities have been living in.

### Animal Rights and Welfare in Sri Lankan context

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<sup>43</sup> The Hindu, "Mahinda Rajapaksa Proposes Ban on Cattle Slaughter." *The Publishing Pvt Ltd*, 2020. <https://www.thehindu.com/news/international/mahinda-proposes-ban-on-cattle-slaughter/article32555386.ece>.

<sup>44</sup> The Hindu, "Mahinda Rajapaksa Proposes Ban on Cattle Slaughter." *The Publishing Pvt Ltd*, 2020. <https://www.thehindu.com/news/international/mahinda-proposes-ban-on-cattle-slaughter/article32555386.ece>.

<sup>45</sup> Ahamed Sarjoon Razick, et.al., "Buddhist and Muslim Interaction in the Post-War of Sri Lanka." *International Journal of Islamic Thought* 20 (2021).

<sup>46</sup> Mohammad Agus Yusoff and Athambawa Sarjoon, "Anti-Halal and Anti-Animal Slaughtering Campaigns and Their Impact in Post-War Sri Lanka." *Religions* 8 (4) (2017), p. 1–15.

Animal cruelty and violation of animal rights are being carried out which are considered as an unavoidable circumstance. The violation of animal rights and welfare can be described using Fig. 1 below.

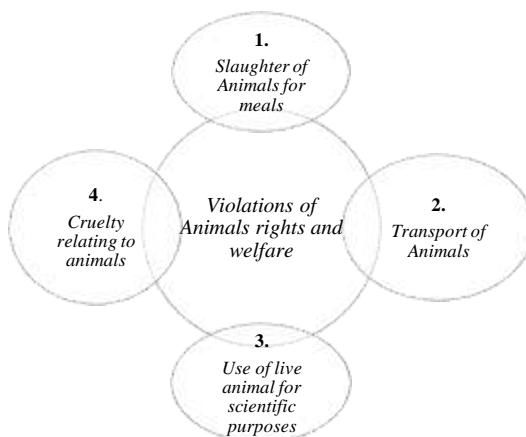


Figure 1: Framework Designed by researchers based on the sections divided in Animal welfare bill of 2006

The area of this study has been limited within the four sections of slaughter of animals for meals, transport of animal, use of live animal for scientific purposes, and cruelty relating to animals as mentioned above. These four sections were used to compare Islamic Law with Sri Lanka's Animal Welfare Bill of 2006. This study is thus also derived into four parts and discussed accordingly.

### Slaughter of Animal for Meals

Sri Lanka is a country where the people follow the different food culture on which the cows have been specially subjected of slaughtering for food specially the cows are given an important place among the slaughtering animals.<sup>47</sup> The Animal Protection Bill Drafted by Sri Lanka provides guidelines on slaughtering cattle. The Bill's Chapter VIII Section 37 prohibits slaughter without the necessary permissions stipulated in the Law<sup>48</sup> along with the existing Animal Act No 29 of 1985 and the Animal Disease Act No.59 of 1992.

The slaughtering of cattle for food in Sri Lanka requires a license issued from the Local Government Bodies on a prescribed payment and should therefore be certified with a Veterinary surgeon or a surgeon who works in the government

<sup>47</sup> Amali U. Alahakoon, et.al., "An Overview of Meat Industry in Sri Lanka: A Comprehensive Review." *Korean Journal for Food Science of Animal Resources* 36, No. 2 (2016), p. 137-44.

<sup>48</sup> The Law Commission of Sri Lanka, 2006. "The Animal Welfare Bill." [https://lawcom.gov.lk/web/images/stories/reports/the\\_animal\\_welfare\\_bill\\_2006.pdf](https://lawcom.gov.lk/web/images/stories/reports/the_animal_welfare_bill_2006.pdf).

Department, and subsequently issued a certificate.<sup>49</sup> The contents that should be certified with the veterinary surgeon are as follows:

- 1) The age of the cow or buffalo should be more than two years;
- 2) It should be unsuitable for reproduction; and
- 3) It should be unusable for the agriculture activities.

