
FROM RIGHTS TO REGULATION? SHIFTING JUDICIAL APPROACHES TO ANIMAL WELFARE AND TESTING IN INDIA

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ABSTRACT

This paper examines how Indian jurisprudence has evolved when it comes to animal rights specifically, using animals for scientific tests. While significant literature exists about the ethics, science, and alternatives related to animal testing there is a gap on how jurisprudence evolved to treat testing of animals vis-a-vis their rights in India. This critical doctrinal study aims to fill that gap. The paper analyses different judgements and their underlying approach to animal rights in the context of testing. Secondary legal sources are also considered. For context, the paper briefly looks jurisprudence from the UK, the EU and the US. This analysis shows a clear shift in how Indian courts are handling issues related to testing of animals for research purposes. At first, courts seemed to be moving towards recognizing potential constitutional rights and dignity for animals. The Nagaraja (Jallikattu I) judgment is a key example of this. However, more recent decisions, like Jallikattu II and PETA India v. Union of India, have pulled back from that approach. These later judgments give more weight to decisions made by the legislature. They focus on enforcing the current legal framework and encouraging alternatives, rather than basing animal protection on inherent rights.

It has been concluded that the jurisprudence has moved away from a possible rights-based approach. Instead, it has become more practical and focused on regulation. This approach balances animal welfare against human interests within the legal framework.

Keywords: Animal Rights, Prevention of Cruelty, Animal Testing,

1. Introduction

The relationship between Indians and animals is an ancient and culturally complex one. On one side, India has rich cultural and religious traditions that teach us Ahimsa and Dharma. On the other side, we see widespread instances of animal cruelty, neglect.¹ In recent years, interest in animal ethics has grown considerably, both globally and within India due to dwindling eco systems and how humans have caused such deterioration.

1.1 Values and Principles

1.1.1. The Four Principles

An important framework in biomedical ethics, an influential one in the western world since its introduction in 1979, is principlism, a four-principle approach developed by Tom Beauchamp and James Childress. These principles are Respect for Autonomy, Non-Maleficence, Beneficence, and Justice. They are proposed as mid-level principles to analyse the ethical dilemmas.²

- **Respect for Autonomy:** To be autonomous means informed, voluntary human choice for human beings. However, for animals, it means allowing freedom, choice, and natural behaviour, since they cannot consent like humans do.
- **Non-Maleficence:** This principle which essentially means "do no harm," prohibits causing harm by action or omission of such action. It is foundational for animal welfare laws and allows some harm only if such harm not only is unintended but also outweighed by a greater good like end-of-life care etc.
- **Beneficence:** This principle calls for active efforts to promote well-being and prevent harm. It requires proactive care for animals that ensures not just absence of suffering but also for conditions for positive experiences rather than simply avoiding harm.

¹ India Today, 'Nails Plucked, Mouth Broken: Villagers Torture Bear to Death in Chhattisgarh' (*India Today* 12 April 2025) <<https://www.indiatoday.in/india/story/sukma-animal-cruelty-villagers-chhattisgarh-torture-bear-to-death-nails-plucked-mouth-broken-2708025-2025-04-12>>

² Beauchamp, T. and Childress, J., 2019. Principles of biomedical ethics: marking its fortieth anniversary. *The American Journal of Bioethics*, 19(11), pp.9-12.

- **Justice:** This principle calls for fair and respectful treatment, including just distribution of resources. It drives the answer to the question of whether animals deserve fair access to essentials and equal consideration of their interests.

1.1.2. Animal Ethics: Key Theories

While bioethical principles are broad and general, animal ethics theories specifically deal with the moral status of animals and the justification for using them. Sometimes, they also deal with the lack of such justification. Two influential modern figures represent distinct approaches: Peter Singer (utilitarian/welfarist) and Tom Regan (rights-based/abolitionist).

Peter Singer (Utilitarianism/Welfarism): Peter Singer's *preference utilitarianism* argues for equal consideration of all sentient beings' interests, opposes speciesism. It holds that actions are right if they optimise fulfilment of what someone *wants* or *prefers*, rather than just increasing their happiness or pleasure. This applies, even if that sometimes allows using animals when benefits clearly outweigh harms.³

Tom Regan (Rights-Based/Abolitionist): Tom Regan argues that animals being subject for a scientific testing criteria actually have inherent value and moral rights. Therefore, according to him, they must be treated with respect and not used as mere resources, leading him to call for the total abolition of animal exploitation.⁴

Indirect Theories (e.g., Contractarianism): Indirect theories like contractarianism claim that we owe no direct moral duties or responsibilities to animals. They advocate for protecting them only insofar as they matter to humans, which Regan criticizes as insufficient for truly safeguarding animal interests.⁵

