

Animal Rights in the Laboratory: A Cross-Jurisdictional Legal Perspective on Testing Practices

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Abstract: *Animal testing, or vivisection, remains one of the most ethically contentious practices in modern science. While historically viewed as essential to medical and scientific advancement, growing evidence and evolving ethical standards now challenge its legitimacy. This paper explores animal testing through a multidimensional lens—constitutional law, statutory protections, judicial interpretations, international frameworks, and moral philosophy. In the Indian context, provisions such as Articles 21, 48A, and 51A(g) of the Constitution, alongside the Prevention of Cruelty to Animals Act, 1960, establish a foundational duty to safeguard animal welfare. However, weak enforcement and legal ambiguity often undermine these safeguards. Scientifically, the unreliability of animal models due to interspecies differences, coupled with high drug failure rates in human trials, calls into question the utility of such methods. Ethical discourse led by thinkers like Peter Singer and Tom Regan argues that sentient animals possess intrinsic value and should not be subjected to unnecessary suffering. The paper also reviews global developments, including bans on animal-tested cosmetics in the European Union and regulatory reforms elsewhere. Ultimately, this study calls for a rights-based, compassionate approach to research that aligns with both scientific integrity and moral responsibility, advocating for enforceable legal reforms and wider adoption of humane alternatives.*

Keywords: Animal Testing, Animal Rights, Bioethics, Constitutional Law, Prevention of Cruelty to Animals Act, Article 21, Animal Welfare, Sentient Beings, Ethical Research, In Vitro Alternatives, Vivisection, Judicial Precedents, Global Legal Standards, Specialism, PETA India

1. Introduction

The way a society treats its animals reflects its moral compass, compassion, and civilizational maturity. Historically, animals have played essential roles in human life—economically, culturally, and scientifically. Yet, they are frequently reduced to commodities, valued primarily for their utility. One of the most controversial outcomes of this view is **animal testing**, also known as **vivisection**. Animal testing involves the use of live animals in experiments to assess the safety or effectiveness of substances, treatments, or procedures. It spans multiple domains—pharmaceuticals, cosmetics, toxicology, and military research. While traditionally justified as necessary for scientific advancement, the practice faces increasing scrutiny on scientific, ethical, and legal grounds. From a scientific perspective, interspecies differences often render animal results unreliable. Many drugs that succeed in animal trials fail in human clinical stages. Additionally, innovations like in vitro testing, computer simulations, and organ-on-chip technology offer humane and often more accurate alternatives. Ethically, the issue raises fundamental questions about the moral status of animals. Philosophers like **Peter Singer** and **Tom Regan** argue that animals, as sentient beings capable of suffering, deserve moral consideration. The principle of equal consideration of interests implies that their pain should matter as much as human pain. Legally, India has taken steps to protect animals through the **Prevention of Cruelty to Animals Act, 1960**, and constitutional mandates such as **Articles 21, 48A, and 51A(g)**. However, enforcement gaps and regulatory ambiguity persist. Globally, regions like the **European Union** have enacted strong bans on cosmetic animal testing, reflecting a shifting paradigm. This paper

explores animal testing through legal, ethical, and constitutional lenses, urging a shift toward more humane and scientifically credible research practices that extend justice beyond the human species.

2. Historical and Philosophical Background of Animal Rights

2.1 Ancient Roots and Cultural Reverence

India's cultural and religious heritage is deeply intertwined with a reverence for animals. This ethos dates back to the Vedic period, where texts emphasized the interconnectedness of life. The concept of **Ahimsa**, or non-violence, is a cornerstone of **Hinduism**, **Buddhism**, and **Jainism**, advocating compassion towards all sentient beings. These faiths view animals not merely as utilitarian resources, but as beings worthy of respect, often associating them with divinity. In Hinduism, animals are prominent in mythology and rituals. The **cow** is venerated as a symbol of motherhood and life-giving sustenance. **Hanuman**, the monkey god, is celebrated for his strength and loyalty. **Lord Ganesha**, with the head of an elephant, represents wisdom and auspicious beginnings. Vehicles of deities; **Nandi** the bull for Lord Shiva and **Garuda** the eagle for Lord Vishnu; further reflect this sacred connection.

