

'ഭരണഭാഷ- മാതൃഭാഷ'



പതിനാലാം കേരള നിയമസഭ  
പതിനാറാം സമ്മേളനം

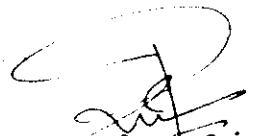
നക്ഷത്രചിഹ്നമിടാത്ത ചോദ്യം നം. 2727

06.11.2019 ന് മറുപടിയ്ക്ക്

നാട്ടാനകളെ അനധികൃതമായി കൈമാറുന്നത് തടയുന്നതിന് നടപടി

ചോദ്യം	മറുപടി
<p>ശ്രീ.അബ്ദുൽ ഹമീദ് പി.</p>	<p>അഡ്വ. കെ.രാജ (വനവും, മൃഗസംരക്ഷണവും, മൃഗശാലകളും വകുപ്പുമന്ത്രി)</p>
<p>(എ) നാട്ടാനകളെ അനധികൃതമായി കൈമാറുന്നതും പാട്ടത്തിന് നൽകുന്നതും അവയുടെ ജീവഹാനിക്ക് തന്നെ കാരണമാവുന്ന വിധത്തിലുള്ള ദുരുപയോഗമാണെന്ന് വന്നു വകുപ്പ് വിലയിരുത്തിയിട്ടുണ്ടോ;</p>	<p>(എ) നാട്ടാനകളുടെ മരണം സംബന്ധിച്ച് ചീഫ് വൈൽഡ് ലൈഫ് വാർഡൻ നിയോഗിച്ച വിദഗ്ധ സമിതി 2018-ൽ ചരിഞ്ഞ നാട്ടാനകളുടെ വിവരങ്ങൾ പരിശോധിച്ചു വിലയിരുത്തിയിട്ടുണ്ട്. അതിന്റെ അടിസ്ഥാനത്തിൽ ഫീൽഡ് ഉദ്യോഗസ്ഥർക്ക് സർക്കുലർ 1/2019 (അനുബന്ധം I ആയി ചേർക്കുന്നു) പ്രകാരം നിർദ്ദേശങ്ങൾ നൽകിയിട്ടുണ്ട്.</p>

<p>(ബി) ആനകളെ കച്ചവടം ചെയ്യുന്നതും കൈമാറ്റം ചെയ്യുന്നതുമെല്ലാം വനം വകുപ്പിന്റെ അനുമതിയോടെയാവണം എന്ന് വ്യവസ്ഥയുണ്ടോ; ആയതിന്റെ മാനദണ്ഡങ്ങൾ വിശദമാക്കാമോ; ഇത്തരത്തിലുള്ള നിയമ ലംഘകർക്കെതിരെ നടപടി സ്വീകരിക്കുമോ?</p>	<p>(ബി) ബഹു.കേരള ഹൈക്കോടതിയുടെ 18/08/2007-ലെ W.P.(C)30959/2003 എന്ന കേസിലെ വിധിയിൽ, നാട്ടാനകളുടെ കച്ചവടം, കൈമാറ്റം, മറ്റ് രീതിയിലുള്ള ഇടപെടലുകൾ എന്നിവ ചീഫ് വൈൽഡ് ലൈഫ് വാർഡന്റെ അനുമതിയോടെയും ചീഫ് വൈൽഡ് ലൈഫ് വാർഡൻ നിഷ്കർഷിക്കുന്ന വ്യവസ്ഥകൾക്കനുസരിച്ചുമായിരിക്കണമെന്ന് ഉത്തരവായിട്ടുണ്ട്. ഈ വിധിയുടെ അടിസ്ഥാനത്തിൽ ഇതിനുള്ള മാനദണ്ഡങ്ങൾ വിശദമാക്കിക്കൊണ്ട് 20/06/2008 തീയതിയിലെ G.O.(MS) 38/2008/ &amp; W L D (അനുബന്ധം II) പ്രകാരം ചേർക്കുന്നു) ആയി ഉത്തരവായിട്ടുണ്ട്. ഇതിനുപുറമെ നാട്ടാനകളെ അവയെ രജിസ്റ്റർ ചെയ്ത ജില്ലയിൽ നിന്നും മറ്റൊരു ജില്ലയിലേയ്ക്ക് കൊണ്ടുപോകുന്നതിനുള്ള വ്യവസ്ഥകൾ നിശ്ചയിച്ച് 28/08/2019-ൽ 5/2019 എന്ന സർക്കുലറും (അനുബന്ധം II) പ്രകാരം ചേർക്കുന്നു) ഇറക്കിയിട്ടുണ്ട്. ഈ വ്യവസ്ഥകൾ ലംഘിക്കുന്നവർക്കെതിരെ നിയമ നടപടികൾ സ്വീകരിച്ച് വരുന്നുണ്ട്.</p>
---	--