³ Zoë Corbyn, 'Philosopher Peter Singer: "There's No Reason to Say Humans Have More Worth or Moral Status than Animals"' (*the Guardian* 21 May 2023) <<https://www.theguardian.com/world/2023/may/21/philosopher-petersinger-theres-no-reason-to-say-humans-have-more-worth-or-moral-status-than-animals>>

⁴ Gary L Francione, 'Animal Rights Theory and Utilitarianism: Relative Normative Guidance | Animal Legal & Historical Center' (*Animallaw.info* 2024) <<https://www.animallaw.info/article/animal-rights-theory-andutilitarianism-relative-normative-guidance>>

⁵ Jeff Sebo, 'A Critique of the Kantian Theory of Indirect Moral Duties to Animals' (2005) 2 *Animal Liberation Philosophy & Policy* 54 <<https://jeffsebo.net/wp-content/uploads/2014/10/a-critique-of-the-kantian-theory-ofindirect-duties-to-animals1.pdf>>.

1.2. Research Objective

To critically examine the statutory framework and evolving judicial trends governing animal welfare in India, with a specific focus on the legal regulation of animal use in scientific testing and research.

1.2. Research Questions

1. What are the key statutory laws that govern animal welfare in India visa-vis use of animals for testing?
2. What has been the jurisprudential trend from Indian Courts in relation to testing of animals for scientific purposes in the context of animal rights?

This research paper delves into the legal regime in India concerning the use and welfare of animals and using them as subjects for scientific research. The introductory chapter defines the core principles of bioethics and animal ethics, establishing a brief understanding of the ethical considerations necessary for human-animal interactions.

The second chapter presents a review of literature on the topic of use of animals for testing in scientific research. The third chapter presents the methodology adopted in this project.

The fourth chapter of this paper is dedicated to analyzing India's legal framework governing animal welfare. This includes an examination of the Prevention of Cruelty to Animals Act, 1960 (PCA Act), other frameworks within the former.

The fifth chapter initially discusses judicial decisions related to animal rights and welfare from India. It later presents an overview of how jurisprudence over using animals for testing is emerging, internationally.

The final chapter presents with the conclusions over the judicial trends in India as to how they have shaped themselves and the animal rights-ethics regime vis-à-vis testing.

2. Review of Literature

Literature on animal testing within the Indian context appears to be dominated by the ones on experiments, disadvantages of using them etc. A significant portion of the available material

is about how animal testing involves inflicting pain and suffering, and showing how procedures such as burning, shocking, poisoning, isolation, starvation, forcible restraint, drug addiction, and brain damage, often followed by death.⁶

The literature also points out the observable stress responses in animals during common laboratory procedures, including handling, venipuncture, and gavage. These responses, according to the literature can compromise research results and illustrate the trauma endured.⁷

Additionally, a good amount of the literature focuses on whether animal testing is the way to go in terms of its efficacy. There is a significant discussion on how non-animal methods, such as human-patient simulators, interactive computer programs, human-based learning methods, and clinical experience, have been used to train medical students in places such as North America and the UK. In these countries, animal use in medical training has been significantly reduced or prohibited.⁸

The Medical Council of India (MCI) has also issued directives stating that medical schools now have the option to replace live animals with non-animal training methods.⁹ The Pharmacy Council of India (PCI) too has encouraged the use of CAL software and alternative measures in place of animal experiments in pharmacy schools. Additionally, The University Grants Commission (UGC) has also issued guidelines to phase out animal dissection and experimentation in zoology and life science courses. The literature also discusses the cost-effectiveness and student preference for non-animal training methods.¹⁰

Additionally, the literature also discusses the counterproductive nature of animal testing due to the complex anatomical differences between humans and animals, making animals poor models

⁶ Chaitanya Koduri, 'Issues Regarding Animal Experimentation in India' (2021) <https://www.insaindia.res.in/pdf/sc_pol/Chaitanya.pdf>.