Despite this spiritual reverence, there exists a paradox in contemporary practices. Modern Animal Rights Philosophy

The 20th century saw a major shift in the perception of animal welfare, led by philosophers like Peter Singer and Tom Regan. In *Animal Liberation* (1975), Singer introduced the concept of speciesism, criticizing the bias

that places human interests above those of other species. A utilitarian, he argued that the ability to suffer, not intelligence, should guide moral consideration, making unnecessary animal suffering unjustifiable. Tom Regan, in *The Case for Animal Rights* (1983), took a deontological stance, describing animals as, subjects-of-a-life, with intrinsic value and rights, calling for the complete abolition of animal exploitation.

2.2 Animal Testing: Nature, Purpose, and Practices

1) Classification of Animal Testing

Animal testing is broadly categorized into:

- a) **Biomedical Testing:** Conducted to study diseases and develop treatments.
- b) **Toxicology Testing:** Involves exposing animals to chemicals to assess their effects.
- c) **Cosmetic Testing:** Tests the safety of makeup, creams, and perfumes.
- d) **Educational Use:** Dissection and experimentation in medical and veterinary training.
- e) **Military Research:** Experiments to simulate battlefield injuries.

In each category, animals may be subjected to intense suffering: toxic exposure, forced inhalation, burns, starvation, physical restraints, and psychological trauma. Mice, rats, monkeys, rabbits, and dogs are the most commonly used species.

2) Ineffectiveness of Animal Testing

Animal biology differs significantly from human biology. For example, aspirin is toxic to some animals, but safe for humans. Conversely, thalidomide was safe in animal tests but caused birth defects in humans.⁽³⁾ According to the U.S. FDA, over 92% of drugs that pass animal trials fail in human clinical testing.⁽⁴⁾ This raises serious doubts about the scientific necessity of animal testing.

3) Constitutional Provisions and Interpretation in India

a) Article 21: Right to Life

In *Animal Welfare Board of India v. A. Nagaraja*,⁽⁵⁾ the Supreme Court held that the right to life under Article 21 extends to animals. The Court interpreted —life! to include a life of dignity, and emphasized the need for human compassion.

b) Article 51A(g): Fundamental Duty of Compassion

Article 51A(g) states that it is the duty of every citizen to —protect and improve the natural environment... and to have compassion for living creatures. In *A. Nagaraja*, the Court referred to this article as part of the —Magna Carta of animal rights jurisprudence.

c) Directive Principles: Articles 48 and 48A

- **Article 48** directs the State to prohibit the slaughter of cows and calves.
- **Article 48A** mandates the State to protect the environment and wildlife.

Though not enforceable by courts, these principles provide moral guidance and have been frequently cited in landmark environmental cases like *M.C. Mehta v. Union of India*.⁽⁶⁾

4) Statutory and Regulatory Framework in India

a) Prevention of Cruelty to Animals Act, 1960 (PCA Act)

The PCA Act was enacted to prevent the infliction of unnecessary pain on animals. Key provisions include:

- **Section 11:** Lists acts that constitute cruelty, including confinement, deprivation of food, and administration of injurious substances.
- **Section 20:** Grants the government power to make rules to prevent cruelty.
- **Animal Welfare Board of India (AWBI):** Established under Section 4 to promote animal welfare.

b) Wildlife Protection Act, 1972

This Act protects wild animals, birds, and plants. Section 9 prohibits hunting, capturing, or killing animals listed in Schedules I-IV, unless explicitly permitted. Many laboratory species fall under Schedule IV, offering some level of protection.

c) Drugs and Cosmetics Rules, 1945 & Cosmetics Rules, 2020

Rules 135B and 148C of the Drugs and Cosmetics Rules ban animal-tested cosmetics and prohibit the import of such products.⁽⁷⁾ The **Cosmetics Rules, 2020** formalized these provisions into an independent regulatory framework, a major victory for PETA India.

