

Kerala Captive Elephants (Management and Maintenance) Rules, 2012

KERALA

India

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Rule

KERALA-CAPTIVE-ELEPHANTS-MANAGEMENT-AND-MAINTENANCE of 2012

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Kerala Captive Elephants (Management and Maintenance) Rules, 2012Published vide Notification S.R.O. No. 870/2012, dated 20.12.2012Last Updated 17th December, 2019S. R. O. No. 870/2012. - In exercise of the powers conferred by sub-section (2) of Section 64 of the Wildlife (Protection). Act, 1972 (Central Act 53 of 1972) and in supersession of the Kerala Captive Elephants (Management and Maintenance) Rules, 2003, the Government of Kerala hereby makes the following rules, namely:-

1. Short title and commencement.

(1)These rules may be called the Kerala Captive Elephants (Management and Maintenance) Rules, 2012.(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 by kept or bred in captivity;(f)"Elephant data book" means the register specified by the Chief Wildlife Warden which is to be kept for each elephant by its owner incorporating the details required therein;(g)"mahout" means a trained person engaged to handle, upkeep and manage captive elephants;(h)"owner" means a person who owns an elephant as per the provisions of the Act and the Rules made thereunder;(i)"Ownership Certificate" means the certificate of ownership issued

as per the provisions of the Act and the Rules made thereunder;(j)"Veterinary Doctor" means a registered Veterinary practitioner 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. 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 2.5m |
| (ii) Sub-adult elephant (height 1.50 m to 2.25 m) | ... 7m x 3.5m |
| (iii) Adult elephant (height above 2.25 m) and owelephant with unweaned calf. | ... 9m x 6m |

(3)In the case of covered sheds, the height of the:structure shall not be less than 5.5m.(4)Corrugated iron sheets or other unbreakable material when used for roofing of elephant stables shall be covered with cooling materials like gunny cloths, grass, cadjan leaves etc.

4. Upkeep and Veterinary Care of Elephant.

(1)For taking care of each elephant, the owner thereof shall engage a mahout having at least three years of experience in managing an elephant.(2)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.(3)The owner shall engage a cavady to assist each mahout.(4)The mahout shall ensure that the elephant gets a thorough bath every day.(5)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.(6)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.(7)The owner shall arrange for medical check-up of the mahout responsible for upkeep of the elephant at least once in a year to ensure that he does not have any diseases which may infect the elephant.(8)The owner shall inform within 24 hours, the. Chief Wildlife Warden or the nearest Forest Office the cases of attack of anthrax, rinderpest, ,hemorrhagic septicemia, surra or any other contagious disease and shall follow the instruction issued by the authorities for further course of action.(9)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.(10)The elephant showing symptoms of musth shall be got examined by a Veterinary Doctor.(11)No drugs or intoxicants shall be used to suppress musth except on a written prescription by a Veterinary Doctor.(12)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.(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 be 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 or injury.(16)Sedatives, if necessary, shall be used to control nervous elephants only as prescribed by a Veterinary Doctor.(17)While issuing medical certificate, the Veterinary Doctor should verify the original documents such as ownership certificate of the elephant, (if received from forest department) microchip certificate, insurance certificate and original elephant data book to ensure the correctness. The Veterinary Doctor shall issue the health certificate of the elephant in the prescribed format shown as Appendix I.(18)Before any captive elephant is transported from one place to another, the Veterinary Doctor shall inspect the elephant and issue a Fitness Certificate in the Form given in Appendix II.

5. Cutting Tusks.

(1)The owner of the tusker shall apply for permission of the Chief Wildlife Warden or an officer authorized by him in this behalf 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 for cutting or shaping the tusk at least one month in advance.(2)The Chief Wildlife Warden shall issue 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 officer under whose supervision, the tusks are cut/shaped shall report to the Chief Wildlife Warden, the details of the tusks cut such as length, girth and weight of the tusks.(4)The Chief Wildlife Warden based on a written request with the details shall issue a certificate to the owner for keeping the cut tusks in accordance with the provisions of the Act.(5)In case permission is not granted, the owner shall be intimated of the reason for rejecting the request in writing.