⁷ *ibid*

⁸ CS Swain and others, 'A Systematic Review of Live Animal Use as a Simulation Modality ("Live Tissue Training") in the Emergency Management of Trauma' (2023) 80 Journal of Surgical Education 1320 <<https://www.sciencedirect.com/science/article/pii/S1931720423002209>>

⁹ PETA, 'Medical Council to Universities: Use Non-Animal Teaching Methods - Blog - PETA India' (*PETA India* 13 May 2014) <<https://www.petaindia.com/blog/medical-council-universities-use-non-animal-teachingmethods/>>

¹⁰ Vadivelan R and others, 'ALTERNATIVES to ANIMAL EXPERIMENTATION in TEACHING PHARMACOLOGY: COMPUTER ASSISTED LEARNING TECHNIQUES in PHARMACY CURRICULUM' (2015) 2 Indian Journal of Pharmacy and Pharmacology 70 <<https://www.ijpp.org.in/article-details/289>>

for human responses various situations.¹¹ The high failure rate of drugs tested on animals in human trials is often referred to drive this point. The availability of latest in vitro and safe human-based methods for precisely testing drug safety and effectiveness is shown as a better way. According to the literature, extrapolating findings from animal research to human disease is a recurring theme in the literature is not prudent.¹² The discontinuation of certain animal tests, like the classical LD50 test and the promotion of alternatives like the LAL assay, are also noted in the literature.¹³ ¹⁴ The ban on cosmetics testing on animals in the European Union and the movement towards this in other regions are presented as a shift away from animal experimentation.¹⁵

In contrast to the abundant discussion on the ethical, scientific, and alternative aspects of animal testing, there is comparatively less literature that specifically examines the intricacies of the laws and legal regime surrounding the use of animals for testing in India.

The Prevention of Cruelty to Animals Act, 1960 is identified as a foundational legislation of sorts. And its mandate to use available alternatives in teaching exercises, detailed legal analyses and comprehensive examinations of the Act's various provisions concerning animal experimentation appear less prevalent in the literature compared to ethical and scientific debates.¹⁶

The Committee for the Purpose of Control and Supervision of Experiments on Animals (CPCSEA) is also frequently mentioned as the statutory body that is responsible for supervising and controlling animal experiments. Its role in ensuring animals are not subjected to unnecessary pain, and its other functions like registering laboratories, constituting Institutional

¹¹ AYSHA AKHTAR, 'The Flaws and Human Harms of Animal Experimentation' (2015) 24 Cambridge Quarterly of Healthcare Ethics 407 <<https://pmc.ncbi.nlm.nih.gov/articles/PMC4594046/>>

¹² Gail A Van Norman, 'Limitations of Animal Studies for Predicting Toxicity in Clinical Trials' (2019) 4 JACC: Basic to Translational Science 845 <<https://pmc.ncbi.nlm.nih.gov/articles/PMC6978558/>>

¹³ Seung Yun Lee and others, 'Alternative Experimental Approaches to Reduce Animal Use in Biomedical Studies' (2022) 68 Journal of Drug Delivery Science and Technology 103131 <<https://www.sciencedirect.com/science/article/abs/pii/S1773224722000405>>

¹⁴ 'WellBeing International WellBeing International WBI Studies Repository WBI Studies Repository LD50: A Cruel Waste of Animals LD50: A Cruel Waste of Animals' <https://www.wellbeingintlstudiesrepository.org/cgi/viewcontent.cgi?article=1022&context=cu_reps>.

¹⁵ Kay Peggs and Andrew Linzey, 'Normalising the Unthinkable: The Ethics of Using Animals in Experiments' (Research Gate 2015) <https://www.researchgate.net/publication/280718607_Normalising_the_Unthinkable_The_Ethics_of_Using_Animals_in_Experiments>

¹⁶ Abha Nadhkarni and Adrija Ghosh, 'Broadening the Scope of Liabilities for Cruelty against Animals: Gauging the Legal Adequacy of Penal Sanctions Imposed' (2016) 10 NUJS Law Review 517 <<https://nujlawreview.org/wpcontent/uploads/2017/08/Abha-and-Adrija-Animal-Cruelty-.pdf>>.

Animal Ethics Committees (IAECs), formulating guidelines for laboratory animal facilities, and working towards the introduction of alternatives is also mentioned in the literature.¹⁷ However, despite these mentions, a missing piece is the discussion on judicial pronouncements that have shaped the near progressive environmental ethics in India, including the judgements on animal rights and how they impacted the regime on laws for testing on animals in India. This gap is what this research aims to fill.

3. Methodology

This study uses a doctrinal research methodology based mainly on secondary sources. The aim of this methodology is to understand how courts have interpreted and shaped the legal and ethical aspects of animal testing, especially in connection with animal rights and bioethics. The focus is on how legal judgments and existing laws contribute to the existing discourse on the treatment of animals in research and experimentation.

3.1. Data Collection

The data for this study was collected through reading and analyzing various legal materials, including judgments from Indian courts, central laws like the *Prevention of Cruelty to Animals Act, 1960*, and related rules, such as the *CPCSEA Guidelines*. Articles, law reviews, and reports from animal welfare organizations were also referred to. In going through these judgments and documents, it became clear that the legal position on animal testing is not consistent. Some judgments strongly support animal welfare, while others leave a lot of room for interpretation, especially when it comes to balancing scientific progress with animal rights. To get a broader understanding, examples from other countries like the UK, EU, and the US were also looked at, especially their jurisprudence.