2.3 Judicial Precedents Shaping Animal Rights in India

1) Landmark Rulings

State of Bihar v. Murad Ali Baig: In this case, the Supreme Court of India dealt with the illegal hunting of elephants under the provisions of the **Wildlife (Protection) Act, 1972**.⁽⁸⁾ The Court emphasized that the term —hunting! under **Section 2(16)** of the Act is broadly defined and includes not only the act of killing but also poisoning, trapping, capturing, and other harmful interventions. The judgment served as a reminder that indirect or preparatory acts leading to harm or death of wild animals are equally punishable. This expansive interpretation is directly relevant to discussions on animal testing. Many experimental procedures involve sedation, confinement, and exposure to harmful substances; actions not unlike poisoning or trapping.

a) **PETA v. Union of India:** In this landmark case, the Bombay High Court addressed the issue of cruelty to animals in the entertainment industry, particularly during film production. The case was initiated by People for the Ethical Treatment of Animals (PETA), an organization committed to the protection and welfare of animals. PETA filed a petition against the unauthorized and unethical use of animals in films, arguing that such practices were in clear violation of the Prevention of Cruelty to Animals Act, 1960 (PCA Act). The Court, upon examining the matter, ruled in favor of PETA and recognized the growing concern over the exploitation and abuse of animals for commercial entertainment. The High Court noted that numerous instances of animal cruelty had occurred during the filming process, including physical abuse, neglect, improper housing, and forced performances under duress, all of which were contrary

to the provisions of the PCA Act. The judgment emphasized that animals, being sentient beings, have the right to live with dignity and without unnecessary suffering. The Court stated that animals should not be treated as mere tools for human profit or entertainment. It directed strict enforcement of the rules under the PCA Act, particularly the Performing Animals (Registration) Rules, 2001, which regulate the use of animals in films and other performances. Additionally, the Court underscored the need for film producers and directors to obtain proper certification and clearance from the Animal Welfare Board of India (AWBI) before including animals in their projects. This decision marked a significant step in strengthening legal safeguards for animals in India and served as a precedent for promoting ethical treatment and responsible regulation of animal use in the media and entertainment sectors.⁽⁹⁾

- b) **Mustakeem v. State of U.P.:** In the case of *Mustakeem v. State of U.P.*, the Supreme Court of India dealt with the issue of cruelty inflicted upon animals during their transportation for slaughter. The case involved the seizure of animals being transported under inhumane and illegal conditions; without adequate space, food, water, or ventilation, and in violation of various rules laid down under the Prevention of Cruelty to Animals Act, 1960 and related transport regulations. The petitioner, Mustakeem, sought the release and return of the seized animals, claiming ownership and arguing that the animals should be restored to him after the legal proceedings were concluded. However, the Supreme Court rejected this plea, taking a firm stance on the matter. The Court observed that once animals are subjected to cruelty, especially while being transported for the purpose of slaughter in violation of welfare laws, they should not be handed back to the very individuals responsible for such cruelty. Importantly, the Supreme Court recognized that returning the animals to the violators would defeat the purpose of the law and effectively condone the cruelty inflicted. The Court held that such acts of transportation under cruel and unlawful conditions were a clear contravention of the statutory protections afforded to animals and therefore, animals so rescued must be placed in shelters or rehabilitated appropriately, rather than being returned to their former owners. This judgment reinforced the principle that animal welfare is a matter of constitutional concern under Article 51A(g) of the Constitution of India, which places a fundamental duty upon every citizen to have compassion for living creatures. It also underscored the judiciary's evolving approach toward viewing animals not merely as property, but as vulnerable beings deserving of legal protection and humane treatment.⁽¹⁰⁾
- c) **Centre for Environment Law v. Union of India:** In this landmark judgment, the Supreme Court of India significantly advanced the cause of wildlife conservation and environmental protection. The case originated from a series of petitions and concerns raised over the declining population of wild animals and the ineffective implementation of protective legislation such as the Wildlife (Protection) Act, 1972.

