

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

GOVERNMENT OF KERALA

Forest and Wildlife (F) Department

NOTIFICATION

G.O.(P) No. 12/2003/F&WLD. Dated, Thiruvananthapuram, 26th February, 2003.

S. R. O, No. 220/2003.—In exercise of the powers conferred by sub-section (2) of section 64 of the Wildlife (Protection) Act, 1972 (Central Act 53 of 1972), the Government of Kerala hereby make the following rules, namely:—

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala Captive Elephants (Management and Maintenance) Rules, 2003.

(2) They shall come into force at once.

2. *Definitions.*—(1) In these rules, unless the context otherwise requires,—

(a) "Act" means the Wildlife (Protection) Act, 1972 (Central Act 53 of 1972);

(b) "Cavady" means a person engaged to assist the mahout;

(c) "Chief Wildlife Warden" means the person appointed as such under section 4 of the Act;

(d) "Department" means the Kerala Forest Department;

(e) "elephant" means any elephant, captured or kept or bred in captivity;

(f) "Mahout" means the person who manages the captive elephants;

(g) "owner" means a person who owns an elephant as per the provisions of the Act and the Rules made thereunder;

(h) "Ownership Certificate" means the certificate of ownership issued as per the provisions of the Act and the Rules made thereunder;

(i) "Veterinary Doctor" means a registered Veterinary Doctor or an experienced Ayurvedic elephant expert;

(2) words and expressions used and not defined in these rules but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. *Mahouts.* (1) For taking care of each elephant, the owner thereof shall engage a mahout having atleast 3 years experience in managing an elephant.

(2) The experience of the mahout shall be certified by the officer authorised for the purpose by the Chief Wildlife Warden;

(3) Every mahout shall attend training Programmes in elephant care as and when

called for by the Forest Department and it shall be the responsibility of the owner to facilitate the above training by relieving the mahout after making suitable arrangements.

(4) The owner shall engage the cavady to assist the mahout.

4. *Housing of Elephants.*—(1) The owner shall provide a stable (tethering place) in a clean and healthy environment with sufficient shade to keep elephants during its rest period;

(2) Each elephant must be ensured a minimum floor area as specified below :

- | | |
|---|------------|
| (i) Weaned Calf (height below 1.50 m) | 5m x 2.3 m |
| (ii) Sub-adult elephant (height 1.50m to 2.25,m) | 7m x 3.5m |
| (iii) Adult elephant (height above 2.25 m) and
Cow elephant with unweaned calf | 9 a x 6 m |

(3) In the case of covered sheds, the height of the structure shall not be less than 5.5 m;

(4) Corrugated iron sheets or asbestos when used for roofing of elephant stables shall be covered with cooling materials like gunny bags, grass, cadjan leaves etc.

5. *Care of Elephant.*—(1) The mahout shall ensure that the elephant gets a thorough bath every day;

(2) If the elephant is found sick, injured, unduly stressed or pregnant the mahout shall report the condition to the owner, who in turn shall consult a Veterinary Doctor for providing treatment expeditiously;

(3) Routine examination including parasitic checks shall be carried out regularly and preventive medicines including vaccination be administered at such intervals as may be prescribed by the Veterinary Doctor;

(4) The owner shall arrange for medical check-up of the manout responsible for upkeep of the elephant at least once in two years to ensure that they do not have any diseases, which may infect the elephant;

(5) The organizers of festivals where elephants are used shall submit in writing the programmes with details to the station house officer and the Range Officer having jurisdiction over, the area, who in turn shall ensure the implementation of the provisions, in these rules;

(6) The owner shall inform within 24 hours, to the Chief Wildlife Warden or the nearest forest office, the cases of attack of anthrax, rinderpest, hemorrhagic septicemia, surra or any other contagious diseases and shall follow the instructions issued by the authorities regarding the treatment of the animal or disposal of the carcass. The Chief Wildlife Warden or an officer authorized by him shall ensure proper veterinary assistance and advice;

(7) The owner shall obtain prior permission of the Chief Wildlife Warden or the officer authorized by him before undertaking distortions, sterilization, vasectomy, tubectomy or any other population control measures for the elephant and shall ensure the assistance of a competent Veterinary doctor for these measures;

(8) The elephant showing symptoms of musth shall be got examined by a Veterinary

Doctor;