3.2. Analysis

The analysis in this study is mainly based on interpreting and comparing laws, rules, and court decisions. There was no fieldwork or direct data collection of any sorts. Instead, the focus was on reading how courts have discussed animal ethics, what legal reasoning was used, and how it matches or conflicts with ethical principles.

¹⁷ Shruti Yadav, 'ANIMAL EXPERIMENTATION LAWS in INDIA' <<https://thelawbrigade.com/wpcontent/uploads/2020/11/Shruti-Yadav-ALPPR.pdf>>.

3.3. Scope and Limitations

This study is limited to analyzing legal documents and judgments in India, with some reference to foreign laws for comparison. It does not include practical insights from people working in labs or enforcement agencies. The views are based only on what is available in public legal documents and academic writing. While this approach gives a good idea of how the law looks on paper, it may not fully reflect how these laws are actually enforced or followed in practice.

4. How Indian Law Looks at Animal Rights

In India, there is no one law for animal rights. There are ideas from the Constitution, some laws passed by the central government, some rules and state laws.

4.1. What the Constitution Says (or Hints At)

India's Constitution actually talks about animals and nature in a pro protection fashion. It does not give animals 'rights' like people have. But it does state they matter, and that people have responsibilities towards them.

A key part is Article 51A(g). This is one of the Fundamental Duties added in 1976. It says every citizen should protect the environment – forests, lakes, rivers, wildlife. And it specifically says we should have compassion for living creatures. Now, since these are not justiciable, one cannot take someone to court just for not following a Fundamental Duty. However, courts use duties as tools when interpreting other policies of the government.

Article 48A, as a DPSP, tells the government (the State) what it should *try* to do. It says the State should work to protect the environment and safeguard forests and wildlife. It sits alongside Article 48, which talks about farming and animal care, and importantly, bans killing cows and some other cattle. Like duties, one cannot enforce them directly in court. But they are meant to be fundamental guides for how the country is run and courts too have time and again given them as much primacy as fundamental rights.¹⁸

The Constitution allocates the power to make laws between the Centre and the States. The Seventh Schedule has a 'Concurrent List'. Both the central government and the state

¹⁸ Gautam Bhatia, 'Directive Principles of State Policy' in Sujit Choudhry, Pratap Bhanu Mehta and Madhav Khosla (eds), *The Oxford Handbook of Indian Constitution* (Oxford University Press 2016).

governments can make laws about things on this list. Item 17, "Prevention of cruelty to animals," and Item 17B, "Protection of wild animals and birds" are part of this Concurrent List making it possible for both central and state legislation on the subject.

Article 21 guarantees the Right to Life and Personal Liberty. In important cases, like *N.R. Nair vs. Union of India* and the first *Jallikattu* case (*Animal Welfare Board of India v. A. Nagaraja*), the Supreme Court suggested 'life' in Article 21 could mean animal life too.^{19 20} It talked about animals having a right to live with dignity. It was a move to give animal protection a constitutional boost. But that changed. In 2023, the Supreme Court, in the second *Jallikattu* decision (*Animal Welfare Board v. Union of India*), negated this status and said that Animals are not 'persons' under Article 21, so they do not get fundamental rights like humans.²¹ More will be discussed on this in the next chapter.

4.2. Statutory Framework

So, the Constitution sets a tone for animal protection. But the actual rules for protecting animals mostly come from two main central laws, plus other specific regulations.

4.2.1. The Prevention of Cruelty to Animals Act, 1960 (PCA Act)

This is the main law for animal welfare, passed way back in 1960. Its goal is to stop people from causing unnecessary pain or suffering to animals. And 'animal' means any living thing that is not human (Section 2(a)).²²

What does it do?

- Section 3 says that if and when one is in charge of an animal, one has a duty to take care of it.
- Section 11 is the core. It lists what counts as cruelty: beating, kicking, overloading, torture, making sick animals work, not giving enough food or water, cruel transport, bad caging, abandoning them, letting diseased animals wander, selling hurt animals,

¹⁹ AIR 2001 SC 2337

²⁰ (2014) 7 SCC 547.

²¹ INSC 548

²² The Prevention of Cruelty to Animals Act 1960 (No 59 of 1960)

mutilating or cruelly killing them, using animals for bait, making animals fight, and running places for animal fights.