The petition was brought by the Centre for Environment Law, an environmental advocacy group, seeking judicial intervention to strengthen the conservation framework for endangered species in India. The apex court, while deliberating the matter, emphasized that wild animals are not the private property of individuals or states, but are instead national assets held in trust by the government for the benefit of all citizens. It held that wildlife and biodiversity constitute an essential component of the nation's ecological balance, and their protection is a legal and moral obligation. The Court interpreted the provisions of the Wildlife (Protection) Act, 1972, and read them in conjunction with Articles 48A and 51A(g) of the Constitution of India. Article 48A, a Directive Principle of State Policy, mandates the State to protect and improve the environment and safeguard forests and wildlife. Article 51A(g) places a fundamental duty on citizens to protect and have compassion for living creatures. Recognizing the pressing threat to endangered species due to poaching, habitat destruction, and human encroachment, the Court directed the Union and State governments to take proactive and scientific measures for the preservation of wildlife habitats, the establishment and management of eco-sensitive zones, and the enforcement of anti-poaching laws. One of the critical outcomes of this case was the Court's declaration that the State holds natural resources, including wildlife, in public trust and must act as a trustee rather than as a sovereign owner. It further called for a coordinated effort among various agencies, including forest departments, wildlife boards, and environmental ministries, to ensure the long-term survival of wildlife species. This case reaffirmed the role of the judiciary in environmental governance and set a strong precedent for interpreting environmental and animal protection statutes in light of constitutional values, including inter-generational equity and the right to a healthy environment under Article 21.⁽¹¹⁾

- d) **Gauri Maulekhi v. State of Uttarakhand:** marked a significant judicial intervention in curbing unregulated animal sacrifice and killings, particularly during religious or cultural events. The petitioner, Gauri Maulekhi, an animal rights activist and member of the Animal Welfare Board of India; approached the Court seeking a ban on the mass and indiscriminate slaughter of animals taking place during festivals and local customs, especially outside the legal framework prescribed by law. The petitioner highlighted the rampant violation of the **Prevention of Cruelty to Animals Act, 1960**, and various food safety and public health regulations that were being ignored during such events, resulting in extreme cruelty, unsanitary conditions, and threats to public order. The Court, while ruling in favor of the petitioner, emphasized that **no animal killing or sacrifice can take place outside of registered slaughterhouses**, and only in compliance with the existing laws and regulations. It reaffirmed the necessity of maintaining **state oversight and proper infrastructure** for animal slaughter to ensure hygiene, humane treatment, and adherence to legal safeguards. The judgment reinforced the idea that cultural or

religious practices cannot be used as a shield to bypass statutory protections for animals. It directed state authorities to take strict action against unauthorized animal killings and to ensure that **animal welfare norms are upheld without exception**, regardless of religious or traditional justifications. This case thus became a crucial step toward institutionalizing the structured regulation of animal treatment and upholding animal rights within the broader framework of law and public interest.⁽¹²⁾

2.4 Missed Opportunities

In *Kennel Club of India v. Union of India*, the Madras High Court upheld tail docking and ear cropping of dogs, declaring it outside the ambit of cruelty as defined by the PCA Act. This highlights interpretative gaps and the need for more consistent jurisprudence.¹³

1) Comparative Global Framework

a) European Union

The EU's **2013 Cosmetics Directive** bans both testing on animals and the sale of animal-tested cosmetics. It is one of the most comprehensive legislations in the world, setting an ethical and legal precedent for member nations.¹⁴

b) United States

Although animal testing is not outright banned, the **Animal Welfare Act (1966)** and the **Health Research Extension Act (1985)** set regulatory standards. Institutions receiving federal funds must comply with ethical treatment protocols under the Public Health Service Policy.¹⁵

c) China

China historically mandated animal testing, especially for imported cosmetics. However, in 2021, it revised its policies to exempt "ordinary cosmetics" like shampoo and lotions from animal testing, provided safety assessments and GMP certifications are submitted.¹⁶

d) Brazil and South Korea

Brazil and South Korea have made significant regulatory shifts. Some Brazilian states like São Paulo have banned cosmetic testing on animals. South Korea's Ministry of Food and Drug Safety has also promoted alternative testing methods and passed laws supporting animal welfare in scientific research.