The condition of inclusion and exclusion should be applied on the process of slaughtering. The individual whoever violates the terms and condition pertaining to slaughter shall be summoned before the District Court and punished with either a fine of Rs. 2000 or a prison term of one year or both.<sup>50</sup> The slaughtering process is conducted in particular slaughter houses issued by the local government bodies under the supervision of Public Health Inspectors. Slaughtering conducted in places otherwise would be considered as punishable offences.<sup>51</sup>

The word of Islam is derived from “*sa-la-ma*” which is the root for the word *salam* that means peace. Islam cultivate the quality of peace, dignity, respect, tolerance, justice and mercy in minds who embrace Islam. The greatest qualities are the mercy and kindness towards human beings and the living beings in the surrounding of Muslims.<sup>52</sup> Allah has said “*Certainly, we have brought them a Book (the Qur’an) which We have explained in detail with knowledge, - guidance, and a mercy to people who believe*” (Al-Quran 7:52).

The Arab community has no any kind of awareness or knowledge on Animal Rights or any thoughts relating for wellbeing of Animals until the revelation of Islam reached them. Arab communities were committing different type of cruelties since they did not have law or practices binding sort of misconducts.<sup>53</sup>

Islam is only religion which has introduced animal Right and the welfare<sup>54</sup> promising that would bring the rewards from the creator which had been applied the practical activities of Prophet Muhamed (PBUH). The holy Quran has revealed, on mercy, that “*And We have not sent you but as a mercy for the worlds*” (Al-Quran 21:107). The mercy mentioned in this version has not been used only

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<sup>49</sup> The Law Commission of Sri Lanka., 2006. “The Animal Welfare Bill.” [https://lawcom.gov.lk/web/images/stories/reports/the\\_animal\\_welfare\\_bill\\_2006.pdf](https://lawcom.gov.lk/web/images/stories/reports/the_animal_welfare_bill_2006.pdf).

<sup>50</sup> The Law Commission of Sri Lanka., 2006. “The Animal Welfare Bill.” [https://lawcom.gov.lk/web/images/stories/reports/the\\_animal\\_welfare\\_bill\\_2006.pdf](https://lawcom.gov.lk/web/images/stories/reports/the_animal_welfare_bill_2006.pdf).

<sup>51</sup> The Law Commission of Sri Lanka., 2006. “The Animal Welfare Bill.” [https://lawcom.gov.lk/web/images/stories/reports/the\\_animal\\_welfare\\_bill\\_2006.pdf](https://lawcom.gov.lk/web/images/stories/reports/the_animal_welfare_bill_2006.pdf).

<sup>52</sup> Sira Abdul Rahman, “Religion and Animal Welfare—An Islamic Perspective.” *Animals* 7, No. 2 (2017), p. 1–6.

<sup>53</sup> Ahamed Masri Basheer, *Animal Welfare in Islam*. Kano, Nigeria: The Islamic Foundation, 2007.

<sup>54</sup> Reza Gharebaghi, et.al., “Animal Rights in Islam.” *6th World Congress on Alternatives & Animal Use in the Life Sciences* 14 (2007), p. 61–63.

for human being but it has been generalized for the worlds which also includes animals.

The Prophet Muhamed (PBUH) has shown to the world that his awareness even to very small bird that should be treated with kindness even the cattle subjected to slaughter should be provided the right concerned. Abdullah Bin Umar (Rli) has narrated "It was narrated from 'Abdullah bin 'Amr, who attributed it to the Messenger of Allah: *"There is no person who kills a small bird or anything larger, for no just reason, but Allah will ask him about it."* It was said: *"O Messenger of Allah, what does 'just reason mean?"* He said: *"That you slaughters it and eat it, and not cut off its head and throw it aside,"* (Sunan an-Nasa'i: 4445).