- Section 12 bans specific bad practices like 'phooka' (blowing air into cows).
- Section 13 allows for putting down animals if they're suffering too much with no hope of recovery.
- Section 28 says it is *not* an offense under this Act to kill an animal if it is required by someone's religion. This affects events like religious sacrifices.

The biggest problem within this act are penalties. They are incredibly low. For most cruelty under Section 11, the fine for a first offense is just ₹10 to ₹50. Seriously. For a second offense, it is ₹25 to ₹100, maybe jail time up to three months, or both. These fines have not changed in ages and do almost nothing to stop cruelty today.

The Act also set up the Animal Welfare Board of India (AWBI). This board advises the government, promotes kindness to animals, helps animal shelters, and educates the public. It is the main government body for animal welfare. The Act (Chapter IV) also deals with animal experiments. It does not ban them but tries to control them through a committee called CPCSEA. This committee has brought out rules (like the Breeding and Experiments Rules) to make sure experiments are necessary and done as humanely as possible. They follow the '3Rs' (Replacement, Reduction, Refinement) and even added a 4th 'R' for Rehabilitation of animals after experiments.

Research places need ethical approval and registration.

4.2.2. The Cosmetics Testing Ban

Besides these laws, there are specific rules. A good example is the ban on testing cosmetics on animals. Since 2014, India does not allow cosmetics to be tested on animals here, nor does it allow importing cosmetics tested on animals elsewhere. Companies have to use other safety tests. This is different from rules for drugs, where animal testing is often still required before human trials.²³

²³ Press Information Bureau, 'Ban on Testing of Cosmetics on Animals' (Pib.gov.in2025)

5. Landmark Judicial Cases and Their Impact

5.1. Indian Courts on Animal Rights

Indian courts have changed the conversation about animal welfare over the years. Initially, the courts started looking at the laws in a limited way. But gradually, the courts began taking a wider view, considering aspects of animal rights more formally only to take a 180-degree turn.

A significant development was the case of *N.R. Nair v. Union of India*. This was about the government stopping certain wild animals from being used in circuses. The law used was Section 22 of the Prevention of Cruelty to Animals Act (PCA). The Indian Circus Federation challenged this ban. They argued the government did not have clear reasons and just acted arbitrarily. The High Court in Kerala while siding with the government, spoke about animal dignity and questioned the old idea that law only cares about humans. But it was the Supreme Court that made the final decision. The Supreme Court agreed with the government ban. The Court said the power given in Section 22 meant the government *had* to act if performances caused animals unnecessary suffering. The Court looked at expert reports and noted that rescue centers were set up. The Court confirmed the ban.

This jurisprudential wisdom helped build the foundation for a more landmark case: *Animal Welfare Board of India v. A. Nagaraja* (2014). This case looked at Jallikattu and similar events involving bulls. Were they legal? The Supreme Court gave a landmark judgment. It said these practices were cruel. They broke several rules in the PCA Act. The Court did something more. The Court connected animal welfare to the Constitution. The Court interpreted Article 21 (the Right to Life) to include an animal's right to live with dignity and basic worth. The Court mentioned the 'Five Freedoms' (basic animal welfare standards). The Court also said the Tamil Nadu law allowing Jallikattu went against the central PCA Act. This judgment strongly supported animal welfare. It suggested welfare could be more important than cultural traditions if those traditions involved cruelty.

This major judgment led to some very radical decisions in High Courts. In *Narayan Dutt Bhatt v. Union of India*, the Uttarakhand High Court took the *Nagaraja* ideas even further. The court looked at many sources – science papers about animal consciousness, Indian ideas like Ahimsa

<<https://pib.gov.in/newsite/PrintRelease.aspx?relid=112066#:~:text=The%20Drugs%20and%20Cosmetics%20Rule%20s,held%20on%2025%20November%2C%202013.>>

(nonviolence), and even how idols or companies can be treated as 'legal persons'.²⁴ The court declared that all animals should be considered legal entities. This meant animals had rights and duties like people. It also said everyone living in Uttarakhand was basically a guardian (*loco parentis*) for animals. A similar development had previously occurred in *Karnail Singh v. State of Haryana*, much before. These courts were saying animals could have legal personhood.²⁵

These High Court judgments were quite radical. They raised practical questions. How could this actually work? Did it fit with the Constitution? Later, the Supreme Court showed it was not entirely convinced. The Court expressed doubts about giving animals such broad legal status.