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 the Veterinary doctor.(2)The minimum feed supply for elephant shall be as follows:-

Height of elephant	Green fodder
Below 1.5 m (weaned calf)	Not less than 100 kg
1.5 m to 1.8 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 sources of running water.

7. Work Norms.

(1)The scale of load including gears, riders and materials for the elephant shall be as follows:-

Height of elephant	Load
Below 1.5 m	Not to be used for carrying load
1.50 m to 1.80 m	Not exceeding 150 kg to carry only fodder and trainer
1.81 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 2.10 m to 2.25 m shall not be used for dragging timber logs exceeding 750 kg in weight.(5)No elephant of height above 2.25 m shall be engaged for dragging logs exceeding 1000 kg in weight.(6)Ill-designed logging harness which expose elephants back bone and chest of 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.(7)An elephant in musth shall not be put to any work.(8)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 1.5 m.(9)Elephant owners shall maintain captive elephant data book as prescribed by the Chief Wildlife Warden.

8. Duties and Responsibilities of owners.

(1)If an elephant is affected by any epidemic disease, the owner shall bring it to the notice of the Chief Wildlife Warden immediately.(2)The risk of damage to life and property caused by attack of elephants going amok shall be brought under appropriate Insurance Coverage. Third party Insurance shall also be given for the elephant.(3)The owners shall arrange to cut tusks if advised so by Veterinary Doctor after obtaining required permission from Chief Wildlife Warden.(4)Any elephant going amok and causing death of human beings shall be banned from taking part in temple festivals for consecutive fifteen days. The elephant shall be permitted to take part again in temple festivals only after examination and certification by a three member team of Veterinary Doctors consisting of Forest Veterinary Officer and two Government Veterinary Officers of the concerned district or Forest Veterinary Officer and any other two Veterinary Doctors, that the animal is physically and psychologically fit.(5)The owners shall ensure that the mahout carries with him the copy of elephant data book, certified copies of Insurance Certificate, Micro-chip Certificate and Ownership Certificate during the festival celebrations.(6)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.(7)The owner shall get the postmortem examination of the elephant done by a Veterinary Doctor and shall submit the report to the Chief Wildlife Warden or the Officer authorized by him within fifteen days of the death.(8)Movement register, disease and vaccine register, treatment register, food register and work register shall be maintained up to date by elephant owner

and the same produced for inspection, as and when called for. (9) The name of elephant shall be displayed on the chain hung around the neck of the elephant. (10) During the time of festival celebrations, first attendant mahout shall be present in front of the elephant. (11) A mahout in inebriated condition shall not be allowed to handle the elephant. (12) The life of mahout and cavady shall be insured for a minimum of ₹ 5 lakhs (Rupees five lakhs only) each to cover risk of life due to the elephant going amok. (13) Every owner shall maintain an Elephant Data Book as specified by the Chief Wildlife Warden for each captive elephant.