Islam in a comprehensive religion which taught everything necessary for life.<sup>55</sup> According to this common concept almighty Allah has revealed with Quran and the teaching of his messenger with term of Halal such as (goats, sheep, cows, chicken, and among other) and *Haram* such (pigs, dog, kangaroo, boar and among other) have permitted the consumption of some animals with the guidance of Islam and prohibited some other animals intending to safe guard the health of the human beings.<sup>56</sup> Animals such as goats, sheep, and camel have been included into the circle of halal.<sup>57</sup> The first evidence of Islam revealed that Muslims should *"Eat of the good things we have provided for you"* (Holy Quran 2:173). furthermore *"Allah is he who made cattle for you, that you may ride on some of them, and eat some of them"* (Holy Quran: 40:80). No any Muslim in the world contradicting on this concept. Islam has ordered and provided the necessary instructions which would be applied on slaughtering animals intending to avoid torment and ensure the kindness which is considered as a way of protecting the right of the animals.<sup>58</sup>

Islam has introduced the cultural term *"Dhabihah"* for slaughtering along with the conditions and guidance<sup>59</sup> failing which the punishment will be executed. The conditions and the guidance as laid out by Islamic legislature to be applied and followed on slaughtering are as follows:

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<sup>55</sup> Seyyath Hakeema Beevi, et.al., "Niqāb in Pluralistic Society: An Islamic Perspective." *International Journal of Research and Innovation in Social Science (IJRISS)* V (VII) (2021), p. 47–51.

<sup>56</sup> M.M. Farouk., "Industrial Halal Meat Production and Animal Welfare: A Review." *Meat Science* 120, (2016), p. 60–70.

<sup>57</sup> Iqbal Saujan and Ahamed Sarjoon Razick, "Awareness of Environmental Protection amongst Muslims in Ampara District." *ISLĀMIYYĀT: The International Journal of Islamic Studies* 43, (2 (2021), p. 27–37.

<sup>58</sup> David Fraser, "Toward a Global Perspective on Farm Animal Welfare." *Applied Animal Behaviour Science* 113 (2008), p. 330–39.

<sup>59</sup> David Grumett, "Two: Animal welfare, morals and faith in the 'religious slaughter' debate". In *Moral Regulation*, (Bristol, UK: Policy Press, 2015), Accessed June 16, 2023.



Figure 2: Source - Halal Slaughter & Control Company

The butcher should be a Muslim and should pronounce the name of Allah with the word of “*Bismillah*” (In the name of Allah) when he slaughters each and every animal and it should consist of a swift, deep incision with a very sharp knife on the throat, cutting the wind pipe, jugular veins and carotid arteries of both sides, but leaving the spinal cord intact.<sup>60</sup>

Although modern technology has provided several facilities to slaughter the animals, Islam prefer to slaughter using the knife which ensures less pain for animals.<sup>61</sup> A man said to the Holy Prophet that he was going to slaughter a sheep and then felt sorry for the sheep. The Holy Prophet said twice “*Since you showed mercy to the sheep, Allah will show mercy to you*”. Islamic law has introduced certain conditions for the instruments used for slaughtering such as the following: the animal must be trapped in an appropriate trap device such as box, container, or a comfortable cage<sup>62</sup> which may prevent stress for animals and avoid fracture of wings of birds. The knives used for slaughtering must be shaped, which would ensure immediate death of the animal subjected.<sup>63</sup> The knives used for

<sup>60</sup> Balachandran, P.K. 2020. “The Intricacies of a Cow Slaughter Ban in Sri Lanka.” *The Citizen*, 2020. <https://www.thecitizen.in/index.php/en/NewsDetail/index/6/19341/The-Intricacies-of-a-Cow-Slaughter-Ban-in-Sri-Lanka---?infiniteScroll=1>.

<sup>61</sup> David Fraser, “Toward a Global Perspective on Farm Animal Welfare.” *Applied Animal Behaviour Science* 113(2008), p. 330–39.

<sup>62</sup> Roger A. Powell dan Gilbert Proulx, “Trapping and Marking Terrestrial Mammals for Research: Integrating Ethics, Performance Criteria, Techniques, and Common Sense,” *ILAR Journal* 44, No. 4 (2003), p. 259–276.