2) Alternatives to Animal Testing: Science and Innovation

Modern science offers robust alternatives that are not only ethical but often more accurate:

a) In Vitro Testing

Lab-grown human tissues are used to assess the toxicity and efficacy of substances. These tests often outperform animal models in predicting human reactions.

b) Computer Modelling (In Silico)

Advanced algorithms simulate biological processes. Virtual organs and computational models have been used to test drugs without harming any living being.

c) Organs-on-Chips

Miniaturized systems that mimic the structure and

function of human organs. These microchips allow real-time analysis of physiological responses.

d) Human-Patient Simulators

Used in medical education to replicate human anatomy and functions, replacing the need for animal dissection and live testing.

India's regulatory bodies, including the **Pharmacy Council of India** and **Medical Council of India**, have increasingly embraced these technologies, encouraging educational institutions to adopt cruelty-free methods.

3) Role of Civil Society and NGOs

a) PETA (People for the Ethical Treatment of Animals)

PETA is at the forefront of the global animal rights movement. In India, PETA's advocacy led to:

- Permanent ban on cosmetic animal testing and import.
- Implementation of non-animal testing in medical curricula.
- Suspension of monkey experiments at AIIMS after exposure of inhumane conditions.¹⁷

b) Other Organizations

- **Humane Society International (HSI)**: Led the "Be Cruelty-Free" campaign globally.
- **Blue Cross of India**: Works at the grassroots level to rescue animals.
- **Federation of Indian Animal Protection Organisations (FIAPO)**: Coordinates with the government to improve welfare standards.

4) Ethical and Religious Considerations

a) Ethical Theories

- **Utilitarianism (Peter Singer)**: Evaluates actions based on the greatest good for the greatest number, and includes animal suffering in its calculations.
- **Kantian Ethics**: While Kant did not explicitly argue for animal rights, modern Kantian philosophers interpret his ethics to imply that cruelty to animals diminishes our moral character.

b) Religious Doctrine

- **Hinduism, Jainism, and Buddhism**: Emphasize *Ahimsa* (non-violence) toward all life forms.
- **Islam**: Allows the use of animals but mandates humane treatment.
- **Christianity**: Increasingly interpreted as promoting stewardship over dominion, calling for compassionate animal treatment.

Despite these doctrinal teachings, legal frameworks often fail to reconcile religious practices (like animal sacrifice) with animal rights. Courts have historically refrained from intervening in religious customs, as seen in *Varaaki v. Union of India*, where the Supreme Court declined to ban animal sacrifice.¹⁸

3. Conclusion and Way Forward

The debate around animal testing is no longer about feasibility; it is about moral consistency and scientific integrity. With robust alternatives available and global consensus shifting towards humane research, continued reliance on animal experimentation is unjustified.

India has made meaningful progress; its Constitution, statutory laws, and judiciary all acknowledge the importance of animal welfare. However, gaps in implementation, judicial inconsistency, and socio-cultural reluctance continue to undermine this progress.

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4. Recommendations

- 1) **Amend PCA Act, 1960** to reflect modern ethical standards.
- 2) **Create a national registry** for laboratory animal use to increase transparency.
- 3) **Subsidize cruelty-free research** to encourage innovation.
- 4) **Mandate training** for enforcement agencies on animal protection laws.
- 5) **Strengthen awareness campaigns** in schools and universities.

Ultimately, animal rights must evolve from mere philosophy to codified social obligation; a duty we owe to our fellow sentient beings.

“The greatness of a nation and its moral progress can be judged by the way its animals are treated.”

– Mahatma Gandhi

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