9. Transport norms for elephant.

(1) The owner of the elephant or his authorized agent shall submit application before the officer authorized under sub-section (1) of section 48 (A) of the Act for permission to transport elephant from Kerala to any other State fifteen days before the actual date of transport. (2) No Objection Certificate of the Chief Wildlife Warden of the State to which elephant is transported shall be produced for issuing transport permit. (3) 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. (4) A valid fitness certificate from a Veterinary Doctor to the effect that the elephant is fit to travel by road or rail, as the case may be, and is not showing any signs of infectious or contagious disease shall be obtained in the form given in Appendix II. (5) In the absence of a certificate mentioned in sub-rule (4), the carrier shall refuse to accept the consignment for transport. (6) The elephant shall be properly fed and given water before loading. (7) Necessary arrangements shall be made for feeding and watering the elephant enroute. (8) No elephant shall be made to walk for more than three hours at a stretch. (9) While transporting elephants by walk during nights, two prominent reflectors shall be placed at the front and hind portion of the elephant. (10) No elephant shall be made to walk for more than 30 kilometers a day and any transportation for more than 50 kilometers shall be carried out in a vehicle. (11) No elephant shall be transported in a vehicle for more than six hours at a stretch. The transport can be resumed only after sufficient feeding and rest for at least six hours. (12) Trucks with length less than 12 feet shall not be used for carrying elephants except calves (height below of and 1.50 m). (13) 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). (14) Cow elephants in advanced stage of pregnancy should not be transported by trucks other than for health care. (15) 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 metre gauge or not more than one adult elephant or two calves on narrow gauge. (16) 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. (17) Each truck or wagon carrying elephant should have at least two attendant mahouts. (18) Side bodied truck has to be used for carrying elephant. (19) While transporting elephants through public road, a wooden pole should be kept for avoiding accidents from electric lines, cable wires passing across the road. (20) While the elephant is in transit, suitable protocols shall be in place for safe guarding and regulating the elephant. (21) During night hours, when the elephants are in transit, prominent reflectors in red colour shall be provided at the front and rear side of elephants. (22) While transporting elephants during night hours, appropriate lights should be provided in the vehicle for

observing the animal as well as for enabling the driver of the vehicles coming from the opposite direction to be attentive of the elephant under transport.(23)Inter state transport permit shall be issued for a specified time and specified place. The owner shall bring back the elephant within the stipulated time.(24)Adequate quantity of feed in the ready to serve form shall be available in the vehicle carrying the elephant. Small quantity of food may preferably be served more frequently.(25)The trucks used for transport of elephants shall have a minimum length of 420 cm and tyre shall be of size 900-20. Each vehicle shall have footsteps proportional to the width of the vehicle and each footstep shall have a minimum of width of 100 cm. Vehicle shall be strengthened using steel pipes or wooden poles which shall cover at least half the height of the elephant. The horizontal pipes/poles shall be provided on all four sides so that the elephant is secure and it is able to hold on to the front bar with its trunk. Elephant should be kept at least 60 cm away from the cabin partition. Fitness Certificate obtained for the vehicle from the concerned officers of the Motor Vehicle Department shall also be produced before the officer authorized under sub-section (1) of section 48 (A) of the Act for obtaining permit for the vehicle for using it for transporting elephant.(26)Contact telephone number shall be displayed on the vehicle for contacting concerned persons whenever emergency arises.(27)Both the elephant and its mahouts shall be given adequate rest at the conclusion of each transport.

10. Constitution of District Committee.

(1)A District Committee shall be constituted by the District Collector to deal with cases of cruelty meted' out to captive elephants. The Committee shall have the following members:

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| 1 The District Collector | ... Chairman |
| 2 The Divisional Forest Officer | ... Convener |
| 3 The Superintendent of Police/Commissioner of Police | ... Member |
| 4 The District Veterinary Officer | ... Member |
| 5 The Representative of Fire Force | ... Member |
| 6 A Representative of the Organization of Elephant Owners nominated by the District Collector | ... Member |
| 7 Two Representatives of the Employees Engaged for the Management and Maintenance of Captive Elephants nominated by District Collector | ... Members |
| 8 A member of the Society for Prevention of Cruelty to Animals (SPCA) | ... Member |
| 9 The Representative of Kerala Festival Co-ordination Committee nominated by the District Collector | ... Member |

(2)The District Committee shall meet before the festival season,. preferably in the month of October and take necessary measures to ensure welfare of elephants and public safety.(3)The District Committee shall take steps to discourage the growing tendency of increasing the number of elephants in existing traditional festivals and introducing elephants in new festivals.(4)The District Committee shall take necessary measures, to ensure that the Festival Committee constituted for the smooth conduct of festivals or the persons organizing such functions in which elephants are exposed, shall adhere to the following:-(i)There shall be sufficient space between elephants used in