<sup>63</sup> Temple Grandin and Joe M. Regenstein, “Religious Slaughter and Animal Welfare: A Discussion for Meat Scientists.” *CAB International* March (1994), p. 115–23.

slaughtering should not be used for other purpose and should be sharpened for each and every slaughter.<sup>64</sup>

Terms and conditioned applicable for the animals subjected to slaughtering:

- The animals which are to be slaughter must be examined with veterinary related officials;
- Animals which are ailing, attacked with other animals, affected by disease and death due to surgical injuries are not been allowed to slaughter and consume;
- They relocated by transport should be kept on rest until they feel tired and stress free before slaughtering them;
- Animals subjected to slaughtering should not see the knife or other animals undergoing the practice of slaughtering;
- Alternative ways instead of slaughtering are not been allowed and accepted such as shocking, hitting on heads, or other use of killing with electrical instruments; and
- The acceptable treatment of animal subjected for slaughtering is considered as a prime rule.

Both rules were analysed and were found to have the similar concept of permitting to slaughter the cattle for food without violating the right of the animal, even in the time of slaughtering them.

### ***Transporting Animals***

The transportation of animals is being carried out both locally and internationally, which means the movement of animals by transport or relocation to another place.<sup>65</sup> Common categories of animals which are being transported include livestock destined for sale or slaughter, zoological specimens, laboratory animals, race horses, pets, and wild animals.<sup>66</sup> The Animal Welfare Bill's Section on ordinance No. 39 prohibits any kind of injury or undue sufferings, while Section 40 illustrates the practices and guidance on transporting animals.<sup>67</sup> If the animals are transported as part of the business, they must be fit for the journey and must not suffer unduly during the journey. The transport must also be appropriate for the species concerned, and no person is allowed to transport or cause an animal to injury or undue suffering and the vehicle should be spacious

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<sup>64</sup> Imlan Jurhamid Columbres Imlan, et.al., "Effects of Slaughter Knife Sharpness on Blood Biochemical and Electroencephalogram Changes in Cattle." *Animals* 10, No. 4 (2020), p. 2–17.

<sup>65</sup> G C Miranda-de Lama, et.al., "Livestock Transport from the Perspective of the Pre-Slaughter Logistic Chain: A Review." *Meat Science* 98, No. 1 (2014), p. 9–20.

<sup>66</sup> G C Miranda-de Lama, et.al., *Livestock Transport...*, p. 9–20.

<sup>67</sup> The Law Commission of Sri Lanka, 2006. "The Animal Welfare Bill." [https://lawcom.gov.lk/web/images/stories/reports/the\\_animal\\_welfare\\_bill\\_2006.pdf](https://lawcom.gov.lk/web/images/stories/reports/the_animal_welfare_bill_2006.pdf).

to entertain the breath for each and every animal. Animals which are pregnant will not be allowed to relocate by transporting unless they need the medical treatments.<sup>68</sup> In addition to the Animal Welfare Bill of 2006, the Prevention of Cruelty to Animals Ordinance No. 13 of 1907, Animal Act No. 29 of 1958, and Animal Diseases Act No. 59 of 1991 also underscore the importance of appropriate treatment when relocating animals, as outlined in their respective legislative provisions.

Islam expects that the animal should live enjoying all the rights declared by Allah, similar to human beings enjoy the rights in their life.<sup>69</sup> According to the common doctrine and the concept of Islam posits that all the creatures in the world obey and glorify Allah as per the verse Qur'an "*Do you not see that Allah is glorified by all those in the heavens and the earth even the birds as they soar? Each 'instinctively' knows the manner of prayer and glorification and Allah Has perfect knowledge of all they do.*" (Al Qur'an 24:41), thus Islam has prohibited undue sufferings which may occur to animal when they are relocated by transporting. The Holy Prophet (PBUH), for example, passed by a man who was dragging a sheep by its ear to which he said: "*Leave its ear and hold it by the sides of its neck*". Pulling an animal by the ears is more painful than pulling it by the neck,<sup>70</sup> the Holy Prophet did not allow hitting the animals on their faces "*...forbade beating (animals) on the face. Face is more sensitive part than other parts. Hence it is painful to the animal*". This concept has also been accepted by the modern scientific world.<sup>71</sup>