  
 സെക്ഷൻ ഓഫീസർ

Prinicipal Chief Conservator of Forests & Wildlife Warden, Kerala

3952322/2019/OS-F&WL

**SURENDRA KUMAR, IFS**  
Principal Chief Conservator of Forests (WL) &  
Chief Wildlife Warden, Kerala.



Forest Headquarters,  
'Vanalakshmi', Vazhuthacaud  
Thiruvananthapuram - 695014  
Phone: (O) 0471 2321610  
Fax: 0471 2320554  
Mob: 9447979002  
Email: cww.for@kerala.gov.in

Date : 22.01.2019

No.BDC2-26574/2018

Circular No. 01/2019

Sub: Forests & Wildlife Department - Alarming rate of death of Captive Elephants in Kerala - Ensuring proper management and welfare of captive elephants - Recommendations of Expert Committee on death of Captive Elephants - Instructions issued - Reg.

- Ref:
1. Circular No. 04/2018 dated 02.05.2018 of Chief Wildlife Warden, Kerala
  2. Circular Nos. 05/2018 dated 10.07.2018 and 07/2018 dated 03.10.2018 of Chief Wildlife Warden, Kerala.
  3. Proceedings Order No. BDC2-16169/2018 dated 28.06.2018 of Chief Wildlife Warden, Kerala
  4. Circular No. 02/2018 dated 27.03.2018 of APCCF (BDC)

Increase in mortality of captive elephants in recent times is suspected to be caused by improper upkeep, poor management (without considering biological requirements) of these pachyderms, lack of timely treatment etc. Instructions on strengthening of implementation of legal provisions and its monitoring were issued vide reference 1<sup>st</sup> and 2<sup>nd</sup> Circulars. An Expert Committee consisting of experienced Veterinarians and chaired by the APCCF (BDC) was constituted by the Chief Wildlife Warden vide reference 3<sup>rd</sup> to critically analyze these deaths and to propose remedial measures. The Committee, among other things, found that prolonged malnutrition, faulty feeding practices, overwork and inadequate rest caused physiological and psychological stress to the animals, which predisposed these animals to many diseases leading to their deaths. The Committee's findings and proposed remedial measures for ensuring welfare of these animals in captivity were critically examined and the following instructions are issued for immediate compliance by all the stakeholders in management of these animals in captivity.

**I. DFOs, WLWs, ACFs (SF)**

1. Shall arrange training to Owners, Mahouts and members of the Festival Committees within their respective jurisdiction and sensitize them on the proper welfare measures for the Captive Elephants, scientific feeding, health care, responsible ownership and the various legal aspects of their management.
2. Ensure proper maintenance of records prescribed in Kerala Captive Elephant (Management & Maintenance) Rules 2012, which is an indispensable part of scientific management of Captive Elephants. Periodic inspections, once in three months, through an officer not below the rank of a Section Forest Officer shall be

conducted so as to ensure proper maintenance of mandatory registers like elephant data book, feeding, movement, work, treatment and vaccination registers of all the Captive Elephants.

3. Submit quarterly reports (March / June / September / December) these inspections to the CF (SF) who in turn shall prepare a consolidated report on these inspections in the Circle and submit his report to the Chief Wildlife Warden once in three months.
4. Should circulate a copy of the balanced diet plan prescribed for scientific feeding of captive elephants (Appendix I) to elephant owners/custodians in the district and should ensure that it is pasted in the feeding register and shall monitor the implementation of this.
5. A programme for long term health monitoring with a complete hematological and serum biochemistry analysis is insisted to ascertain the exact health status of the Captive Elephants and Assistant Conservator of Forests (SF) should monitor the compliance of this health monitoring programme by owners. Result of periodical health evaluation as part of long term health monitoring is to be obtained from concerned AFVO/FVO in the format enclosed (Appendix. II).
6. Major physical injuries to Captive Elephants are happening during Musth period due to unscientific tethering practices which hampers the natural movement and induce stress and predispose them to many disease conditions. DFOs / WLWs in charge of Departmental Captive Elephants will establish Musth Kraals in each of the Elephant Camp in the Department for management of camp elephants during Musth period.
7. Ensure that animals refractory to treatment even after 5 days of treatment as reported by the owner/custodian, are referred to the opinion of Panel of Expert Veterinarians for ensuring qualified veterinary expertise in treatment and health care of elephants. This Panel of Expert Veterinarians for treatment of elephants should be constituted by Assistant conservator (SF) in consultation with Chief Forest Veterinary Officer, on individual case basis.
8. Instruction regarding post-mortem and handling of carcass of dead Captive Elephants were issued vide reference 4. However, it is observed that autopsy reports of dead Captive Elephants lack uniformity. Supportive historical, toxicological or microbiological reports are not resorted to in many cases and pathological lesions are not properly recorded in many of the reports. These instructions should be scrupulously followed and ACF (SF) shall submit proper video-graphic and photographic documentation of post-mortem process along with report of death of the Captive Elephants. Mahazar should be comprehensive and must also record any external injuries, Musth conditions or such salient details. The video-graphic and photographic documentation should depict the external part of elephant carcass in addition to process of post-mortem. Postmortem report of Captive Elephants should be submitted in the format enclosed (Appendix. III).