processions and parades.(ii)No elephants in musth shall be used in connection with festivals.(iii)Elephant which is sick, injured, weak or pregnant shall not be used.(iv)Chains and hobbles with spikes or barbs shall not be used for tethering elephants.(v)Elephants shall not be made to walk on tarred roads during hot sun(vi)Making An Elephant Stand In Scorching Sun For Long Durations Or Bursting Crackers Near The Elephants For Ceremonial Purpose Shall Not Be Permitted.(vii)It Shall Be Ensured That Sufficient Food And Water For The Elephants Are Provided.(viii)The Committee Shall Ensure That The Flambeaus (Theevetty)are Held Away From Elephants.(ix)There Shall Be Facility To Keep Elephants Under Shade During Hot Sun.(x)It shall be ensured that adequate protection to the elephants taking part in celebrations through volunteers provided for the purpose.(xi)Services of Veterinary Doctor from the elephant squads shall be ensured in cases where five or more elephants are engaged in the festivals.(xii)It shall be informed to the nearest Forest Range Officer/Police Officers about the proposed festival/celebrations at least 72 hours in advance.(xiii)During the time of procession the elephants shall have chains (Idachangala and Malachangala) tied to their leg.(xiv)It shall be ensured that the mahouts are not intoxicated while handling elephants.(xv)The weaned calf below 1.5 m. height shall not be engaged for festival purposes.(xvi)Sufficient rest has to be given to the elephants which are engaged for "Para procession". Para procession shall be restricted to 6 a.m. to 11 a.m. and .4 p.m. to 8 p.m. only.(xvii)During night time, generators shall be provided to avoid any contingency due to failure of general power supply.(xviii)It shall be ensured that elephants are brought under public liability insurance scheme for an amount of 3.00 Lakhs to each elephant.

11. Retirement of elephant.

(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 issued by the Veterinary Doctor.

12. Veterinary Doctor.

(1)Only a Veterinary Doctor registered under this rule, shall attempt to tranquilize elephants.(2)For the purpose of tranquilizing elephants Veterinary Doctor shall apply for separate registration before the Chief Wildlife Warden in the form prescribed in Appendix-III.(3)Every application received by the Chief Wildlife Warden for the registration from a Veterinary Doctor shall be examined by a team of experts constituted for the purpose by the Chief Wildlife Warden.(4)The Chief Wildlife Warden shall issue a Certificate of Registration to the Veterinary Doctor in the form prescribed in Appendix-IV on the basis of the recommendation of the expert committee.(5)The Veterinary Doctor shall report to the Chief Wildlife Warden particulars of tranquilization carried out by him in the form prescribed in Appendix-V within 7 days.(6)All the Veterinary Doctors registered under this rule shall have valid Personal Accidental Insurance cover for a minimum amount of 5 Lakhs (Five Lakhs rupees only).

13. Post Mortem and disposal of dead elephant.

(1)When death of an elephant occurs, the owner of the elephant shall submit an application to the concerned Divisional Forest Officer for getting permission for the cremation of the elephant.(2)The carcass of the elephant shall be cremated under the supervision of the Divisional Forest Officer taking all the necessary precautions. The Divisional Forest Officer shall give permission for cremating the body of elephant in the forest area after getting the request from the owner of the elephant.(3)Forest Depai talent shall keep all details of the dead elephant including the mahazar, post mortem report and all other registers and documents mentioned in the rule.(4)The facilities mentioned in these rules shall be extended to those elephants which are having ownership certificate under the Act to elephants registered in the State of Kerala and to all elephants which are micro chipped.(5)An amount of Rs. 5,000 (Rupees Five thousand only) has to be remitted by the owner of the elephant having ownership certificate under the Act for availing the above facility.(6)The owner of the elephant which are registered in the State of Kerala and are having microchip certificate but do not have ownership certificate under the Act has to remit an amount of Z 30,000 (Rupees Thirty thousand only) for availing the above facility.(7)Granting permission for cremation of the elephant in the forest area does not absolve the owner of the elephant from the cases already registered or cases which may arise later.(8)The owner of the elephant shall bear all the expenses in connection with the cremation of the elephant.(9)The owner shall ensure that the carcass of the elephant is completely burnt before leaving the cremation site.