Animals subjected to slaughtering have been treated without kindness in a manner of careless such as loading the animals in unsuitable vehicles where they suffer to breath, and have no access to water and food. This kind of practices have been prohibited by Islam and revealed the guidelines that they must be transported in a means of transport and under conditions that are suitable for said animals. Protecting animal welfare is highlighted in Islam as one of the qualities of its believers.<sup>72</sup> Those who treat animals cruelly will be accountable to Allah and the animal subjected to cruelty will be delivered the judgment against the person who conducted the cruelty.

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<sup>68</sup> The Law Commission of Sri Lanka 2006. "The Animal Welfare Bill." [https://lawcom.gov.lk/web/images/stories/reports/the\\_animal\\_welfare\\_bill\\_2006.pdf](https://lawcom.gov.lk/web/images/stories/reports/the_animal_welfare_bill_2006.pdf).

<sup>69</sup> Javaid Aziz Awan, Syed Fazal ur Rahim, "Animal rights and welfare in Islam," *International Journal of Avian & Wildlife Biology* 3, No. 6 (2018), p. 427-430.

<sup>70</sup> Murshidul Ahsan, et.al., 2014. "Handling and Welfare of Bovine Livestock at Local Abattoirs in Bangladesh." *Journal of Applied Animal Welfare Science* 17 (4) (2014), p. 340-53.

<sup>71</sup> Clifton P. Flynn, "Animal Abuse in Childhood and Later Support for Interpersonal Violence in Families", *Society & Animals* 7, No. 2 (1999), p. 161-172.

<sup>72</sup> PK. Balachandran, "The Intricacies of a Cow Slaughter Ban in Sri Lanka." *The Citizen*, 2020. <https://www.thecitizen.in/index.php/en/NewsDetail/index/6/19341/The-Intricacies-of-a-Cow-Slaughter-Ban-in-Sri-Lanka---?inifinitescroll=1>.



Both above mentioned ordinances have concentrated on protecting the animal rights on relocating them with transport and produced the provisions to safeguard animal rights with corresponding punishment to those who violate the law concerned.

### Use of Live Animal for Scientific Purpose

The animals utilized for the scientific purpose are called as “Laboratory Animals”,<sup>73</sup> which means these are animals that are used on animal experiments or are bred, kept, or supplied for animal experiments.<sup>74</sup> These particular animals are used for scientific experiment, research, disease diagnosis, the development and manufacture of pharmaceutical or chemical products, teaching purposes (if this activity results to the death of animal, or is subjects the animal to a surgical operation, injection, or blood-letting or if the animal risks of suffering), and other similar purposes.<sup>75</sup> The permission should be obtained from relevant authorities concerned in the event of experiment or teaching purposes, and the instrument handled for experiment also should be permitted by the authority to avoid the suffering of animals.

Islamic legislation has excused the use of animals for experiment or research for the purpose of learning but prohibits causing undue suffering or harassing the animals.<sup>76</sup> Islam has declared that the cruel-treating of animals and killing them unnecessarily are punishable offences. It was narrated by Abdur Rahman ibn Uthman that “When a physician consulted the Prophet about putting frogs in medicine, he forbade him to kill them”. The history of the leading doctors in the Islamic world who carried out researches and experiments on animals such as Ibnu Sina (Avicenna) and Ibn al-Nafis have handled animals with care and responsibility and according to the guidance of Islam.

Islam has prohibited the consumption of the death animal (carrion) or their parts during the experiment “*Whatever is cut off an animal while it is still alive, is carrion and is unlawful to eat*” (Jami`at-Tirmidhi). Islam prohibits subjecting livestock to experimentation and exposure to toxic gases and chemicals.