## II. Custodians / Owners and Mahouts of the Captive Elephants

1. Shall attend trainings organized by Kerala Forest Department from time to time on various topics in management of captive elephants such as scientific feeding, health care, responsible ownership and the various legal aspects of their management.
2. It was found that the diet given to the Captive Elephants is very low in protein and vital nutrients. Almost all animals are under-nourished and this condition makes the animal susceptible to many disease conditions. Custodian/Owners and Mahouts shall ensure that Captive Elephants are fed as per the scientific balanced diet plan prepared by the Expert Committee, a copy of which is attached (**Appendix. I**).
3. Intense overwork and inadequate rest are labeled as conditions for increasing physiological and psychological stress, which predispose these animals to many diseases. These stress conditions cannot be found out through visual examinations. A programme for long term health monitoring with a complete hematological and serum biochemistry analysis is insisted to ascertain the exact health status of the Captive Elephants. Owners / Custodians of all Captive Elephants should ensure that complete hematological and serum biochemistry analysis with following mandatory tests are conducted once in six months (April and October) for each of the Captive Elephant under their custody as part of long term health monitoring and the report shall be obtained from concerned AFVO/FVO in the format in **Appendix II**. It will be the responsibility of Owner/Custodians of Captive Elephants to conduct these tests at their costs.

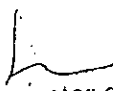
(a). HB	(b). TLDC	(c). LFT	(d). RFT
(e). Urine analysis	(f). Dung analysis	(g). Testosterone level in blood	(e). Faecal cortisol level

4. Owners / Custodians of Captive Elephants shall also ensure that periodic foot and preferably dental examination are done by a registered Veterinarian at least once in six months.
5. Treatments of Captive Elephants are now being carried out without any support from clinical-pathological tests or expert panel opinions. Modern diagnostics tests were seldom conducted to assess the condition of the animal. These were the major constraints in the systematic treatment. Animal's refractory to treatment even after 5 days of treatment should be referred to the opinion of Panel of Expert Veterinarians for ensuring qualified veterinary expertise in treatment and health care of elephants. It shall be the duty of owners / custodians of captive elephants to inform concerned ACF (SF) immediately about the details of animals refractory to treatments for ensuring service of Panel of Expert Veterinarians.
6. Major physical injuries to Captive Elephants are happening during Musth period due to unscientific tethering practices which hampers the natural movement and induce stress and predispose them to many disease conditions. Therefore, the owners and

custodians of captive elephants must take action for construction of such Musth enclosures as a long term strategy for elephant friendly Musth management.

### III. FVO/AFVO

1. It is found that effectiveness of treatment is low due to the poor nutrition level of the animal in most cases. Therefore, veterinarians treating the Elephants in disease conditions may recommend special diet whenever necessary for ensuring better effectiveness of treatments given to elephants. These recommendation should be pasted on the feeding register and its compliance shall be monitored.
2. AFVOs/FVO should render necessary help to owners and facilitate for conducting of the hematological and serum biochemistry analysis tests prescribed for long term health monitoring and results should be made available in the format enclosed (Appendix. II).
3. The FVO and all AFVOs conducting post-mortem of Captive Elephants shall strictly follow the detailed post-mortem protocol attached and shall inform the same to CFVO and post-mortem report should include supportive histological, toxicological and microbiological test results. Report preparation and submission must be done by the Veterinary officers in the Forest Department. Details such as pathological lesions, external injuries, Musth condition and treatments given should be included in the post-mortem report.

  
 Principal Chief Conservator of Forests (WL) &  
 Chief Wildlife Warden, Kerala.

#### Appendix

- I. Model Feeding Schedule for Captive Elephants
- II. Format for Report of periodical health evaluation of Captive Elephants
- III. Format of Postmortem report and post-mortem protocol for Captive Elephants

To

The PCCF & HoFF  
 All PCCFs / APCCFs  
 All CCFs/CFs (Territorial & Wildlife Circles)  
 All DFOs/WLWs/ACFs (SF) for information & necessary action  
 CFVO/ FVO/ AFVOs

Copy to: The APCCF (FMIS) for uploading the Circular on official Web site of the Department.