(9) No drugs or intoxicants shall be used to Suppress musth except on a written prescription by a Veterinary Doctor;

(10) The owner of the elephant shall ensure that in case of musth, the elephant is secured properly and does not become a hazard to the public at large;

(11) An elephant in musth shall not, be put to any work;

(12) No owner shall put to work, any elephant having pregnancy of 12 months or above, or any cow elephant having a suckling calf of age below 6 months, or any elephant of height below 5 feet;

(13) No owner shall permit the use of nylon ropes or chains/hobbles with spikes or sharp edges for tying the elephants;

(14) Weight of the chains and hobbles shall commensurate with age and health of the elephant;

(15) No owner shall permit any type of harness which may expose the back or other sensitive organs of the elephant to pain and injury;

(16) No owner shall permit his elephant to be "trained by a trainer who is not approved by the Chief Wildlife Warden or the Officer authorized by him for the purpose;

(17) The owner shall report within 24 hours, to the Chief Wildlife Warden or to the officer authorized by him, the death of an elephant and the tusks, if any, shall be declared within one week to the Chief Wildlife Warden for obtaining Ownership Certificate;

(18) The owner shall get the postmortem examination of the elephant done by a veterinary doctor and shall submit the report to the Chief Wild life Warden or the Officer authorised by him within 15 days of the death-

6. *Feeding of Elephants.*—(1) The owner or the person who is managing the elephant on contract or the person who has taken the elephant for own purpose shall ensure timely supply of wholesome feed with variety in required quantity to each elephant. Green fodder shall be supplemented by ration as prescribed by veterinary doctor;

(2) The minimum feed supply for elephant shall be as follows:—

<i>Height of Elephant</i>	<i>Green Fodder</i>
Below 1.50 m (weaned calf)	Not less than 100 kg.
1.50 m to 1.80 m	Not less than 150 kg.
1.81 m to 2.25 m	Not less than 200 kg.
Above 2.25 m	Not less than 250 kg. (or 5% of its body weight).

(3) Supply of sufficient quantity of succulent food to the elephant shall be ensured during hot climate]

(4) The owner or contractor or hirer of the elephant shall provide sufficient potable drinking Water to the elephant, preferably from a river or any other source of running water-

7. *Work Load of Elephant.*— (1) The scale of load including gears, riders and materials for the elephant shall be as follows:—

<i>Height of elephant</i>	<i>Load</i>
Below 1 .50 m	Not to be used for carrying load.
1.50 m to 1.80m	Not exceeding 150 kg (To carry only fodder and trainer)
1 .8 1 m to 2.25 m	Not exceeding 200 kg.
2.26 m to 2.55 m	Not exceeding 300 kg.
Above 2.55 m	Not exceeding 400 kg.

(2) The load scale shall be reduced by 50% in hilly or other difficult terrain;

(3) The elephants of height below 2 . 10 m shall not be deployed for logging operations.

(4) The elephants of height from 2 .10m to 2.25m shall not be used for dragging timber logs exceeding 750 kg in weight;

(5) The elephants of height above 2.25 m shall not be engaged for dragging logs exceeding 1000 kg in weight;

(6) Ill-designed logging harness such as exposing elephants back bone and chest to extreme strain and injuries, using tusks and jaws regularly for dragging timber logs, timber hauling over steep areas or rocky areas etc. shall not be done.

8. *Norms and Standards for Transportation.*- (1) For transportation of the elephant, necessary permission from the Chief Wildlife Warden or any other officer authorized by the Government in this behalf shall be obtained as provided under section 48 A of the Act;

(2) A valid health certificate from a veterinary, doctor to effect that the elephant is fit to travel by road or rail, as the case may be, and is not showing any sign of infectious or contagious disease shall be obtained in the form given in Appendix I;

(3) In the absence of such a certificate, the carrier shall refuse to accept the consignment for transport;

(4) The elephant shall be properly fed and given water before loading;

(5) Necessary arrangements shall be made for feeding and watering the elephant *en route*;

(6) No elephant shall be made to walk for more than three hours at a stretch;

(7) While transporting elephants by Walk during nights, two prominent reflectors shall be placed at the front and hind portion of the elephant;

(8) No elephant shall be made to walk more than 30 kms a day and any transportation for more than 50 kms shall be carried out in a vehicle;

(9) Trucks with length less than 12 *feet* shall not be used for carrying elephants except calves (height below of and 1.50 m);

(10) One truck shall not be used to carry more than two weaned calves (height below 1.50 m) or one elephant with one unweaned calf or one adult/sub-adult elephant (height above 1.51 m);

(11) At least 12 hour rest should be allowed to elephants for every 12 hours of journey by trucks ;

(12) Cow elephants in advanced stage of pregnancy should not be transported by trucks; While transporting elephants by rail, an ordinary goods wagon should not carry more than three adult elephants or six calves on broad gauge, or not more than two adult elephants or three calves on meter gauge, or not more than one adult elephant or two calves on narrow gauge.