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<sup>73</sup> Institute for Laboratory Animal Research. 2011. *Guide for the Care and Use of Laboratory Animals*. Edited by Division on Earth and Life Studies. Eighth Edi. Washington, DC: The National Academies Press. [https://newscenter.sdsu.edu/researchaffairs/files/02285-2011\\_Guide\\_for\\_the\\_Care\\_and\\_Use\\_of\\_Laboratory\\_Animals.pdf](https://newscenter.sdsu.edu/researchaffairs/files/02285-2011_Guide_for_the_Care_and_Use_of_Laboratory_Animals.pdf).

<sup>74</sup> Institute for Laboratory Animal Research. 2011. *Guide for the Care and Use of Laboratory Animals*. Edited by Division on Earth and Life Studies. Eighth Edi. Washington, DC: The National Academies Press. [https://newscenter.sdsu.edu/researchaffairs/files/02285-2011\\_Guide\\_for\\_the\\_Care\\_and\\_Use\\_of\\_Laboratory\\_Animals.pdf](https://newscenter.sdsu.edu/researchaffairs/files/02285-2011_Guide_for_the_Care_and_Use_of_Laboratory_Animals.pdf).

<sup>75</sup> CJC Phillips, et al. “Students’ Attitudes to Animal Welfare and Rights in Europe and Asia.” *Animal Welfare* 21, no. 1 (2012), p. 87–100.

<sup>76</sup> Mohammad Mehdi Naderi, et.al., “Regulations and Ethical Considerations in Animal Experiments : International Laws and Islamic Perspectives.” *Avicenna J Med Biotechnol.* 4, No. 3 (2012), p. 114–20.

### **Cruelty Relating to Animals: Offences Relating to Cruelty to Animals**

The elements of the particular ordinance VII beginning from ‘a’ up to ‘k’ denotes on the offences related to animals and the violation of their rights which including beating, kicking, overriding, overloading, over walking, torturing, and scaring animals— all of which has been defined as cruelty to animals.<sup>77</sup> Furthermore using the animals continuously without rest, getting their services while they are physically unfit or illness and using them beyond their natural limit and feeding poison, making injuries, giving drugs or substance, accommodating in congested place where they could breathe freely, binding the animals with rope or chain without having justifiable reasons for a long time which may hurt or pain, killing animals or their kids having no purpose of food or causing harm to people and abandoning without looking after them properly.

Provisions in the law punish those who violate or commit one of the above furnished offences if they are found guilty and proven with evidence. Convicted criminals will be punished by the District Court under the legal action on the cruelty of animals with the fine of Rs. 50000, imprisonment for a period of two years or lower, or both.<sup>78</sup>

As per the Bill, the selling or purchasing of a pregnant animal intentionally for slaughter is also considered as an offence. The punishment for such activity would be either be a fine amounting Rs. 100,000 or lower, imprisonment of three years or lower, or both. according to the section 26 of the law the said bill.<sup>79</sup> The animals harming the humans have been excepted from this regulation.

The teaching of Islam has emphasized that all living beings glorify the almighty Allah, and should thus be treated according to the guidelines defined by Islam. Allah does not allow any kind of undue killing of animals created by him in the world, for which the Prophet (PBUH) has revealed: *“Whoever kills a sparrow or anything bigger than that without a just cause, God will hold him accountable on the Day of Judgment”*. The listeners asked, *“O Messenger of God, what is a just cause?”* to which he replied, *“That he will kill it to eat, not simply to chop off its head and then throw it away”*. This *hadith* illustrates that killing an animal without a just cause would generate transgressions. This includes traditions such as hunting animal for entertainment using ancient weapons in the past and even modern weapons at present, such as guns used for shooting birds. These kind of useless activities are prohibited by Islam— it does not allow to cut the heads of animals and throw it out, which are usual practices at meat stalls in

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<sup>77</sup>The Law Commission of Sri Lanka, 2006. “The Animal Welfare Bill.” [https://lawcom.gov.lk/web/images/stories/reports/the\\_animal\\_welfare\\_bill\\_2006.pdf](https://lawcom.gov.lk/web/images/stories/reports/the_animal_welfare_bill_2006.pdf).