KFDQ/26574/2018/BDC2-CIRCULAR No. 8/2018

Appendix I

## Model Feeding Schedule for Captive Elephants in Kerala

Sl. No.	Item	Calves Up to 01 year	Juvenile 01 - 05 yrs	Sub-adult 05 - 15 Yrs	Adult >15 Yrs	Remarks
1	Rice	1 Kg.	1 Kg.	2 Kg.	3 Kg.	-
2	Wheat	0.5 Kg.	0.5 Kg.	1 Kg.	4 Kg.	-
3	Ragi	1 Kg.	1 Kg.	2 Kg.	3 Kg.	-
4	Horse gram	0.5 Kg.	0.5 Kg.	0.5 Kg.	0.5 Kg.	-
5	Green gram / Bengal gram	-	0.5 Kg.	0.5 Kg.	0.5 Kg.	-
6	Common salt	-	100 gm.	100 gm.	100 gm.	-
7	Turmeric powder	-	10 gm.	10 gm.	10 gm.	-
8	Jaggary	-	150 gm.	150 gm.	150 gm.	-
9	Mineral mixture	-	150 gm.	150 gm.	150 gm.	-
10	Green fodder	Below 1.5m Ht Not less than 100 kg.	1.5 to 1.8 m Ht Not less than 150 kg.	1.81 to 2.25 m Ht Not less than 200 kg.	Above 2.25 m Ht Not less than 250 kg. or 5% of its body weight	Green fodder includes a mixture of Fodder grass, Green (Country) grass and tree fodder
11	Lactogen	700 gm.	-	-	-	This can be reduced to half after 1½ years.
12	Glucose	250 gm.	-	-	-	-
13	Karipatti	100 gm.	-	-	-	-
14	Protein B	100 gm.	-	-	-	Not required after 1 year.
15	Water melon	-	-	-	-	Required only during hot months
16	Tender Coconut	-	-	-	-	Required for very young calves at the time of rescue.
17	Sugarcane	-	-	-	-	Required only as a reward during Kumki training
Feeding regime	Concentrate	Divide and feed every hour	6 times	2 to 3 times	2 times	Divide the per day total quantity as per the feeding timings prescribed
	Fodder	Continues	4 to 5 times	4 to 5 times	3 to 4 times	

### Periodic Health Evaluation of Captive Elephant

Certified that I/we have this day the (in words) ..... examined at the request of Sri. .... the Owner / Custodian of the elephant with the description given hereunder and my / our observations and comments are as follows..

1. Name of Elephant
2. Sex
3. Age
4. Name and Address of Owner/Custodian
5. Name of the Mahout
6. Ownership Certificate number and date
7. Microchip Certificate number and date
8. Elephant Data Book number and date
9. Insurance Policy details

Details	Elephant	Mahout	Cavady	Third party
Policy No.				
Sum Assured				
Valid till				

#### 10. Registers maintenance details

Sl. No.	Record	Date of last entry	Remarks
1.	Vaccination Record		
2.	Disease and treatment record		
3.	Movement Register		
4.	Feeding Register		
5.	Work Register		

#### 11. Tusks (Measurement)

Details (in Cm.)	Outer Length	Mid Circumference	Date of last trimming	Remarks
Right				
Left				



12. Temperament of Animal  
(Docile, Controllable, Aggressive etc.)

13. Date of last health check-up of the  
Mahout with remarks if any

14. Health parameters – condition of

Trunk	Trunk	Oral Cavity	Eyes	
Temporal Glands				
Limbs	Nails	Feet/Pad	Wounds/Chain	Dung/Urine

15. Other relevant observations if any

16. Result of complete blood examination

(Test to be done as part of monitoring long term health parameters for elephants are CDC (HB, TC/DC, LFT, RFT, Urine analysis, Dung analysis, Testosterone level in blood, Faecal Costisol etc.)

17. Specific abnormalities if any

18. General observations

19. Directions to Mahouts / Owner

20. Remarks if any

Place:

Date :

Signature of Government Veterinary Doctor  
Name and Registration No.

Address:

(Note : Give notes in separate paper if required)

KFDQ/26574/2018/BDC2-CIRCULAR No. 8/2018

Appendix III

## Post Mortem Report of Captive Elephant

Date :

A. Autopsy number :

B. Description of the animal:-

Microchip Certificate No. :

Ownership Certificate No. :

Data Book :

Sex : Age :

Colour :

Height :

Marks of identification

Date and time of death

Address of Owner / Custodian

C. Clinical Abstract

D. Clinical Diagnosis

1. Blood smear examination

2. General findings

(Rigor mortis, condition of carcass, natural orifices, superficial tumours, wounds, etc.)

3. Skin, subcutis, muscle

4. Peritoneum and Thorax

(Position of organs, serous membranes, of fusions, lymph nodes)

5. Pericardium and Heart

(Appearance, colour, size, chambers valves, main vessels, serous coverings etc.)

6. Respiratory System

(Gross appearance, weight, section, presence of parasites, lymph nodes, larynx, trachea, bronchi, lungs and pleura)

7. Diaphragm

8. Thyroid and parathyroid

9. Liver

(Colour, size, capsule, substance, bile ducts, vessel, lymph nodes, presence of parasites.)

