

PEOPLE FOR
THE ETHICAL
TREATMENT
OF ANIMALS

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Shri Bhupender Yadav
Hon'ble Minister of Environment, Forest and Climate Change
Vice-Chairperson, National Board for Wildlife
Ministry of Environment, Forest and Climate Change
Indira Paryavaran Bhawan
Jorbagh Road, New Delhi
Delhi 110003

19th July 2024

Via e-mail and post: mefcc@gov.in

Dear Shri Yadav ji:

Thank you in advance for your time. I'm writing on behalf of People for the Ethical Treatment of Animals (PETA) India and our more than 2 million members and supporters. **Based on the information presented below, we request that the National Board for Wildlife recommend the reinstatement of the rhesus macaque (*Macaca mulatta*) as a species protected under the Wild Life (Protection) Act, 1972, (WPA) – their protections were removed through the passage of the Wild Life (Protection) Amendment Act, 2022 – and that they be granted the highest protection, afforded to many other indigenous species, under Schedule I.**

If these protections are not reinstated, we fear it will result in the capture, caging, torment, and killing of these earthly representatives of Lord Hanuman. Without protection under the WPA, people may be encouraged to use these animals in painful, archaic experiments; keep them as “pets”; slaughter them for meat; force them to perform for entertainment; or even kill them outright.

Dangerous Ecological Consequences and a Public Outcry

Several decades ago, the rhesus macaque population in India declined by a staggering 90%, and we're concerned that the country may again face a similar loss if protection of this species under the WPA is not reinstated.¹

Rhesus macaques hold a special religious significance in our country, but the removal of this species from their natural habitats would also have serious ecological consequences. Due to their fruit-based diet, large group sizes, home ranges, and resilience, these monkeys are considered effective and necessary seed dispersers.² Researchers found that rhesus macaques dispersed 84% of the 49 plant species they fed on, either through spitting or defecation. These monkeys are especially crucial in altered habitats, where other seed dispersers have difficulty surviving.

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¹Southwick CH, Siddiqi MF. Partial recovery and a new population estimate of rhesus monkey populations in India. *Am J Primatol.* 1988;16(3):187-197.

²Sengupta A, McConkey KR, Radhakrishna S. Seed dispersal by rhesus macaques *Macaca mulatta* in Northern India. *Am J Primatol.* 2014;76(12):1175-84.

The macaque population sharply declined in 2003, when hundreds of thousands of monkeys were trapped, crated, and shipped to laboratories in the United States for use in experiments.³ Disturbing reports published in British and American newspapers revealed that the US violated its agreement regarding how the monkeys were to be used. In 1955, the US promised the Indian government that monkeys imported from India would only be used for medical research and vaccine production and that they would not be used in weapons testing, atomic blast experiments, or space research.⁴ However, the International Primate Protection League launched a global information campaign in 1977 when it discovered that the US was using these monkeys in radiation experiments and was in other apparent breaches of the agreement. Monkeys were reportedly being shot in the face with rifles, dunked in boiling water, and subjected to high-impact blows to simulate car crashes.⁵ As a result, in 1978, a ban on the export of live monkeys for biomedical experimentation was implemented.^{6,7} This significant step forward, led by then Prime Minister Morarji Desai, demonstrated India's commitment to safeguarding these primates and preserving India's ecological balance.

More recently, there has been evidence that unscrupulous American, British, and other European monkey importers are hoping to pillage India's rhesus macaque population. An office memorandum published by the Wildlife Crime Control Bureau (WCCB) on 11 May 2022 (**Annexure A**) highlights possible attempts by the Laboratory Corporation of America Holdings to export vulnerable live monkeys from India. In response, the WCCB alerted its field formations in an attempt to prevent the illegal export of non-human primates from the country. That the WCCB – a bureau approved by the National Board for Wildlife in 2005 – has officially flagged that this is an issue of concern makes clear that Indian rhesus macaques face an imminent threat.⁸

Risks to Public Health and Scientific Integrity

Exporting wild-caught primates would increase the risks associated with zoonotic disease. Scientists who have studied the spread of disease in the international wildlife trade recently determined that two primate species – *Macaca fascicularis* (long-tailed macaque) and *Macaca mulatta* – pose the greatest risk of dangerous pathogens spilling over to humans.⁹ The removal of WPA protections previously afforded to rhesus macaques, which makes them vulnerable to capture and shipment to foreign experimenters, could increase incidences of human-primate interaction and place India's public health at risk.