<sup>78</sup>The Law Commission of Sri Lanka, 2006. “The Animal Welfare Bill.” [https://lawcom.gov.lk/web/images/stories/reports/the\\_animal\\_welfare\\_bill\\_2006.pdf](https://lawcom.gov.lk/web/images/stories/reports/the_animal_welfare_bill_2006.pdf).

<sup>79</sup>The Law Commission of Sri Lanka, 2006. “The Animal Welfare Bill.” [https://lawcom.gov.lk/web/images/stories/reports/the\\_animal\\_welfare\\_bill\\_2006.pdf](https://lawcom.gov.lk/web/images/stories/reports/the_animal_welfare_bill_2006.pdf).

Sri Lanka.<sup>80</sup> In Islam, these kinds of activities are wasteful, hateful, ignores the feelings of animal lovers, and opposes the teachings of Islam.

Prophet Muhhamed (PBUH) said “*One who kills unnecessarily, even a sparrow, will be questioned by Allah on the day of Judgment*” and that “*It was narrated that 'Amr bin Sharid said: 'I heard Sharid says: I heard the Messenger of Allah says: Whoever kills a small bird for no reason, it will beseech Allah on the Day of Resurrection saying: O Lord, so and so killed me for no reason. And he did not kill me for any beneficial purpose.'*” (Sunan an-Nasa'i: 4446)

Almighty Allah will deliver a judgment against who killed a small bird for no reason on the day of resurrection.

The Prophet (PBUH) has instructed human beings to treat animals and other living beings with kindness and compassion and provide them due respect. The messenger of Allah has also prohibited the cutting the tails or the part of the body of horses and sealing them in the manner of paining and unnecessarily keeping horses saddled.

Pre-Islamic societies used to shoot animals with arrows and enjoy said practice as a training for war, which was then prohibited by the messenger of Allah.<sup>81</sup> It was narrated that Ibn 'Abbas said: “*The messenger of Allah forbade us from using anything with a soul as a target*” (Sahih) (Sunan an-Nasa'i: 4444) and that furthermore, “*Do not take anything that has a soul as a target*” (Sunan an-Nasa'i: 4443).

### Prohibited Conducts

Sections 27 to 39 of Chapter VII of the Bill explain the conducts prohibited towards animals. Targeting animals has not been excused by Islam, but has prohibited the setting up of traps to hunt or catch animals which would hurt and cause injuries or death.<sup>82</sup> Islam has prohibited the binding of the leg, neck, or body of any bird using a ring, chain, string, cord, or wire intending to prevent them from flying.<sup>83</sup> Killing birds and using them as ingredients of cosmetic products and cosmetic test, as well as killing, hunting or hurting an animal by using another animal are also prohibited in the same vein.

Whoever commits any of the abovementioned offences shall be summoned in court as an accused and will be punished with a fine of Rs. 20,000/, imprisonment of one year or below, or both of these punishments as stipulated in Sec. 27 up to 35 of the Bill.<sup>84</sup>

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<sup>80</sup> P.K. Balachandran, “The Intricacies of a Cow Slaughter Ban in Sri Lanka.” *The Citizen*, 2020. <https://www.thecitizen.in/index.php/en/NewsDetail/index/6/19341/The-Intricacies-of-a-Cow-Slaughter-Ban-in-Sri-Lanka---?infiniteScroll=1>.

<sup>81</sup> Temple Grandin and Joe M. Regenstein, *Religious Slaughter and Animal...*, p. 115–23.