The direction seemed to shift back in *Animal Welfare Board of India v. Union of India* (2023). The Supreme Court looked at Jallikattu again. This was because states like Tamil Nadu, Maharashtra, and Karnataka had changed their laws to allow these traditional events again, claiming they added safeguards. People challenging these new laws said they were just trying to get around the 2014 *Nagaraja* ban. The states argued they were protecting cultural heritage. This time, the Supreme Court sided with the states. The Court said the new laws were legitimate because they supposedly fixed the earlier problems. More importantly, the Court clearly rejected giving Article 21 rights to animals. The Court stated that animals do not have legal personhood like humans. Deciding such things, the Court said, was a job for the Parliament and state legislatures, not the courts. This ruling was a big step back from the rights-focused view in *Nagaraja*. It showed the Court being more willing to let lawmakers decide, even if it meant allowing practices previously called cruel. It also effectively stopped the bold developments that had started in the High Courts regarding animal personhood.

5.2. Jurisprudence on using Animals for Testing- India and Beyond

While the *Nagaraja* case focused on animals used in entertainment like Jallikattu, a different situation came up in medical research. A key decision from the Delhi High Court in 2023, *PETA India v. Union of India & Ors.*, is useful here. This is the only significant court decision on this specific topic in about 15 years.²⁶

²⁴ 2018 SCC Online Utt 645

²⁵ [2009] 11 S.C.R. 470

²⁶ W.P.(C) 12660/2018

This case was a Public Interest Litigation which was concerning the welfare of horses and other equines. These animals are used to produce important medical products, like antibodies and antivenom. PETA India argued that the facilities were violating the Prevention of Cruelty to Animals (PCA) Act and related rules. They presented evidence pointing to problems like poor vet care, too much bleeding of the animals, and bad housing conditions.

The High Court acknowledged the laws and ethical rules meant to protect animals. But the court also had to consider that life-saving products came from these animals. Perhaps influenced by the recent Supreme Court Jallikattu judgment (which showed deference to necessity and legislative choices), the High Court did not order a complete stop to using the animals. Instead, it took a regulatory approach. The Court ordered the CPCSEA and other relevant groups to perform regular inspections. They were told to take action against any facilities breaking the rules. The Court also pushed for these bodies to encourage the use of scientific methods for testing that do not involve animals.

How Other Jurisdictions Handle Animal Testing

The European Union (EU) has often been seen as a leader, especially in banning animal testing for cosmetics. The EU's Cosmetics Regulation banned both testing finished products on animals and marketing cosmetics that relied on animal testing data. But things get complicated. Another EU law, called REACH, deals with the safety of chemicals generally. REACH sometimes requires safety data that might involve animal tests.

This created conflict. In one case, *European Federation for Cosmetic Ingredients (EFFCI) v Secretary of State*, the top EU court (CJEU) said the cosmetics marketing ban applied even if the animal testing happened outside the EU.²⁷ But later, in the Symrise AG case, a lower EU court said the cosmetics ban did not stop animal testing needed under REACH to check risks to workers or the environment.²⁸ This applied even if the chemical was only used in cosmetics. This decision seemed to create a loophole and put forward a question as how complete the EU's ban really was.

The United Kingdom (UK) has a similar conflict, maybe even more complex now after Brexit. The UK had its own policy ban on animal testing for cosmetics back in 1998. But after the EU's

²⁷ ECLI:EU:C:2016:703 <https://eur-lex.europa.eu/legal-content/GA/TXT/?uri=CELEX:62014CJ0592>

²⁸ C/2024/725 < <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:62020TA0656>>

Symrise decision and leaving the EU, the UK government reconsidered. In *Cruelty Free International v Home Office*, the UK High Court looked at this. The Court found the government was not forced by UK chemical safety laws (UK REACH) to drop its cosmetics testing ban. However, the Court agreed that the cosmetics ban did not stop animal testing needed for worker or environmental safety under UK REACH. The Court also criticized the government for not being open about changing its policy position, but said there was no legal requirement to inform the public.²⁹

In the United States (US), the main federal law is the Animal Welfare Act (AWA). This law sets minimum care standards for animals in research. But the AWA has big limitations. Notably, it does not cover birds, rats, and mice, which are the animals most commonly used in labs.

However, there has been a positive change recently. The FDA Modernization Act 2.0, passed in 2022, is a major development.³⁰ This law changed the rules for approving new drugs. It removed the old requirement that animal testing *must* be done. Now, the Food and Drug Administration (FDA) can approve drugs based on data from non-animal methods. This shows growing trust in alternatives to animal testing and that Congress is listening to ethical concerns.