To make matters worse, macaques caught up in the international primate experimentation pipeline are often immunocompromised. The stress of capture and transport makes them vulnerable to zoonotic pathogens, such as campylobacter, *Vibrio cholera*, cryptosporidium, salmonella, *Shigella flexneri*, *Yersinia enterocolitica*; viruses and viral diseases, such as

³National Research Council (US) Institute for Laboratory Animal Research. Session 2. *International Perspectives: The Future of Nonhuman Primate Resources*. National Academies Press; 2003:61-96.

⁴International Primate Protection League. *Newsletter*. 1978;5(1):2. Accessed 10 July 2024. https://www.ippl.org/newsletter/1970s/014_v05_n1_1978-04.pdf

⁵International Primate Protection League. *Newsletter*. 1978;5(1):3. Accessed 10 July 2024. Accessed 10 July 2024. https://www.ippl.org/newsletter/1970s/014_v05_n1_1978-04.pdf

⁶Government of India, Prime Minister's Office. Export of monkeys from India. 1977. Accessed 10 July 2024. <https://indianculture.gov.in/archives/export-monkeys-india-0>

⁷Rensberger, B. Export ban on monkeys poses threat to research. *The New York Times*. 23 January 1978. Accessed 10 July 2024. <https://www.nytimes.com/1978/01/23/archives/export-ban-on-monkeys-poses-threat-to-research-export-ban-on.html>

⁸Khanna B. Poaching: monkey alert for all states, forest depts. *The New Indian Express*. 14 May 2022. Accessed 17 July 2024. <https://www.newindianexpress.com/states/karnataka/2022/May/14/poaching-monkey-alert-for-all-states-forest-depts-2453383.html>

⁹Borsky S, Hennighausen H, Leiter A, Williges K. CITES and the zoonotic disease content in international wildlife trade. *Environ Resour Econ (Dordr)*. 2020;76(4):1001-1017.

measles, hepatitis A, tuberculosis, flaviviruses, simian type D retroviruses, simian foamy viruses, simian immunodeficiency virus, adenoviruses, parvoviruses, and alpha, beta, and gamma herpesviruses; zoonotic diseases, including malaria; fungal infections; and the bacterial infection *Burkholderia pseudomallei*.^{10,11,12,13,14,15} Immunocompromised monkeys may be more likely to shed such uncontrolled and undetected pathogens in their faeces, saliva, urine, or blood, posing a threat to workers' safety. Such pathogens also undermine and confound the integrity of studies in which these animals are used.¹⁶

Significant and Unnecessary Suffering

When monkeys captured or bred to be used in experiments are transported, they are crammed into small wooden crates and shipped in the dark, terrifying cargo holds of planes for as long as 30 hours. Once they arrive at the destination, these sensitive animals wait in fear until they're loaded onto trucks and taken to laboratories to be used in painful and deadly experiments. Monkeys imprisoned in laboratories are denied everything that's natural and important to them. They never feel the warmth of the sun, climb trees, or raise their children. Instead, they're confined to small metal cages, often completely alone, and tormented in experiments in which they're cut open, poisoned, crippled, drugged, shocked, and killed.

Animal Experiments Fail to Lead to Human Treatments

Not only are these experiments cruel, they also repeatedly fail to yield treatments and cures for humans. Despite the US demand for monkeys in laboratory experiments, the US National Institutes of Health (NIH) reports that 95% of all new drugs that appear to be safe and effective in animals fail in human clinical trials, most because they don't work or turn out to be dangerous.¹⁷ A former director of the NIH has admitted that testing on animals hasn't worked and that we need to adopt new methodologies for use in humans.¹⁸ Another former NIH director emphasised the potential of new animal-free technology, stating, "new alternatives like tissue chips, that reproduce human biology in a much more physiologically complex way, remove this requirement for animal testing data".¹⁹ Recognising this, the US Congress passed the FDA Modernization Act 2.0, which eliminates the requirement for testing new drugs on animals.²⁰

Similarly, India has made numerous positive strides towards adopting human-relevant research methods and recognised animal welfare as a significant factor in this shift, such as by issuing an

¹⁰Yee JL, Prongay K, Van Rompay KKA, et al. Tuberculosis detection in nonhuman primates is enhanced by use of testing algorithms that include an interferon- γ release assay. *Am J Vet Res*. 2021;83(1):15-22.

