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INDIAN NATIONAL SCIENCE ACADEMY
Bahadur Shah Zafar Marg, New Delhi-110 002

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Subject: Concerns regarding the draft of a new Animal Welfare Act, posted by the Ministry of Environment and Forests.

Dear Shri Jairam Ramesh Ji,

Government of India has given the responsibility of adhering to the International Council for Science (ICSU) to the Indian National Science Academy (INSA). The major objectives of INSA involve coordinating among scientific academies, societies, institution, Government Scientific Departments and Services. INSA also plays a role as an apex body of Science for advising the Government of India on issues relating to the development of science and technology as and when requested. It is in this context that the Academy had set up an Expert Group (Annexure I) to study the new draft of "Animal Welfare Act", posted by the Ministry of Environment and Forests (MoEF). After considerable deliberations we find several issues of great concern to the scientific community and the draft of the Act as posted by MoEF needs modifications.

2. INSA has always taken keen interest and played a leading role to promote animal welfare, particularly in respect of animals which are an integral part of research aimed at mitigating the suffering of common people. Our Academy was in fact the first organization in India, which in 1992, formulated the guidelines of international standards for the use of animals in experimental research. The scientific community in the country was widely consulted and these guidelines were updated in 2000. INSA has always held that the usage of animals for experimental, research though essential and unavoidable should be governed by strict laws as per best international practices to ensure humane treatment of animals. We hope that the new legislation to be piloted by the MoEF would greatly strengthen scientific research on the one hand and will safeguard the welfare of animals on the other.

3. Detailed deliberations on the current legislative draft have identified many serious issues, which are of great concern to the scientific community and would need to be addressed before the draft is finalized. The Academy is also seriously concerned about a general problem that the legislative draft gives rise to.

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4. Globally there are activists who are very seriously concerned about welfare of all animals, a very noble cause. The primary aim of scientific community is to develop new drugs and other strategies to mitigate suffering of humans as well as animals. Animals are necessary for crucial experiment in the research laboratory. Many advanced countries had to enact legislations to safeguard scientists conducting animal experiments. In our opinion the new Act should be comprehensive and should address all issues and problems.

5. The overreaching problem is the impression created by the legislative draft, in both language and intent, that this legislation has a clear and implicit agenda of preventing any usage – even legitimate usage, - of experimental animals, so essential for human and animal health and wellbeing. A few examples, inter-alia, of the basis for this impression are provided (Annexure-II).

6. This impression is antithetical to the reasoned, rational and inclusive deliberations necessary for development of new legislation. INSA is of the opinion that humane well-regulated animal experimentation is essential for achieving better understanding of the mechanisms involved in biological systems, which is the soundest platform, particularly in the new knowledge economies, for the development of new biotechnologies in health and agriculture that will contribute to the progressive improvement of societal well-being. INSA is also of the opinion that the humane use of livestock animals in agriculture and animal husbandry is an essential part of the economic, social and physical well-being of the people of India.


7. INSA is of the opinion that the present draft needs major modifications in consultation with the Scientific Community as had been done on an earlier occasion in 2000. Further, INSA is of the view that one of the secondary problems in the current law as well as in this proposed draft is that; animal welfare in three completely different and specialized domains of animal usage, namely, animal experimentation, use of livestock as a source of nutrition and pet/performing animal usage, and zoo/wildlife situations are being addressed under a single legislation. In the interest of administrative governance, INSA suggests that three completely independent Acts should be developed for these three domains.

8. For the purpose of developing three separate pieces of legislation, appropriate nodal government ministries/departments need to be identified. Clearly, the Ministry of Science and Technology and Health (Department of Health Research in particular) would be the appropriate nodal agency for animal experimentation, while the Ministry of Agriculture and Animal Husbandry would be suitable one for livestock animal usage, and the MoEF for the maintenance of zoo and protection of wildlife. In addition, Ministry of Chemicals and Fertilizer which oversees the pharmaceuticals industry needs to be consulted.

9. INSA, with all expertise available in its fellowship and wherever needed in collaboration with other Science Academies offers to participate in the development of such a new legislative draft for the purpose of regulating experimental animal usage, by convening public hearings of the scientific community, by setting up working groups to prepare background notes and drafts, and in any other way desired. INSA looks forward to proactive steps in this matter by the Government.

With my best regards,

Yours sincerely,


(Krishan Lal)

Shri Jairam Ramesh
Hon'ble Minister for Environment & Forests,
Government of India,
Paryavaran Bhavan,
New Delhi.

Copy to:

1. Dr. T. Ramasami, Secretary to the Government of India, Department of Science & Technology, New Delhi.
2. Dr. M.K. Bhan, Secretary to the Government of India, department of Biotechnology, New Delhi.
3. Dr. V.M. Katoch, Secretary to the Government of India, Department of Health Education and Research, Indian Council of Medical Research, New Delhi.
4. Dr. S.K. Brahmachari, Secretary to Government of India, Department of Scientific and Industrial Research and Director General, Council of Scientific & Industrial Research, Rafi marg, New Delhi.

List of the Experts

1. Prof. P.N. Tandon,
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National Brain Research Centre,
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2. Dr. K.K. Talwar,
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15. Dr. R.S. Sharma,
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16. Dr. Vijay Kumar,
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17. Dr. V. Ravindranath, (Provided Valuable Inputs)
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19. Dr. P.K. Seth, (Provided Valuable Inputs)
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and former Director,

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ANNEXURE – II.