<sup>82</sup> Animal Welfare Bill Sec. 27

<sup>83</sup> Ref. Animal welfare bill Sec. 27

<sup>84</sup> Ref. Animal welfare bill sec. 33

Sports such as hunting, shooting, and similar acts are also prohibited in Islam. The religion explicitly orders humans to treat animals with kindness and sympathy and profited violating the animal right since it considers all living beings as valuable creatures and the human community is one of them which comply to the concept of the science that human is also scientifically an animal. The prophet Mummad (PBUH) has been sent as mercy to all kind of living beings that he has declared that killing and paining by arresting the animals in the cages or undue hunting are sinful acts and ordered to prevent them.

Animal fights were also common among pre-Islamic societies, but was later prohibited by the Prophet (PBUH) as this meant that the animal experienced pain.<sup>85</sup> It is reported that he (PBUH) “*Disliked making animals fight each other. When animals fight, they hit each other with full strength that causes pain to both the fighting animals*”. The messenger of Allah has also restricted the sealing on the body of the animals burning with fire on the skin of the animals as an identity of the owner, which has been turned as tagging on the ears of animals.<sup>86</sup> The Prophet (PBUH) forbade mutilating animals: mutilating is an act that is seen with great dismay even today. In some cases, hot iron or other such techniques are used which increases the inflicted pain.

The Prophet Muhammad (PBUH) has also prohibited the isolation of an animal’s offspring from its mother. A story in the *hadith* narrated by Abdul Rahuman Bin Abdullah as his father says proofs it “*we were in a journey along with messenger of Allah where the Prophet Muhammed (PBUH) had gone to have rest. We have seen a Hummarah with two young. We have taken the young ones and the hummarah came and started blowout its wings. Then the prophet (PBUH) came and questioned as who has pained this young one and returned to Hummarah but we had burned it*”. He asked “*who has burned this? We replied that we have burned then prophet (PBUH) said it is not suitable to anyone but the god the fire should punish with fire*”.

## Conclusion

The researchers have revealed that the other creatures had been found before appearing human beings in this world hence the world belongs to the other creatures than human beings. Muslims believe that Allah has created every thing for humans which is evident of his existence and is due to respect the human beings. Meanwhile, the great Buddah has revealed through his religious sermons (Doctrine of Panchaseela) the importance of kindness, compassion, and welfare towards animals. Hindus have long been worshiping particular animals as incarnation of God. The influence of different religions has affected Sri Lanka’s

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<sup>85</sup> Basheer Ahamed Masri, *Animal Welfare in Islam*. Kano, Nigeria: The Islamic Foundation, 2007.

<sup>86</sup> Ahamed Masri Basheer, *Animal Welfare in Islam*. Kano, Nigeria: The Islamic Foundation, 2007.

food culture. Choices for meat among Muslims, a group of Hindus, and Cristian people has been identified as only beef, chevon/mutton, and chicken. Along with this is current society's overlooking of the welfare and rights of all other animals by demolishing their natural habitats; this is a worldwide phenomenon that is happening even in Sri Lanka. The government of Sri Lanka has thus been concentrating on the welfare of the animals and related laws but the undue killing of animals, especially poaching of rare animals remain rampant. This research compared Sri Lanka's Animal Welfare Bill to Islamic law on 4 aspects of animal welfare, namely the slaughtering for meals, transport of Animals, use of live animals for scientific purposes, and cruelty relating to animals. The Bill complies with the Islamic legislation as far as concern of the practices and the guidelines applied on slaughtering and relocating as similar as to the Islamic legislations on this regard. Anyhow, the research concludes that the Islamic legislation and guidance on animal welfare and their right defined by the creator stronger than man –made law which has declared the punishment in this world and the last. Results of this study will provide reference on Sri Lanka and its multireligious context on animal welfare. The study highlights the extent to which Islam has asserted animal rights, especially among the majority and minority communities that are fighting against animal cruelty in the Sri Lankan context. Analysts anticipate that this will provide a clear picture of the criticisms and suspicions of animal cruelty unleashed against Muslims in the Sri Lankan context. Furthermore, this study will prove useful for future scholars who will study Islamic jurisprudence in conjunction with domestic law.

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### **The Roles of Law**

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