10. Gall Bladder

11. Spleen

- 12. Kidney, Ureter and bladder : (Appearance, capsule, cortex, pelvis, etc.)
- 13. Adrenals :
- 14. Mouth, tongue, pharynx, oesophagus :  
(Appearance, foreign bodies, parasites, examine lymph nodes of head)
- 15. Thymus :
- 16. Stomachs :
- 17. Intestines and pancreas :  
(Mesenteric vessels, lumen, lining, serous coats, contents, lymph nodes, parasites, etc.)
- 18. Reproductive system and mammary glands :
- 19. Brain and cord :
- 20. Report of examination of heart, blood, brain and other impression smears:
- 21. Summary of report :
- 22. Histopathological findings :
- 23. Post-mortem diagnosis and remarks :

Place :  
Date :

Signature  
Designation

### POST MORTEM REPORT FOR VETRO-LEGAL CASES

Post-mortem Examination on the body of the Captive Elephant belonging to .....  
Or sent by ..... with letter No. ....  
dated ..... in charge of P.C. No. .... received at  
..... A.M./P.M on ..... (date) at  
..... conducted by Veterinary ..... (the place of death)  
of ..... at ..... (Veterinary Hospital /  
Dispensary) on .....

#### POST MORTEM EXAMINATION

A. Description of the animal:-  
Name or Number

Sex :                      Age :                      Colour :                      Height :

Marks of identification

## B. Precise of the case:-

1. Date and time of death
2. Wheather death was sudden or unexpected
3. Symptoms just before death
4. Important information obtainable regarding death
5. Summary of case presented by police
6. Articles which were sent with the carcass

## C. External Examinations :-

1. Condition of the carcass
2. Position of the carcass if at the spot of death
3. Rigor mortis
4. Placidity
5. P.M. discolouration
6. Marks of blood
7. Eyelids
8. Eyes
9. Nostrils
10. Muzzle and lips
11. Mouth, gum, tongue etc.
12. Ears
13. Chest
14. Umbilicus (important in new-borne)
15. Mammary glands
16. External genitals
17. Anus
18. Limbs
19. Purification or decomposition
20. Injuries

(Veterinary Officer's opinion as to probable cause and nature of production of injuries – also injuries should be verified by dissection whether they are ante or post-mortem.)

## D. Internal Examination :-

1. The Abdomen

- Fat :                      Colour :
- Muscles
- Extravasations
- Peritoneum
- Level of diaphragm
- Position of organs in situ
- Fluid – its character, colour and quantity
- 2. The Udder – Quarters and milk sinuses
- 3. The Intestines (referring to its different parts)
  - Outer surface
  - Contents and parasites
  - Mucous membranes
  - Ileocaecal valve
  - Rectum
  - Wound or Rupture
- 4. The Stomach (in ruminants in the order of compartments)
  - Condition
  - Outer surface
  - Contents and parasites
  - Mucous membranes
  - Wound or Rupture
- 5. The Liver
  - Colour, surface and consistency
  - Weight and size
  - Section
  - Capsule
  - Gall bladder and bile duct
  - Wound or Rupture
- 6. The Pancreas
- 7. The Spleen (First examined in case of sudden death and suspected for anthrax)
  - Colour, weight and consistency

- Capsule
- Section and colour pulp
- 8. The Omentum and mesenteries
  - Condition
  - Glands
  - Effusion
- 9. The Kidneys Right Left
  - Surface and size
  - Weight
  - Colour and consistency
  - Capsule
  - Condition of different layers on medial section
- 10. The suprarenals
- 11. The bladder
  - Outer surface
  - Contents
  - Mucous membranes
  - Wound or Rupture
  - Prostrate
- 12. The Uterus and Ovaries
  - Condition
  - Size
  - Wound or Rupture
- 13. The Thorax
  - Pleura
  - Pericardium
  - Position of organs, in situ
  - Fluid, character and quantity
- 14. The Heart
  - Condition
  - Weight

- The Auricle
- The Ventricle
- Valves and endocardium
- Blood vessels
- Wounds or Rupture
- 15. Lungs
  - Condition
  - Colour and Weight
  - Consistency
  - Section
  - Wound or Rupture
- 16. Neck and Head
  - Trachea
  - Larynx
  - Pharynx
  - Oesophagus
  - Sub-maxillary glands
  - Sinuses
  - Septum nasi
- 17. Brain
  - Membrane
  - Ventricles
  - Substance
  - Clots
  - Weight
- 18. Spine and Spinal Cord
  - Bones Membranes Cord Clots
  - Nerve roots
- 19. Any special features or abnormalities
- 20. Viscera forwarded for chemical examination
  - Stomach contents

- Intestinal contents
- Spleen
- Liver and Kidney
- Sample of spirit used

Opinion as to the cause of death  
(when definite, how arrived at or reasons for it should be mentioned).