Appendix I Health Certificate[See Rule 4 (17)]Certified That I have this day the (In Words)examined at the request of the owner/custodian/representative/ Contractor/festival Authority/(Designation Of The Government Official *) The Elephant With The Description Given Hereunder.(*competent Forest/Police/Revenue Official)

Name of Elephant	:
Ownership certificate number/Microchipcertificate number	:
Registration data book number	:
Sex	:
Age	:
Tusks (Measurement)	:
Name of Owner/Custodian	:
Observations/remarks, if any	:
Health Parameters	:
Trunk Tusks Oral Cavity Eyes	Temporal Glands
Limbs Nails Feet/Pad	Wounds/Chain Dung/Urine Wound
AbnormalitiesTemperament of Animal	
Docile, Controllable, Aggressive	:
Other relevant observations	:
Directions to Mahouts/Users	:
Remarks	:

The above described elephant by name is found to be apparently healthy, docile and manageable by mahouts,, free from visible symptoms of musth and does not appear to be suffering from any injuries or diseases. The elephant mentioned above may be permitted to participate in timber hauling/social/cultural/ceremonial functions (strike out whichever is not applicable) with full complements of restraints, control and management under competent mahouts and observing the provisions of laws in force. Signature of examining Veterinarian Place: Date: Address : Registration No.: Appendix II Certificate of Fitness for Transport of Captive Elephants [See Rule 4 (18) and Rule 9 (4)] (This certificate should be completed and signed by a Veterinary Doctor) Date and Time of Examination..... Number of Elephants..... w Name of Elephants..... Age/Sex..... Number of Cages..... I hereby certify that I have read Rule 9 (4) of the Kerala Captive Elephants (Management and Maintenance) Rules, 2012.

- 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 infectious 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

Place

Date Qualifications

Appendix III Application for Registration of Veterinary Doctors [See Rule 12 (2)]

1. Name :
2. Age :
3. Sex :
4. Address :
5. Education qualification (Enclose attested copies of Certificates) :
6. Whether employed, if yes, the designation of the Veterinary Doctor/Tranquilizing Expert :
7. :

Name and address of the institution where Employed (Attach employer's no objection Certificate,

8. Registration particulars under Section 23 of Indian. Veterinary Council Act, 1984 :
9. Experience in the management of captive elephant (Enclose attested copies of experience Certificates) :
10. Experience in the field of tranquilization during his/her career :
11. Type of tranquilizing equipment, drugs proposed to be used with dosage :

Place: Date: Name and Signature of the Applicant I declare that the information furnished above is true to the best of my knowledge and belief. Signature of the Applicant Appendix IV Certificate of Registration [See Rule 12 (4)]

Registration No:

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Passport size Photograph

} Name Age Address

Village Taluk District State is a Registered Veterinary Doctor under Rule 12 (4) of the Kerala Captive Elephant (Management and Maintenance) Rules, 2012. Principal Chief Conservator of Forests (Wildlife) and Chief Wildlife Warden Place: Date: Appendix V Report on Tranquilization Carried Out [See Rule 12 (5)]

1. Name of the elephant, sex and age :
2. Name and address of the Owner :
3. Name and address of mahout :
4. Microchip number and Microchip Certificate number :
5. Ownership Certificate number :
6. Date and place of tranquilization :
7. Village :
8. Taluk :
9. District :
10. Reason for tranquilization :
11. Request for tranquilization made by whom :
12. Name of drugs used. with dosage :
13. Observation/Remarks if any :

Certified that the tranquilization has been carried out by (Address with registration number) and the animal at present is normal and healthy and is safely housed at (give address). Place: Signature of the Veterinary Doctor. Date: 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 issuance of Certificates of Ownership to those in lawful possession of captive elephants, issuing permits for transportation, and for ill treatment of captive elephants such as beating, overriding. 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 animals. The rules

prescribed vide notification G. o. (P) No. 12/2003/F&WLD dated 26-2-2003 required modification and amendments for effective and smooth enforcement of the rules. Moreover, the amendments are made with a view to tackle emerging problems to ensure proper upkeep and management of captive elephants in the State. This notification is intended to achieve the above object.