

Form No: HCJD/C-121

ORDER SHEET

IN THE ISLAMABAD HIGH COURT, ISLAMABAD
(JUDICIAL DEPARTMENT)

W.P. No.1155/2019

Islamabad Wildlife Management Board
Versus
Metropolitan Corporation Islamabad, etc.

S. No. of order/ proceedings	Date of order/ proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	14-12-2020	Mr Owais Awan, Advocates for applicant. Syed Muhammad Tayyab, Dy. Attorney General. Sardar Ejaz Ishaq Khan, Advocate for respondents. Mr Daniyal Hassan, Advocate for IMWB. Malik Naseem Abbas Nasir, Advocate for respondent/ Bio Research Council. Mr MNA Rehan, Advocate for respondent. Barrister Omer Malik, Advocate for respondent. Ms Naheed S. Durrani, Secretary, M/o Climate Change. Ms Rina Saeed Khan, Chairperson, Isb. Wildlife Management Board. Mr Zahid Baig Mirza, Member, IWMB. Mr M. Sulyman Khan, Joint Secretary, Ministry of Climate Change. Dr Mazhar Hayat, Dy. Secretary, M/o Climate Change. Dr Amir Khalil, Director Four Paws International. Syed Mujtaba Hussain, Member, IWMB. Dr Mazhar Hayat, Dy. Secretary, M/o Climate Change. Syed Ali Raza Zaidi, Dy. Director Law, M/o Climate Change.

C.M. No. 3976/2020.

Athar Minallah, C.J.- Barrister Sardar Ijaz Ishaq, learned counsel for Ms Naheed S. Durrani, Secretary, Ministry of Climate Change, Government of Pakistan and Barrister Danyal Hassan, learned counsel for the Chairperson of Islamabad Wildlife Management Board (*hereinafter referred to as the "Board"*) have appeared. They have informed that the Board, in its meeting held on 11th December, 2020

deliberated regarding the relocation of the two Himalayan brown bears to an appropriate sanctuary. The Board, after obtaining opinions from the experts, has decided to relocate forthwith the two brown bears, namely Suzie and Bubloo, to a sanctuary established in the Kingdom of Jordan. A copy of the minutes of the Board's meeting has also been submitted and it shall be read as an integral part of this order.

2. It is heartening for this Court to note that the Board has correctly appreciated the jurisprudence laid down in its judgment, dated 21-05-2020, passed in W.P. No.1155/2019, titled "*Islamabad Wildlife Management Board through its Chairman v. Metropolitan Corporation Islamabad through its Mayor and 4 others*". The natural habitat of Suzie and Bubloo, the two incarcerated brown bears, was the high altitude plateau of Deosai National Park in the Himalayas. It was indeed inhumane to have deprived them of living in their natural habitat merely for the entertainment of the human species. They have remained caged in the Marghazar zoo for more than a decade. A zoo, no matter how well equipped, is no less than a concentration camp for living beings. Both the bears were sent by the

Creator to live free in their natural habitats. They were born free and taking them out of their natural habitat and caging them was in violation of the natural rights bestowed upon them by the Creator. They were imprisoned without having committed a crime. By depriving them of their natural habitat, the human species has interfered with the balance created in nature by the Creator. They were subjected to unimaginable pain and suffering and there was no justification for this cruel treatment other than to entertain the human species. They have suffered enough and they lack the ability to let the human species know what they must have gone through. Their abnormal behavior while imprisoned was sufficient to speak volumes for the unimaginable pain and suffering.

3. "Kaavan", the elephant, has already been relocated to a sanctuary in Cambodia. The reports received from Cambodia is a tribute to the people of Pakistan and its Government who accepted the jurisprudence of this Court and implemented it in letter and spirit. The relocation of "Kaavan", the elephant, and the two Himalayan brown bears, Suzie and Bubloo, to appropriate sanctuaries has set a precedent for others to follow. They will

always represent the people of Pakistan and their resolve to treat living species with respect and dignity. It is an acknowledgement that animal species have rights and that it is a duty of humans to protect them. The survival of the human species on this planet is dependent on the existence and protection of the animal species and their natural habitats. Kaavan, Suzie and Bubloo will always be ambassadors of the people of Pakistan, a reminder that the human race can go extinct if the animal species and their rights are not protected. They will serve as symbols of the empathy and respect that the animal species deserve from humans and a reminder that protecting their rights and their welfare is of paramount importance. They will remain the messengers of the people of Pakistan for the rest of humanity that it is time to end imprisoning sentient animal species in cages in a zoo and to restore the balance of nature by letting them live with dignity in their respective natural habitats so that they may enjoy their natural rights. This is the scheme of nature created by the Creator and disturbing it is not humane.

4. Both Suzie and Bubloo, the brown bears, could have been taken care of in Pakistan but

time was required for creating an enabling environment and a facility that would serve as a sanctuary. This Court records its appreciation for the decision of the Board not to subject these sentient living beings to further pain and suffering even for a day and to relocate them to an appropriate sanctuary in the Kingdom of Jordan till a facility could be established that would meet their behavioral, physiological and social needs. This is a step towards changing mindsets and would definitely contribute towards fighting the evils that today threaten the peaceful existence of the human species on this planet because it is a recognition of a fundamental principle; life is the most precious creation of the Creator and its protection is a duty of every human. There will be no crime, violence, or bloodshed if this principle is acknowledged as the purpose of human existence on this planet. Every form of life is an end in itself.

5. This Court would also like to avail this opportunity by recognizing the valuable and laudable services rendered by *Dr Amir Khalil* and his organization Four Paws in assisting the Board and the Government of Pakistan and to enable spreading the message in the rest of the world

that the welfare of sentient animal species and protecting their natural rights is of paramount importance. This Court wishes the two brown bears, Suzie and Bubloo, a safe journey to their temporary abode with the hope that, being magnanimous by nature, they would forgive the human race for subjecting them to unimaginable pain and suffering.

6. This application stands disposed of in terms of the minutes of the meeting of the Board held on 11th December, 2020.

(CHIEF JUSTICE)

Luqman Khan/*