Post-mortem commenced at ..... am/pm ended at ..... am/pm

Station :  
Date :

Signature :  
Designation :

1. It should be filled in as the post-mortem examination is proceeded with and no addition should be made to it later.
2. The post-mortem notes should be written, legibly and when there is not enough space under a particular heading it should be entered on a separate flip of paper and attached firmly against the heading.
3. Copy of post-mortem examination should be sent to the controlling officer within 48 Hours after conducting post-mortem examination

*[Handwritten Signature]*  
*[Handwritten Name]*



Pranjanam II



4669

GOVERNMENT OF KERALA

Abstract

Forest & Wildlife Department - Sale, Transfer and other Dealings involving Changing of Hands of Captive Elephants - Guidelines - Approved - Orders Issued

FOREST & WILDLIFE (F) DEPARTMENT

38/2008

GO (MS) No. 38/2008/F&WLD Thiruvananthapuram, Dated: 20.6.2008

Read: 1. Judgment dated 18.8.2007 in WP (C) 30959/2008 and connected cases in the Honble High Court of Kerala.

2. Letter No. WL.5 - 6991/07 dated 29.10.07 from the Chief Conservator of Forests (Wildlife).

ORDER

In the judgment read above the Honble High Court has held that sale, transfer and other dealings involving changing of hands of captive elephants should be done only with the approval and in accordance with the norms prescribed by the Chief Wildlife Warden, and transfer should be permitted only on condition of purchasers satisfying of the requirement under Captive Elephant (Management and Maintenance) Rules, 2003, Wildlife (Protection) Act, 1972 and Guidelines issued in this regard. It was also held that Government should issue instruction to The Revenue and Police Department officials to coordinate with the Chief Wildlife Warden and the officials to ensure that the Captive Elephant Management Rules are enforced.

In the circumstance, Government are pleased to issue Guidelines regarding sale, transfer and other dealings involving changing of hands of captive elephants in compliance to above judgment.

The details are appended.

By Order of the Governor

K. RAMACHANDRAN  
Additional Secretary

To

- The Principal Chief Conservator Forests, Thiruvananthapuram.
- The Home Department
- The Revenue Department
- The Chief Conservator of Forests (Wildlife), Thiruvananthapuram.
- The Accountant General (Audit /A&E), Kerala, Thiruvananthapuram
- The Private Secretary to Minister (Forest and Housing).
- SF/OC.

Forwarded / by order

Section Officer

L-5

L-5

L-5

36/08

Guidelines In Respect of Sale, Transfer and Other Dealings Involving Changing Hands of Captive Elephants.

(Issued as per the common judgment of the Hon'ble High Court in WP (C) Nos 30959/2007 and others dated 18-08-2007)

Section 40 (2) of the Wildlife (Protection) Act, 1972 says that no person after commencement of this Act acquire, receive, keep in his control, custody, possession, sell, offer for sale or otherwise transfer or transport any animal specified in Schedule I or Part II of Schedule II or any uncured trophy or meal derived from such animal or the salted or dried skins of such animals or the musk of a musk deer or the horn of a Rhinoceros except with the previous permission in writing of the Chief Wildlife Warden or the authorized officer. Section 43 of this Act deals with the regulation of transfer of animals which says that, a person who does not possess a certificate of ownership shall not transfer by way of sale or offer for sale or transfer by any other mode of consideration of commercial nature, such animal, article or trophy or uncured trophy as specified in schedule I or Part II, scheduled II of the Act. The Hon'ble High Court, by a common judgment dated 18-08-2007 in WP (C) 30959/07 as an interim measure until amendment is made to section 43 of the Wildlife (Protection) Act, 1972 declared that hereafter the sale, transfer and other dealings involving changing of hands of captive elephants should be only with the approval and in accordance with the norms prescribed by the Chief Wildlife Warden, who will ensure that purchasers have the required facilities to maintain the captive elephants purchased by them. It was also stipulated that transfer should be permitted only on condition of purchasers satisfying the requirement under the Captive Elephants (Management and Maintenance) Rules, 2003 and guidelines issued by the Government or the Chief Wildlife Warden.

Therefore, in compliance of the order of the Hon'ble High Court, the following guidelines are issued with regard to the sale, transfer and other dealings involving changing of hands of captive elephants, for the implementation of the interim direction of the Hon'ble High Court of Kerala in W.P.'s mentioned above.

1. The guidelines are issued as an interim measure until amendments are made by the central government in section 43 of the Wildlife (Protection) Act, 1972.
2. The guidelines are applicable to sale, transfer and other dealings involving changing of hands of captive elephants strictly within the State of Kerala.
3. No sale or transfer in respect of an elephant brought to the State from other states after 18-08-2007 will be permitted.
4. The seller should clearly state the compelling reason to sell the elephant to the satisfaction of the Chief Wildlife Warden that he can not afford to maintain the elephant. The intending purchaser should present an application in the format attached to these guidelines to the Chief Wildlife Warden for permission for the purchase of the elephant.
5. The intending seller should possess ownership certificate issued by the Chief Wildlife Warden of Kerala as per section 42 of the Wildlife (Protection) Act, 1972 in respect of the captive elephant and should be implanted with microchip.