6. Conclusion

The Supreme Court's decision in the second Jallikattu case (Jallikattu II) made things very clear. The Court explicitly refused to extend Article 21 rights (the Right to Life) to animals. This action effectively took apart the constitutional basis for animal rights that the earlier *Nagaraja* judgment had built. By allowing the state laws that permitted Jallikattu with regulations to stand, the Court showed it was leaning towards letting lawmakers and cultural arguments hold more weight. This was a definite step back from the strong pro-animal welfare position the Court took in its 2014 judgment. This change really highlights how inconsistent the courts have been. They moved from seeing animals as almost having rights back to a more traditional approach. This approach involves balancing animal welfare against human interests and government policy, often giving human interests the upper hand.

Even when looking specifically at animal testing, the courts seem focused on practical solutions rather than challenging things based on animal rights. Take the Delhi High Court's decision in

²⁹ [2017] EWHC 3295 <https://www.casemine.com/judgement/uk/5b2897fc2c94e06b9e19e9fd>

³⁰ FDA Modernization Act 2.0, S. 5002, 117th Cong. (2022)

the PETA India case. This case, as discussed before, dealt with the welfare of horses used in medical research. The court did not ban the use of horses based on their rights. Instead, it ordered stricter enforcement of existing rules and encouraged finding alternatives. While the court supported better treatment and preventing harm under current laws (like the PCA Act and CPCSEA rules), it did not question whether using animals for necessary science was acceptable in the first place. This fits the more careful, regulation-focused attitude seen after the Jallikattu II judgment.

So, looking at the recent path of Indian courts, the main theme regarding animal welfare is inconsistency that has just been settled. The grand, constitutionally backed vision for animal rights described in *Nagaraja* has been significantly weakened. Now, the legal status of animals and how much protection they get seems to depend more on shifting court interpretations and government decisions. There is no longer a clear, steady push from the judiciary towards stronger animal rights, not just nationally but also internationally.

BIBLIOGRAPHY

A. Legislation, Regulations, and Rules

1. Animal Welfare Act, 1966
2. Breeding of and Experiments on Animals (Control and Supervision) Rules, 1998
3. Constitution of India, 1950
4. Cosmetics Regulation (EC) No 1223/2009
5. Drugs and Cosmetics Rules, 1945
6. FDA Modernization Act 2.0, 2022
7. Food, Drug, and Cosmetic Act, 1938
8. Prevention of Cruelty to Animals Act, 1890
9. Prevention of Cruelty to Animals Act, 1960
10. Regulation on Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (EC) No 1907/2006
11. Wildlife Protection Act, 1972

B. Cases

12. Animal Welfare Board of India v. A. Nagaraja (Jallikattu I) (2014) 7 SCC 547
13. Animal Welfare Board of India v. Union of India (Jallikattu II) 2023 INSC 548
14. Cruelty Free International v Home Office [2017] EWHC 3295
15. European Federation for Cosmetic Ingredients (EFfCI) v Secretary of State ECLI:EU:C:2016:703
16. Karnail Singh v. State of Haryana [2009] 11 S.C.R. 470

17. N.R. Nair v. Union of India AIR 2001 SC 2337
18. Narayan Dutt Bhatt v. Union of India 2018 SCC Online Utt 645
19. PETA India v. Union of India & Ors. W.P.(C) 12660/2018
20. Symrise AG (Case T-656/20, ECLI:EU:T:2023:487)

C. Books

Bhatia G, 'Directive Principles of State Policy' in Sujit Choudhry, Pratap Bhanu Mehta and Madhav Khosla (eds), *The Oxford Handbook of Indian Constitution* (Oxford University Press 2016)

D. Journal Articles

21. Akbarsha MA and Pereira S, 'Mahatma Gandhi-Doerenkamp Center for Alternatives to Use of Animals in Life Science Education' (2010) 1 *Journal of Pharmacology and Pharmacotherapeutics* 108 <https://pmc.ncbi.nlm.nih.gov/articles/PMC3043344/>
22. AKHTAR A, 'The Flaws and Human Harms of Animal Experimentation' (2015) 24 *Cambridge Quarterly of Healthcare Ethics* 407 <https://pmc.ncbi.nlm.nih.gov/articles/PMC4594046/>
23. Lee SY and others, 'Alternative Experimental Approaches to Reduce Animal Use in Biomedical Studies' (2022) 68 *Journal of Drug Delivery Science and Technology* 103131 <https://www.sciencedirect.com/science/article/abs/pii/S1773224722000405>
24. Nadhkarni A and Ghosh A, 'Broadening the Scope of Liabilities for Cruelty against Animals: Gauging the Legal Adequacy of Penal Sanctions Imposed' (2016) 10 *NUJS Law Review* 517 <https://nujslawreview.org/wpcontent/uploads/2017/08/Abha-and-Adrija-Animal-Cruelty-.pdf>
25. Sebo J, 'A Critique of the Kantian Theory of Indirect Moral Duties to Animals' (2005) 2 *Animal Liberation Philosophy & Policy* 54 <https://jeffsebo.net/wpcontent/uploads/2014/10/a-critique-of-the-kantian-theory-of-indirect-duties-toanimals1.pdf>

