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**Circular No. 04/2018**

Sub: F&WLD – Prevention of Cruelty to Captive Elephants – Implementation of provisions in the Kerala Captive Elephants (Management & Maintenance) Rules, 2012 - Regarding.

Ref: 1. Letter F.No.2-23/2017-PE dated 21.03.2018 of Director, Project Elephant, Government of India.

2. D.O. Letter No. 32/PRL.S (F&WL)/2018 dated 11.04.2018 of Principal Secretary (Forests), Govt. of Kerala.

Kerala accounts for a significant number of captive elephants in the Country. They are being used for a variety of purposes including processions, festivals etc. wherein they have to closely interact with crowd. The Kerala Captive Elephants (Management & Maintenance) Rules, 2012 were formulated to ensure the well being of these animals in captivity. These Rules cast responsibilities on the owners of the elephant, Veterinary Doctors, District Level Committees and also the Officers of the Forest Department.

Of late, large number of complaints are coming from the members of the public at State / National and International levels about the ill treatment of Captive Elephants. More than 10 Captive Elephants have died during the current year so far which is alleged to be due to careless handling of the animals as well as due to willful negligence. Laxity in implementing the provisions in the Rules is cited as one of the reasons leading to this poor condition. Matter was discussed in the Forest Headquarters with Officers including the Wildlife Wardens and ACFs (SF). Accordingly the following provisions in the Rules / orders are decided to be closely monitored by the forest officers with immediate effect:

- Elephants which are in high demand and are thereby likely to be over worked will be identified in every district and closely monitored for compliance of provisions in the Rules. The Inspecting Officers will verify the various registers, especially the Movement Register, to ensure that the provisions in the Rules are complied with.
- There is need to ensure that the elephant is not provoked / put to work during the musth period and also to ensure that musth is not suppressed. The history of musth will be tracked and sufficient care / rest during the forthcoming musth period will be ensured.
- Wherever violations are noticed, necessary instructions will be issued to the owner, in writing.
- As Convener of the District Committee, the ACF(SF) should ensure that the Committee meets atleast twice in an year. The first such meeting should be convened soon after the festival season to take stock of the status of implementation of the Rules and improvement in compliance which are necessary.
- The second meeting should be held before the onset of the festival season. All the violations / violators till this meeting should be brought to notice of the Committee so that necessary steps are taken for ensuring safety of the animals as well as that of the public during the forthcoming season is addressed.
- The Hon'ble Supreme Court in their orders in WP (C) No. 743/14 on 18.08.2015 has ordered that those who are using elephants for festival purposes should register themselves with District Level Committees within six weeks from the date of the order, they should mention how many elephants will be used in the festival and the State Government has the obligation to ensure such registration and in case any elephant is meted out with any kind of cruelty, apart from criminal prosecution, they shall face severe consequences which may include confiscation of elephant by the State. Implementation of these directions should be ensured.

- As per the Rules / Guidelines for transporting and using the elephants for festivals atleast four levels of checking is possible.  
At first, the Festival Organizers should get registered with the District Committee. Second, the elephant should be transported only in a vehicle that is registered with the ACF / DFO for that purpose. Third, there should be valid fitness certificate issued by a qualified Veterinary Doctor. Fourth, the movement should get recoded in the Movement Register of the elephant. All these should be properly and timely checked, so that none of the elephants used is over worked before the programme.
- In case of repeated violations, the option of seizing the elephant and confiscating it to the Government, as ordered by the Hon'ble Supreme Court on 18.08.2015 should be exercised.
- Whatever offence cases are booked, they should be charged within the time frame of 30 / 45 days.
- Implementation of these Guidelines will be reviewed in the Headquarters on a quarterly basis.



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