(13) While transporting elephants by truck or train, care shall be taken to maintain constant speed avoiding jerks and sudden stops and reducing effects of shocks and jolts to the minimum;

(14) Each truck or wagon carrying elephant should have at least two attendant mahouts;

(15) Sedatives, if necessary, shall be used to control nervous or temperamental elephants only as prescribed by the veterinary doctor.

9. *Retirement of Elephants (1)*) An elephant shall normally be allowed to retire from its work on attaining an age of 65 years;

(2) Healthy elephants above 65 years of age shall be allowed to be put to light work under proper health certificate from the veterinary doctor.

10. *Records to be kept.*—Every owner shall maintain the following records and registers in respect of the elephant in the form given in appendix- II and such records and registers shall be produced before the officers authorised by Government in this behalf for inspection at such time as may be called for.

- (a) Vaccination record.
- (b) Disease and treatment record.
- (c) Movement register.
- (d) Feeding register.
- (e) Work register.

11. *Cutting Tusks.*—(1) The owner of the tusker shall apply for permission of the Chief Wildlife Warden or the officer authorized by him *in* this behalf, for cutting or shaping the tusk through a letter sent by registered post, indicating the location where it will be done and the name of the competent person who would perform the operation, at least one month

in advance;

(2) The Chief Wildlife Warden shall issue the permission within three weeks, to carry out the operation in the presence of an officer not below the rank of Forest Range Officer or Forest Veterinary Officer or Assistant Forest Veterinary Officer as instructed by the Chief Wildlife Warden;

(3) The authorized officer shall report to the Chief Wildlife Warden, the details of the cut portion such as, length and weight of the tusk;

(4) In case permission is not granted, the owner shall be intimated of the reason for rejecting the request in writing;

(5) The Chief Wildlife Warden, based on a written request with the details shall issue a permit to the owner for keeping the cut tusks in accordance' with the provisions of the Act.

12. *Act which are tantamount to cruelty to elephants.*—The following acts shall be considered as acts of cruelty to elephant and is prohibited:—

- (a) beating, kicking, over-riding, over-driving, over-loading, torturing or treating any elephant so as to subject it to unnecessary pain or suffering, or being an owner permitting, any elephant to be so treated;
- (b) employing in any work or labour or for any purpose, any elephant, which by reason of its age or disease, infirmity, Wound, sore or other cause, if unfit to be so employed, or being owner permitting any such elephant to be employed;
- (c) wilfully and unreasonably administering any injurious drug or injurious substance to an elephant or uses drugs or intoxicants to control elephants particularly to suppress musth Without proper veterinary advice;
- (d) conveying or carrying whether in or upon any vehicle or not, an elephant, in such a manner or position as to subject it to unnecessary pain or suffering or cause accident;
- (e) keeping or confining an elephant, in any cage or receptacle, which does not measure the specifications given in rule 4;
- (f) keeping for unreasonable time, an elephant chained or tethered upon an unreasonable short or unreasonably heavy chain or cord;
- (g) using an elephant for drawing any vehicle or carrying any load, more than nine hours a day or for more than five hours continuously without a break or rest for the elephant or exposes the elephant to hot climatic conditions without ensuring enough succulent food and electrolytes;
- (h) failing to provide an elephant, with sufficient food, drinking water or shelter;