26. Swain CS and others, 'A Systematic Review of Live Animal Use as a Simulation Modality ("Live Tissue Training") in the Emergency Management of Trauma' (2023) 80 Journal of Surgical Education 1320 <https://www.sciencedirect.com/science/article/pii/S1931720423002209>
27. Vadivelan R and others, 'ALTERNATIVES to ANIMAL EXPERIMENTATION in TEACHING PHARMACOLOGY: COMPUTER ASSISTED LEARNING TECHNIQUES in PHARMACY CURRICULUM' (2015) 2 Indian Journal of Pharmacy and Pharmacology 70 <https://www.ijpp.org.in/article-details/289>
28. Van Norman GA, 'Limitations of Animal Studies for Predicting Toxicity in Clinical Trials' (2019) 4 JACC: Basic to Translational Science 845 <https://pmc.ncbi.nlm.nih.gov/articles/PMC6978558/>

E. News Sources

29. Today I, 'Nails Plucked, Mouth Broken: Villagers Torture Bear to Death in Chhattisgarh' (India Today 12 April 2025) <https://www.indiatoday.in/india/story/sukma-animal-cruelty-villagers-chhattisgarhtorture-bear-to-death-nails-plucked-mouth-broken-2708025-2025-04-12>
30. Zoë Corbyn, 'Philosopher Peter Singer: "There's No Reason to Say Humans Have More Worth or Moral Status than Animals"' (the Guardian 21 May 2023) <https://www.theguardian.com/world/2023/may/21/philosopher-peter-singertheres-no-reason-to-say-humans-have-more-worth-or-moral-status-than-animals>

F. Online Resources / Websites / Reports

31. Francione GL, 'Animal Rights Theory and Utilitarianism: Relative Normative Guidance | Animal Legal & Historical Center' (Animallaw.info 2024) <https://www.animallaw.info/article/animal-rights-theory-and-utilitarianism-relativenormative-guidance>
32. 'Issues Regarding Animal Experimentation in India' https://www.insaindia.res.in/pdf/sc_pol/Chaitanya.pdf (Hosted on insaindia.res.in, appears to be a report/document)

33. Kavuri T, 'Overview of Animal Laws in India | Animal Legal & Historical Center' (Animallaw.info 2020) <https://www.animallaw.info/article/overview-animal-lawsindia>
34. Koduri C, 'Issues Regarding Animal Experimentation in India' (2021) https://www.insaindia.res.in/pdf/sc_pol/Chaitanya.pdf (Hosted on insaindia.res.in, appears to be a report/document - same link as above)
35. Minocha A, 'INHUMANE ACTIONS against the WILD CREATURES: THE LEGAL PERSPECTIVE Anshit Minocha 1' (2021) <https://www.juscorpus.com/wpcontent/uploads/2020/11/15.pdf> (Hosted on juscorpus.com, likely an online legal publication/paper)
36. Peggs K and Linzey A, 'Normalising the Unthinkable: The Ethics of Using Animals in Experiments' (Research Gate 2015) https://www.researchgate.net/publication/280718607_Normalising_the_Unthinkable_The_Ethics_of_Using_Animals_in_Experiments
37. PETA, 'Medical Council to Universities: Use Non-Animal Teaching Methods - Blog - PETA India' (PETA India 13 May 2014) <https://www.petaindia.com/blog/medical-council-universities-use-non-animalteaching-methods/> (Blog post)
38. Press Information Bureau, 'Ban on Testing of Cosmetics on Animals' (*Pib.gov.in*2025) <<https://pib.gov.in/newsite/PrintRelease.aspx?relid=112066#:~:text=The%20Drugs%20and%20Cosmetics%20Rules,held%20on%2025%20November%2C%202013.>>>
39. 'WellBeing International WellBeing International WBI Studies Repository WBI Studies Repository LD50: A Cruel Waste of Animals LD50: A Cruel Waste of Animals' https://www.wellbeingintlstudiesrepository.org/cgi/viewcontent.cgi?article=1022&context=cu_reps (Hosted on wellbeingintlstudiesrepository.org, appears to be a report/study)
40. Yadav S, 'ANIMAL EXPERIMENTATION LAWS in INDIA' <https://thelawbrigade.com/wp-content/uploads/2020/11/Shruti-Yadav-ALPPR.pdf> (Hosted on thelawbrigade.com, likely an online legal publication/paper)