- the follow
6. The intending purchaser should have adequate facilities for housing, maintenance and upkeep of the elephant as stipulated in section 42 of the Act and in rule 4 of the Kerala Captive Elephants (Maintenance and Management) Rules, 2003.
  7. The purpose for which the elephant is intended to be purchased, is to be clearly specified by the intending purchaser to the satisfaction of the Chief Wildlife Warden.
  8. The intending purchaser should have in his control trained mahout and an assistant mahout to look after the elephant.
  9. The intending purchaser should prove to the satisfaction of the Chief Wildlife Warden that he has adequate means to maintain the elephant and the mahouts by means of copy of income tax return or solvency certificate issued by revenue authorities.
  10. The application form should be accompanied by a certificate of health in respect of the elephant issued by a competent Government veterinarian in the locality in which the elephant is kept at the time of application.
  11. The intending purchaser should produce along with the application form evidence for adequate veterinary care for the elephant intended to be purchased and maintained by him.
  12. The intending purchaser should maintain all records stipulated in the Kerala Captive Elephants (Management and Maintenance) Rules, 2003 relating to vaccination, disease and treatment, movement, feeding and work in the format attached.

to the Kerala Captive Elephants (Maintenance and Management) Rules, 2003.

13. The intending purchaser should furnish undertaking to the effect that the provisions contained in the Kerala Captive Elephants (Management and Maintenance) Rules, 2003 will be strictly complied with in respect of the following

- (i) Housing of elephants
- (ii) Care of elephants
- (iii) Feeding of elephants
- (iv) Workload of elephants
- (v) Norms and standard of transportation
- (vi) Retirement of elephants
- (vii) Cutting of tusks
- (viii) Prevention of cruelty to elephants

14. The application should be recommended by the Divisional Forest Officer of the locality in which the elephant is proposed to be kept in the space provided for the same in the application form.

15. All transportation of the elephant beyond the locality in which it is kept is to be only as per the transport permit issued by the Chief Wildlife Warden or any other officer authorized by him in this regard.

16. The application should be accompanied by a fee of Rs 1000/- by way of demand draft in favour of the Chief Wildlife Warden.

Government

effect that  
of the  
site

drawn on any Nationalised or Scheduled bank situated  
Thiruvananthapuram.

17. Application for the purchase of the elephant for the purpose of offering to a temple is to be accompanied by an undertaking by the Devaswom or the temple authorities to the effect that they have adequate facilities to maintain the elephant including availability of service of trained mahouts and facilities for veterinary care.

18. Government shall have the power to make necessary modifications / amendments to the said guidelines, at any time as and when requires.

- 2 Details of the elephant
  - (i) Male/Female
  - (ii) Height in centimeters
  - (iii) Dimensions of the tusk
- 3 Purpose for which the elephant is to be acquired
- 4 Name and address of the veterinary officer presently attending the elephant
- 5 Name and address of the veterinary officer who will provide care for the elephant.
- 6 General health condition of the elephant (Certificate is to be attached)
- 7 Details of housing facility available
- 8 Name of the mahout to be engaged by the applicant
- 9 Address of the mahout
- 10 Details of training of the mahout
- 11 Name of the assistant mahout
- 12 Address of the assistant mahout
- 13 Details of training of the assistant mahout
- 14 Details of violent behavior shown by the elephant in the past

- 2 Details of the elephant
  - (i) Male/Female
  - (ii) Height in centimeters
  - (iii) Dimensions of the tusk
- 3 Purpose for which the elephant is to be acquired
- 4 Name and address of the veterinary officer presently attending the elephant
- 5 Name and address of the veterinary officer who will provide care for the elephant
- 6 General health condition of the elephant (Certificate is to be attached)
- 7 Details of housing facility available
- 8 Name of the mahout to be engaged by the applicant
- 9 Address of the mahout
- 20 Details of training of the mahout
- 21 Name of the assistant mahout
- 22 Address of the assistant mahout
- 23 Details of training of the assistant mahout
- 24 Details of violent behavior shown by the elephant in the past



Application for Sale, Transfer and Other Dealings Involving Changing of Hands of  
Captive Elephants

(Based on guidelines issued in WL /07 dated of the Chief Wildlife Warden)