5A. The definition of ‘Animal’ in the proposed Act “means any living creature other than human being” is misleading. This means ‘any living creature’ other than human being, would include all plants, microbes, insects and other invertebrates. The definition for the purposes of proposed Act should better be rephrased as “animal” means any living vertebrate creature other than a ‘human being’.

5B. The preamble note of the MoEF says that a ‘salient feature’ of the proposed legislation is ‘Strengthening Animal Welfare Organization, and conscientious citizens who wish to espouse the cause of animal welfare and wellbeing’. This overlooks the need for strengthening of the scientific research. This will encourage ‘animal rights’ and vigilantism, which in the past resulted in undesirable events in several parts of the country.

5C. In the legislative preamble, the draft calls itself ‘An Act to provide for the welfare and wellbeing of animals, and to prevent the infliction of trauma, pain or suffering on them, and to prevent unnecessary killing of animals, and for that purpose to consolidate the law relating to prevention of cruelty to animals and providing for their welfare generally’. This has been altered from the current Act

which reads 'to prevent the infliction of unnecessary pain or suffering on animal and for that purpose to amend the law relating to the prevention of cruelty to animals'. The removal of the word 'unnecessary' from the phrase 'to prevent the infliction of unnecessary pain or suffering of animals' in the current law is inappropriate, for a variety of reasons. It may be unavoidable to cause some degree of pain, in the interest of human welfare (and even animal welfare) while animals are being used for scientific experiments. Animal experimentation is also required for developing vaccines for prevention and therapy of animal diseases.

5D. It is universally recognized that properly designed and humanely conducted animal experiments are essential for progress of bio-medical research. It is a statutory requirement for drug development. This should be spelt out in the proposed Act as already included in the existing Act "it shall be the duty of the Committee to take all such measures as may be necessary to ensure that animals are not subject to unnecessary pain or suffering before, during or after the performance of experiments on them, and for that purpose, it may, by notification in the Gazette of India and subject to condition of previous publication make such rules as it may think fit in relation to the conduct of such experiments." The reason for deleting it from the proposed Act is not clear.

5E. The draft implicitly mandates a number of restrictions on animal experimentation that are inappropriate to the national knowledge enterprise. Thus experiments to gain manual skills, which are proposed to be banned, are an essential part of the development of the skilled human resources, and prohibiting them in this fashion would be a serious limitation for knowledge generation, human resource development, and for humane handling of animals as well. Similarly, experiments whose results are 'known' (which are proposed to be banned) frequently do need to be repeated, since reproducibility of findings is a major issue in life science research. Prohibiting them and/or prohibiting repeat experiments is therefore tantamounts to an enormous road block on life science research in the

country. In fact, the draft mandates 'that the animals intended to be used or used for experiments are cared for during and after experiments and rehabilitated wherever feasible in rehabilitation centres, and not in such offending institutes.' It unfortunately assumes that any institution where even lawful animal experimentation is carried out is an 'offending' institution.

5F. Repeatedly, throughout the proposed legislation, the Animal Welfare Board (AWB), the Committee for the purpose of control and supervision of experiments on animal (CPCSEA), Animal Welfare Organisations (AWOs), Societies for the Prevention of Cruelty to Animals (SPCAs), and even individuals 'conscientious citizen' are provided with functional powers that properly belong to the sphere of executive governance. Since all of these are civil society bodies, at most (though not always) constituted and funded in part by Government, their executive empowerment appear to convey a message that all animal usage is under sufferance under this legislation. This is particularly so since, under this proposed legislation, none of these agencies, even when they are constituted and funded by the Government, are envisaged as having any members from animal user/ stake holder groups.

5G. Chapter I, Section 3 defines the duty of persons having charge of animals to say that they 'shall ensure that an animal in his care or under his charge has: i. Freedom from thirst, hunger and malnutrition, ii. Freedom from discomfort due to environment, iii. Freedom from pain, injury and disease, iv. Freedom from expression normal behaviour for the species, v. Freedom from fear and distress.' This is impossible to guarantee under some specific conditions for example a drug to be developed for pain relief can only be tested under controlled painful condition. Of course, a full justification needs to be provided in case any of these "freedoms" are violated and appropriate ethical clearance for such an experiment needs to be obtained. A new draft also does not recognize the possibility of 'reasonable clause' in humans causing inadvertent suffering to animals, and identifies all

animal suffering as liable to render the humans involved subject to prosecution and punishment. This is not an 'animal welfare' approach.

5H. In Chapter IV, Section 17(1)(e) specifies that it would be wrong if any one keeps or confines any animal in any cage or other receptacle which does not measure sufficiently in height, length and breadth to permit the animal a reasonable opportunity for its natural movement. It may be pointed out that nowhere in the earlier or present proposed legislation the ideal size of the cages, the proper food or environment has been described. This notwithstanding the INSA document on the subject "Guidelines for the Care and Use of Animals in Scientific Research" brought out in 1992 and revised in 2000, which details all this and was submitted to the MoEF earlier and copy is being enclosed. There are also National Standards which deal with this issue (IS-570 –Part I to Part X – 1981).

These are some examples which need careful consideration. It is requested that representatives of Scientific bodies like the Academies, Government Science Departments and Research Councils need to be taken into confidence while finalizing the Draft Act in over all interest of Animal Welfare and Human Needs. We are deeply conscious of the needs for animal welfare, however, animal activism has led to very unfortunate behaviour. This has resulted in formulating laws to prevent the misuse of animal experimentation on one hand and preventing unauthorized acts of vandalism by animal activists on the other all over the world. Copies of some of the papers published recently in prestigious scientific journals are also attached (Annexure-III).