



Humane treatment of elephants and the legal perspective

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Elephant, a shade-loving animal in which temperature regulating mechanism is poorly developed and spends lot of time for wallowing. This protects them from heat and at times from external parasites. But with increasing urbanization, ponds and such water bodies are drastically reduced and now the captive elephants are at the mercy of mahouts who are the main people responsible for their day-to-day management and well being of elephants.

The elephant is an animal that has to keep its physiological temperature through the ultraviolet and infrared radiations. According to experts, the elephant shall not be exposed to solar radiations from 10 A.M. to 4P.M. No amount of cooling would help the animal to keep itself from the adverse effect of the scorching heat, especially in the draught of the tropic sun. Considering the peculiar physiological, anatomical structure mammoth size, and its peculiar psychological responses, the elephant is to be treated with utmost care.

In Kerala, the months of March, April and May are those of temple festivals and for these festivals (Poorams) elephants are of utmost necessity.

The elephant owners are now mostly interested in the monetary gain they derive from the festival seasons. Thus seasons of festivals become a period of torture

for these mute animals. It is more cruel when we make these shade-loving animals to stand and make slow march on the tarred road during the scorching sun for festivals. Elephants are also made to stand in such a cramped way so that they do not even get chance to resting a cool place. Moreover, due to monetary attraction, they are not given any rest, often no time to eat and drink well. It is quite natural that they react quite aggressively and naturally, the result will be the expression of their 'elephantine properties'. But many people who are closely associated with elephants feel that this aggressive reaction is even lesser compared with other domestic animals. The injury, trauma and pain inflicted by some mahouts often under the influence of alcohol or a sadistic mind are also to be seen gravely.

During musth, tuskers are made to participate in festivals to satisfy the greed of the owners, by weakening their bodies by many methods including non-feeding. And tortures of most inhuman and unimaginable types are inflicted on them if they run amock. They are tied with chains/nylon ropes with spikes or sharp edges. These cruelties and inhumanities are to be viewed very seriously. Remedial measures have to be adopted effectively as we know the elephants reciprocate unmeasurably the love and affection to their loving mahouts and the owners.

For the protection and preservation of wild life, the Central Government have formulated Wild Life (Protection) Act, 1972, where the elephants are included in the 1st Schedule. After the commencement of this Act, the State Governments have constituted wild Life Advisory Board to advise the State Government (1) in the selection of areas to be declared as sanctuaries, national parks, and closed area and the administration thereof, (2) in the formulation of the policy for protection and conservation of the wild life and specified plants and (3) in any matter relating to any schedule and which may be referred to it by State Government.

Moreover, under Wild Life (Protection) Act, it is mandatory to take licence for keeping an animal like elephant which is included in Schedule-I. Whereas in reality, majority of the captive elephants have no valid licence. And during festival seasons, when number of elephants are needed, some contractors bring elephants to the festival grounds without valid licence or permission. It is deplorable that the holding of elephants without licence, participating elephants in musth in festivals, the cruelties meted out to them and

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environment with sufficient shade. It stipulates the minimum floor area too.

Care of elephants, their feeding, care to be taken while timber hauling its work load, norms and standards of transportation, licence for the owner are also subjects dealt with in detail in this Rules.

A trained mahout can, to a certain extent, solve the problems of day-to-day management. The draft rules envisages licence to mahouts which may be stated here:

"All mahouts in service and newly recruited shall undergo the training given by the forest department and obtain the licence from the Forest Department in the format in Appendix. However, mahouts with not less than five years supported by a certificate from the employer to this effect shall be given a provisional certificate. The provisional certificate holder shall undergo an inservice training within a period of two years.

A mahout shall not handle an elephant under the influence of intoxication.

The Chief Wildlife Warden/authorized officer will issue the licence based on his performance in the training.

The first mahout of an elephant shall have an experience of three years as second mahout and the second mahout at least two years of experience as third mahout.

The licence should be renewed every two years. The mahouts with licence should produce a health certificate from a General Physician not below the rank of an Asst. Surgeon at the time of renewal.

A mahout shall give at least one month notice to the owner in writing under proper acknowledgement before leaving an elephant failing to which his licence will be suspended to a minimum of six months".

The mahout should see that the elephant gets thorough bath every day. The condition and health of the elephant shall be checked every day by the mahout. If any elephant is found sick, injured, unduly stressed or pregnant, the matter shall be informed to the owner who in turn will consult a registered Veterinary practitioner or experienced ayurvedic elephant expert for providing treatment expeditiously. Routine examination including parasitic checks should be carried out regularly. Preventive medicines should be administered. The owner should arrange for medical check-up of the mahout staff responsible for the upkeep of the elephant at least once in two years to ensure that they don't have any infectious disease which may affect the elephant. To ensure that the elephants are not treated with cruelty, at the time of festivals, the organizers of the festivals should submit the programmes with detail in writing to all concerned including police authorities. The owner should ensure that in case of musth, the elephant is secured properly

and should be examined by a competent doctor. Musth should not be suppressed and the elephant in musth should not be made to work. The owner should not wean any elephant calf below 2½ years of age. Any elephant having pregnancy of 12 or more months, any cow elephant having a suckling calf of below 5 feet height should be kept off work. The owner shouldn't permit to use nylon ropes or chains with spikes or sharp edges for tying the elephants. Weight of the chains must be proportionate with the age and health of the elephant. No type of harness which may expose the back or other sensitive organs of the elephants should be used. Training of the elephants should be carried out only by a trainer approved by the Chief Wild Life Warden or any officer authorized by him. Regarding transportation, hauling of timber, performance in circus etc owners and mahouts should strictly follow the provisions in the Acts.



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seriously since it is caused by *Mycobacterium tuberculosis*, which is contagious to human beings. Tuberculosis in captive elephants is found to be quite frequent. In such cases smears has to be prepared from the nodules and stained to detect the presence of Acid fast organisms.

The cardiac lesions such as pericarditis, myocarditis and hydropericardium are also frequently encountered either as sequela to other chronic conditions or as conditions affecting primarily the heart.

Traumatic lesions like gangrenous myositis, abscesses and fistula are also frequently encountered as an after effect of the ill treatment by the mahout especially during the period of musth or during training.

Anatomical peculiarities of elephant to be born in mind while conducting autopsy.

Liver:- The gall bladder is absent as in equines. The liver has two lobes of which the right lobe is bigger in size. The dorsal surface of the liver is convex and bulging and ventral surface depressed.

Spleen:- Spleen is broad in the middle and elongated on either ends with serrations on the lateral side.

Stomach:- It is monogastric with a flattened sac like appearance. Caecum and colon has got a major role in the digestive process.

Kidney:- Consists of 8-10 demarcated lobes, but less demarcated than in bovines.

Testes:- are located inside the abdominal cavity just behind the kidneys.

The heart:- has got bifid apexes unlike single apex in other species.

The lungs:- The lungs are peculiar in that a pleural cavity does not exist in elephants. The visceral and parietal pleura are normally adhered with little pleural space making the animal very sensitive to pressure of the chest cavity.





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