- 1 Name of the applicant
- 2 Postal address
- 3 Taluk
- 4 District
- 5 Telephone number
- 6 Details of application fee remitted
  - (i) DD Number
  - (ii) Name of Bank
  - (iii) Amount
- 7 Name of the seller of the elephant
- 8 Address of the seller
- 9 Name of the elephant
- 10 Details of the existing possession  
certificate of the elephant
  - (i) Certificate number
  - (ii) Date of issue
  - (iii) Name of the authority who  
issued the certificate
  - (iv) Identification mark of the  
elephant
- 11 Microchip number

- (i) number of persons killed
- (ii) Number of cases of running amuck
- (iii) Number of times the elephant is tranquilized

25 Details of elephants already in the custody of the applicant ( Name, number of possession certificate etc)

Declaration by the Applicant

s/o

of \_\_\_\_\_ residing in house number \_\_\_\_\_

Panchayath / Municipality / Corporation hereby

declare that the particulars given above are true to the best of my knowledge and belief

Signature and date of the applicant

## Undertaking by the Applicant

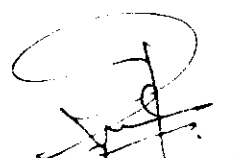
(To be given in a non-judicial stamp paper worth Rs. 100/-)

I, \_\_\_\_\_ s/o \_\_\_\_\_  
 \_\_\_\_\_ residing in house number \_\_\_\_\_  
 of \_\_\_\_\_ Panchayath / Municipality / Corporation hereby  
 undertake that I will abide by the Kerala Captive Elephants (Management and  
 Maintenance) Rules, 2003, more particularly those relating to the below mentioned  
 subjects and the instructions issued by the Chief Wildlife Warden, Kerala or any officer  
 authorized by him in the maintenance of the elephant proposed to be purchased.

- (i) Housing of elephants
- (ii) Care of elephants
- (iii) Feeding of elephants
- (iv) Workload of elephants
- (v) Norms and standard of transportation
- (vi) Retirement of elephants
- (vii) Cutting of tusks
- (vii) Prevention of cruelty to elephants.

Also I undertake that that I will maintain the following records stipulated by the  
 Kerala Captive Elephants (Management and Maintenance) Rules, 2003, in the forms  
 prescribed in the said rules and will afford all facilities to the Chief Wildlife Warden or  
 any officer authorized by him in this behalf for inspection on demand by such officer

- (i) Vaccination record
- (ii) Disease and treatment record

  
 നമ്പൂതിരി രാമചന്ദ്രൻ

PRINCIPAL CHIEF CONSERVATOR OF  
FORESTS (WL) & CHIEF WILDLIFE WARDEN,  
KERALA



Forest Headquarters  
"Vanalakshmi" Thiruvananthapuram-14  
Phone: 0471-2321610  
Fax: 0471-2320554

Dated: 28.08.2019.

KFDHQ/82/2019-BDC/BDC1

Circular No. 5/2019.

Sub:- F&WLD - Preventing illegal transfer of captive elephants - issuing additional instructions - reg.

Ref.- 1. Order of the Hon' ble High Court of Kerala in WP(C) No. 30959/2003 dated 18.8.2007.  
2. GO(MS) No. 38/2008/F&WLD dtd 20.6.2008.

In the judgement read above, the Hon'ble High Court has held that sale, transfer and other dealings involving changing of hands of captive elephants should be done only with the approval and in accordance with the norms prescribed by the Chief Wildlife Warden. Detailed guidelines regarding sale, transfer and other dealings involving changing of hands of captive elephants was issued vide Govt Order read 2<sup>nd</sup> above. However, it is noticed that the trend of illegal transfer and leasing out of captive elephants are on a rise recently. More than 50 elephants have died during the last one and half years mostly before attaining their normal life span. Analysis of records of these dead captive elephants shows that most of them were either illegally transferred or leased out. Some of these animals were over exploited and tortured by leased holders for maximum profit. Therefore in order to curb the illegal transfers and leasing of captive elephants, following instructions are issued for immediate compliance.

1. Whenever elephants are transported outside the registered district, the owners shall inform the concerned Assistant Conservator of Forests (Social Forestry) about the period, destination and purpose of such transport. Owner should take back the elephant to its usual tethering place whenever the period of transportation is completed.
2. No elephant shall be transported for more than 15 days at a stretch outside its registered district.
3. Whenever elephants are to be transported for a period more 15 days, owner shall obtain prior permission of the Assistant Conservator of Forests (Social Forestry) concerned and facilities for temporary housing, maintenance and upkeep of elephants shall be ensured as provided in the Kerala Captive Elephants (Management & Maintenance) Rules, 2012.

Principal Chief Conservator of Forests (Wildlife)  
& Chief Wildlife Warden

Copy to

- 1) All Assistant Conservator of Forests (Social Forestry). You are directed to circulate the circular among elephant owners within your jurisdiction.
- 2) All Conservator of Forests (Social Forestry)  
Offices (Flying Squad).

*(Signature)*  
Principal Chief Conservator of Forests (Wildlife)  
& Chief Wildlife Warden