¹¹Eberle R, Jones-Engel L. Understanding primate herpesviruses. *J Emerg Dis Virol*. 2017;3(1):10.16966/2473-1846.127.

¹²Balansard I, Cleverley L, Cutler KL, Spångberg MG, Thibault-Duprey K, Langermans JA. Revised recommendations for health monitoring of non-human primate colonies (2018): FELASA Working Group Report. *Lab Anim*. 2019;53(5):429-446.

¹³Wachtman LM, Mansfield KG. Opportunistic infections in immunologically compromised nonhuman primates. *ILAR J*. 2008;49(2):191-208.

¹⁴Sasseville VG, Mansfield KG. Overview of known non-human primate pathogens with potential to affect colonies used for toxicity testing. *J Immunotoxicol*. 2010;7(2):79-92.

¹⁵US Centers for Disease Control and Prevention. Conclusion of select agent inquiry into *Burkholderia pseudomallei* release at Tulane National Primate Research Center. 13 March 2015. Accessed 10 July 2024. <https://archive.cdc.gov/#/details?url=https://www.cdc.gov/media/releases/2015/s0313-burkholderia-pseudomallei.html>

¹⁶Soge OO, NO D, Michael KE, et al. Transmission of MDR MRSA between primates, their environment and personnel at a United States primate centre. *J Antimicrob Chemother*. 2016;71(10):2798-2803.

¹⁷National Center for Advancing Translational Sciences. Transforming translational science. 2019. Accessed 10 July 2024. https://ncats.nih.gov/sites/default/files/NCATS_Factsheet_508.pdf

¹⁸National Institutes of Health. *NIH Record*. 2013;65(13):7. Accessed 10 July 2024. <https://nihrecord.nih.gov/sites/recordNIH/files/pdf/2013/NIH-Record-2013-06-21.pdf>

¹⁹Moutinho, S. Researchers and regulators plan for a future without lab animals. *Nat Med*. 2023;29(9):2151-2154.

²⁰Han JJ. FDA Modernization Act 2.0 allows for alternatives to animal testing. *Artif Organs*. 2023;47(3):449-450.

amendment that authorises researchers to use non-animal methods for testing new drugs,²¹ replacing the use of guinea pigs for detecting and identifying pathogens that make feed unfit for animal consumption with a modern, non-animal method;²² and much more.²³ We encourage the National Board for Wildlife to be at the forefront of this scientific and ethical paradigm shift by recommending the reinstatement of WPA protection of rhesus macaques, thereby ensuring that these animals are not experimented on in tests that overwhelmingly fail to advance human health.

Removal of WPA Protection for Rhesus Macaques Is Devoid of Legal Basis

Lastly, the Wild Life (Protection) Amendment Act, 2022, is devoid of legal basis. The amendment is in direct contradiction of Article 48a and Article 51a(g) of the Constitution of India. These articles specify the state's and citizens' respective obligations to protect, safeguard, and show compassion to wildlife, but eliminating the protections rhesus macaques were previously afforded exposes them to greater risk of being hunted and killed, captured for experimentation, or abused in other ways.

Further, the legislative note, No LN/Ref/June/2022²⁴ ("legislative note"), sets out that the primary objectives for carrying out amendments to the Wild Life (Protection) Act, 1972, was to rationalise the schedules so as to ensure that the animals and plants were not segregated inaccurately (regarding the protections they are afforded) and align the legislation with the Convention on International Trade in Endangered Species of Wild Fauna and Flora. However, the legislative note provides no justification for the removal of rhesus macaques from Schedule II or their reduction in protection. In the 2022 amendment, the rhesus macaque species does not come within the definition of "wild animal",²⁵ and the definition of "captive animal"²⁶ no longer applies to the rhesus species. While most macaque species have been retained under Schedule II of the amended act, the most exploited of them, rhesus macaques, has been removed from Schedule II without any legal or scientific reasoning, and thereby, the decision is manifestly arbitrary, unreasonable, and in violation of Article 14 of the Constitution.