- (i) abandoning an elephant in circumstances, which will render it to suffer pain by reason of starvation or thirst;
- (i) offering for sale any elephant, which is suffering from pain by reason of mutilation, starvation, thirst, over-crowding or other ill treatment;
- (k) not providing adequate veterinary care to a sick, injured or pregnant elephant;
- (l) cutting the tusks of a bull elephant too short so as to expose horn cord/pulp;
- (m) forcibly weaning away an elephant calf below 2 years of age from its mother;
- (n) using heavy chains and hobbles with spikes or sharp edges or barbed wires' for tying elephants;
- (o) using "peti" (belly band) on cow elephants in advanced stage of pregnancy;
- (p) using pad and Nundah of improper size on Working elephant exposing its spinal cord to injuries;
- (q) marching a sick, injured to or pregnant elephant or a young calf over a very long distances or for a long duration at a stretch;
- (r) marching an elephant over tarred roads or otherwise, during hottest period of the day and for a long duration at a stretch without rest for religious or any other purpose;
- (s) transporting elephants on trucks of inadequate size or trucks with uneven floor, or tying them in an improper manner—subjecting them to severe jerks during journey by truck;
- (t) transporting elephants in trucks for over 12 hours at a stretch;
- (u) transporting elephants through any conveyance without making arrangement for adequate fodder and drinking water during the journey;
- (v) carrying load on an elephant without proper pad;
- (w) making an elephant carry load unevenly balanced on its back;
- (x) making the elephant to stand in scorching sun for long duration, or put the ceremonial gears or decoration for unreasonably long duration, or bursts crackers from or near the elephants for ceremonial purposes;
- (y) using an elephant in such a manner so as to cause any injury, over-stress or strain to the elephant for tourism purposes;
- (z) using an elephant for sports and games such as tug-of-war, foot ball etc. in such a manner so as to cause over stress or strain to the elephant.

APPENDIX I

(See Rule 8)

FORM FOR CERTIFICATE OF FITNESS TO TRAVEL ELEPHANTS

(This certificate should be completed and signed by a Veterinary Doctor)

Date and Time of Examination
Number of Elephants
Name of Elephants
Age/Sex
Number of Cages

I hereby certify that I have read rule 8 of the Kerala Captive Elephants (Management and Maintenance) Rules, 2003.

1. That, at the request of (consignor) I examined the above mentioned elephants in their travelling cages not more than 12 hours before their departure.
2. That each elephant appeared to be in a fit condition to travel from the area to by road/rail and is not showing any signs of infections or contagious diseases.
3. That no cow elephant appeared to be under advanced stage of pregnancy.
4. That the elephants were adequately fed and watered for the purpose of the journey.
5. That the elephants have been vaccinated.

- (a) Type of vaccine/s
- (b) Date of vaccination/s

Signed
Address
.....
.....
Qualifications

Place :
Date :

FORMS OF RECORDS AND REGISTERS TO BE KEPT

(See Rule 10)

1. Vaccination Record

(a) Name of the Elephant :

(b) Sex :

(c) Age

<i>Date of Vaccination</i>	<i>Name of Disease</i>	<i>Due date for Disease next Vaccination</i>	<i>Signature of the Veterinary</i>
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2. Disease and Treatment Record

(a) Name of the Elephant :

(b) Sex :

(c) Age :

<i>Date of Treatment</i>	<i>History</i>	<i>Description by Veterinary Surgeon</i>	<i>Surgeon</i>	<i>Treatment</i>	<i>Preventive Measure</i>	<i>Measure of the Veterinary Surgeon</i>
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3. Movement Register

- (a) Name of the Elephant :
- (b) Sex :
- (c) Age :

Date	Place of Move		Time		Signature of the Mahout
	Starting	Ending	Starting	Ending	

4. Feeding Register

- (a) Name of the Elephant :
- (b) Sex :
- (c) Age :
- (d) Relation prescribed by the:
Veterinary Surgeon

Date	Type of Food	Quantity Given	Signature of the Mahout
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5. Work Register

- (a) Name of the Elephant :
 - (b) Sex :
 - (c) Age :
 - (d) Admissible quantum :
- of work

Explanatory Note

(This does not form part of this notification, but is intended to indicate its general purport.)

The Wildlife (Protection) Act, 1972 does not provide for the management of captive elephants, except for issuing of Certificates of Ownership to *those* -who possess the captive elephants and for issuing permits for the transportation of the elephants there are many complaints about the ill treatment of captive elephants such as beating, overriding, over-driving or otherwise torturing so as to cause unnecessary pain to the animal. The number of captive elephants in the state, is also on the increase. Therefore, it is necessary to prescribe rules and procedures for the effective and proper management of the captive elephants. This notification is intended to achieve the above object.