

Animal Protection Index / Protecting animals used in scientific research

India

Chapter 4 of the Prevention of Cruelty to Animals Act 1960 concerns animals used for experiments. Section 14 provides an exemption from the other provisions of the Act for anything done in experiments for the purpose of advancement by new discovery of physiological knowledge of, or knowledge which will be useful for saving or for prolonging life or alleviating suffering or for combating any disease, whether of human beings, animals or plants. This includes an exemption from the anti-cruelty provisions of Section 11 of the Act. Section 15 also provides for the creation of a Committee for Control and Supervision of Experiments on Animals (CPCSEA) which has the power to prohibit experiments.

The Breeding of and Experiments on Animals (Control and Supervision) Rules 1998 contain more detailed regulation on experimentation on animals. These rules specify that institutions must register to carry out animal experiments and request permission for each experiment from the Committee for the Purpose of Control and Supervision of Experiments on Animals, or the Institutional Animals Ethics Committee recognised for the purpose by the Committee for the Purpose of Control and Supervision of Experiments on Animals. Section 9 concerns the welfare of the animals involved, specifying that 'experiments shall be performed with due care and humanity' (Section 9(b)). The section also includes provisions for the use of anaesthetic to prevent the animal from feeling pain and not using neuromuscular-blocking drugs without anaesthetic. Section 8 allows the Committee for the Purpose of Control and Supervision of Experiments on Animals to put conditions on authorisation for experiments to ensure that animals are not subjected to unnecessary pain or suffering before, during or after the performance of experiments on them; however the Act does not itself prohibit subjecting animals to unnecessary pain or suffering, nor does it mandate that such conditions are attached to project authorisation.

A first series of Amendments were made in 2001, which clarified the definition of 'experiment', the reporting and registration requirements, and expanded on personnel qualifications. In 2006, new Amendments added, among other things, the specification that experimenters should first consider using animals 'lowest on the phylogenetic scale', that experimenters should use the minimum number of animals necessary to achieve 95% statistical confidence, and that experimenters must provide justification for not using non-animal alternatives (Section 9(1)(bb)). Such amendments therefore included elements from the Three Rs principles of Replacement, Reduction and Refinement.

Moreover, in June 2013, the drug controller general of India announced that testing cosmetics and their ingredients on animals will not be permitted in India. In October 2014, India further banned the import of cosmetic products that test on animals, thus becoming the first country in South Asia to do so. These two bans, on both testing and importing products tested on animals, were translated into law by amending the 1945 Drugs and Cosmetics Rules.

In addition, in 2013, the Establishment of Medical College Regulations were amended to ban the use of vivisection in medical education.

Animal experiments are also being phased out in certain school settings. Since March 2002, the Central Board of Secondary Education has banned the killing of frogs, rats and earthworms for biological tests. Moreover, in 2014, the University Grants Commission, the governmental body that

sets standards for university education in India, has banned the dissection of animals in zoology and life science university courses.

Analysis

It is positive that the legislation incorporates the principles of the Three Rs principles and makes provision for oversight of experiments using animals. However, the anti-cruelty provisions of the Prevention of Cruelty to Animals Act 1960 do not protect animals used in experiments, and protection from unnecessary pain and suffering is not mandated by the Breeding of and Experiments on Animals (Control and Supervision) Rules 1998 (although can be imposed as a condition of authorisation for experiments). Therefore, at present, the legislation does not fully protect animals used in experiments from suffering. This was illustrated by a report published in 2003 by Animal Defenders International and the UK National Anti-Vivisection Society, based on evidence gathered by the CPCSEA during inspections of 467 Indian laboratories finds 'a deplorable standard of animal care in the majority of facilities inspected'. The report lists many instances of abuse, neglect, and failure to use available non-animal methods.

However, India has made progress by banning the testing of cosmetics and their ingredients on animals, through Draft Rule 148-C. Furthermore, the country has imposed a ban on the imports of cosmetics products tested on animals through Clause 135-B. This measure puts India at the same level in terms of animal protection as the European Union. The positive effect of these two bans on animal welfare has been highlighted by animal welfare charity, such as Humane Society International which granted the Drug Technical Advisory Board of India a 'Leadership in Animal Welfare Award'.

The 2013 ban on animal testing for cosmetics and the 2014 ban on import of products tested on animals suggest that there is political will in India to address the welfare of animals used in experiments. Moreover, the 1998 Breeding of and Experiments on Animals (Control and Supervision) Rules mandate that any establishment carrying out experimentation has to be registered and apply for permission to the Committee for the Purpose of Control and Supervision of Experiments on Animals or Institutional Animal Ethics Committee. This illustrates that the government is willing to have an oversight responsibility in ensuring the welfare of animals in experiments.

In addition, the ban on the use of vivisection for medical education contributes to mainstreaming the idea that animals feel pain and should be protected. To better promote animal welfare, this ban should be applicable to all vivisection practices, not only when done for medical education.

Enforcement Mechanisms

Section 20 of the Breeding of and Experiments on Animals (Control and Supervision) Rules 1998 provide that breach of any order made by the Committee for the Purpose of Control and Supervision of Experiments on Animals or of any condition imposed by the Committee is punishable with a fine which may extend to two hundred rupees, and, when the contravention or breach of condition has taken place in any institution, the person in charge of the institution shall be deemed to be guilty of the offence and shall be punishable accordingly.

The Breeding of and Experiments on Animals (Control and Supervision) Rules also give the Committee the power to revoke the registration of establishments or breeders indefinitely, suspend the registration of such establishment or the breeder and issue instructions for the care and protection of the animals which are under the custody or control of such establishment or the breeder. The establishment must then cease to perform any experiment on any animal or acquire or transfer any animal.

The Ministry of Environment and Forests, Animal Welfare division runs a scheme to assist the Committee to promote animal welfare in animal research.

Key Recommendations

- The Government of India has extensive legislation regulating the use of animals for scientific research, notably with the Breeding of and Experiments on Animals (Control and Supervision) Rules 1998, and its subsequent amendments. However, there is still room for improvement. Notably, the Government of India is strongly encouraged to repeal Section 14 of the 1960 Prevention of Cruelty to Animals Act, which exempts animals used in experiments to be considered cruel, under the cruelty criteria outlined in Section 11.
- Furthermore, the Government of India is encouraged to amend the 1998 Breeding of and Experiments on Animals (Control and Supervision) Rules to mandate that animals used in research should be protected from unnecessary pain and suffering.
- It is significant that all facilities that carry out experiments on animals must be registered and approved by a Committee prior to conducting research. The power of the Committee to suspend the activities or revoke the registration of establishments which do not respect animal welfare criteria is noted as a positive measure to monitor animal protection. The Government of India is encouraged to mainstream the Three Rs – Replacement, Reduction, Refinement – and to continue to work with stakeholders to address animal welfare issues in scientific research in line with international standards. As such, the Government of India is strongly encouraged to create a national centre composed of multiple stakeholders, including animal protection organisations, to promote the Three Rs principles and to develop alternatives to animal experimentation.
- The Government of India should be recognised for banning the testing of cosmetics and their ingredients on animals in 2013, as well as banning the import of cosmetic products tested on animals. India is the first country in South Asia to implement such an import ban and should serve as an example for other countries to follow.
- The Government of India should also be recognised for banning the practice of vivisection for medical education. The Government is strongly encouraged to ban the practice of vivisection at the national level, for all education levels up to and including high school).