Conclusion

For decades, it has been evident that the use of primates fails to provide meaningful treatments and vaccines for humans. In addition, the potential devastation wreaked on India's wild rhesus macaque populations and entire ecosystems, the suffering of animals in laboratories, and the threat of zoonotic disease primates pose to humans are among the factors that make it clear that the real-world harm outweighs any perceived benefits of removing WPA protection for rhesus macaques. Furthermore, we note that this withdrawal comes against the backdrop of the global landmark 2021 judgment of the Constitutional Court of Ecuador, which recognised and increased the legal rights of monkeys. The Wild Life (Protection) Amendment Act, 2022, eliminates the very protection that the WPA seeks to provide.

We therefore beseech you to recommend that rhesus macaques be reinstated as a species protected under the WPA and granted the highest protection under Schedule I by calling for a

²¹Parvatam, S. India takes first step to remove animals from drug-testing process. *The Hindu*. 29 June 2023. Accessed 10 July 2024. <https://www.thehindu.com/sci-tech/science/animal-trials-drug-development-india-amendment-2019-rules/article67019288.ece>

²²Lethal guinea pig test scrapped by Bureau of Indian Standards. *Down To Earth*. February 2021. Accessed 10 July 2024. <https://www.downtoearth.org.in/news/wildlife-biodiversity/lethal-guinea-pig-test-scrapped-by-bureau-of-indian-standards-75367>

²³People for the Ethical Treatment of Animals India. 11 ways PETA entities won for animals in laboratories during the pandemic. 28 February 2022. Accessed 10 July 2024. <https://www.petaindia.com/blog/11-ways-peta-entities-won-for-animals-in-laboratories-during-the-pandemic>

²⁴Lok Sabha. Legislative note: the Wild Life (Protection) Amendment Bill, 2021. Accessed 17 July 2024 https://loksabhadocs.nic.in/Refinput/New_Reference_Notes/English/18072022_180331_102120463.pdf


²⁵The Wild Life (Protection) Act, 1972. Section 2(36). Accessed 10 July 2024. <https://indiankanoon.org/doc/559801>

²⁶The Wild Life (Protection) Act, 1972. Section 2(5). Accessed 10 July 2024. <https://indiankanoon.org/doc/559801>

notification to be issued under Section 61 of the Wild Life (Protection) Act, 1972 (as amended).

Thank you for your time and attention to this important matter. I kindly request that you share with me details of any action taken. I can be reached at AAggarwal@petaindia.org or on 9958840994.

Sincerely,



Anjana Aggarwal, PhD
Science Policy Advisor
PETA India



Wildlife Crime Control Bureau
वन्यजीव अपराध नियंत्रण ब्यूरो

GOVERNMENT OF INDIA
भारत सरकार
MINISTRY OF ENVIRONMENT
FORESTS AND CLIMATE CHANGE
पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय

File No.3-10/WCCB/TRADE/2021-2022 / 3171

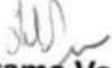
Dated: 11, May, 2022

OFFICE MEMORANDUM

Sub.: Issuance of Alert on smuggling of monkeys – reg.

Input has been received from a reliable source that Laboratory Corporation of America is making effort to export live monkeys from India some of which are protected under the Wildlife (Protection) Act, 1972.

2. It may be mentioned that export of all wild animals is prohibited from India as per Foreign Trade Policy (FTP) of Government of India. As per intelligence input there has been a surge in the demand of monkeys due to surge in the price of monkeys.
3. In view of the above, it is requested to Alert the field formations under your control for prevention of export of non-human primates including monkeys from India.


(Tilotama Varma)
Additional Director
WCCB, BHQ, New Delhi

Distribution

1. Chief Wildlife Wardens of all States.
2. Member of Customs, CBIC of India, New Delhi,
3. Joint Director(I&C), WCCB, BHQ, New Delhi
4. All Regional Deputy Directors of WCCB Regional offices, NR/ER/WR/SR/CR