



The status of the domesticated elephants in India

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Elephants in India

The Asian elephant (*Elephas maximus*) enjoys a special status in India which harbours over 28,000 wild elephants. This is over 50% of the total population of this species in the world. Elephant represents the Indian ethos. It has been very closely associated with the religion, myths, history and cultural heritage of India for centuries. It has been rightly said that one can not imagine India without the elephant (Anon.1993).

Asian elephant is an endangered species throughout its range. It is threatened on account of pressures of poaching for ivory, loss of habitat and ever-increasing incidents of human-elephant conflict. Many legal steps have been taken in India since 1873 for the protection of elephants. In February 1992, Government of India launched Project Elephant – a major initiative for the conservation of elephants in the country. A number of measures have since been taken under the Project for strengthening the enforcement machinery; protection and improvement of habitats and corridors for elephants; reducing human-elephant conflict; creating awareness among the people; and addressing various other issues relating to elephant conservation. The success of the Project is evident from the fact that the elephant

population in the country has increased from about 15,600 in 1980 to about 28,000 in 2001.

Domesticated elephants

India has a fascinating history of domesticating wild elephants. Various methods of capturing and training of elephants were evolved over a period of time in different geographical regions of the country. A lot of literature was produced in the ancient and the medieval period on the management and treatment of the domesticated elephants. Kings and noblemen used to patronise elephants in the past. Elephants were domesticated in the early days mostly for the military purposes. In the modern era, however, elephants have been used in state pomp, as status symbol by princes and the landed gentry, the great *shikar* meets, elephant-capturing, logging operations, tourism, temple processions, circus shows and, to a limited extent, in agricultural works.

However, until the recent past, the domesticated elephants have not received due attention from the conservationists. There has been a tendency to dismiss them as just another category of cattle. This is despite the fact that the Wildlife (Protection) Act, 1972 (WPA-1972), the principal legal instrument for protection of wild animals in the country, treats domesticated elephants on par with the wild ones. Project Elephant has, however, accepted the role of the domesticated elephants in the overall conservation of the species. One of the objectives of Project Elephant is 'to improve the welfare of elephants in domestic use, including veterinary care, training of *mabouts*, humane treatment of elephants, etc.'. But until recently, Project Elephant has mostly been busy in activities relating to wild elephants and it has not done much for the welfare of the domesticated elephants.

Number of domesticated elephants

The relative neglect of the domesticated elephants is evident from the fact that no formal census of captive elephants has ever been attempted in India. The WPA-1972 stipulates that all the domesticated elephants, except those in the recognised zoos, should be declared to the Chief Wildlife Warden (CWLW) of the State who should register these elephants by issuing ownership certificates to the owners. But only about 1300-1400 domesticated elephants are registered with the CWLWs. Jackson (1985) estimated 2910-3110 domesticated elephants in India. Santiapillai & Jackson

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(1990) revised the estimate to 2260-2760. Lair (1997) observed that number of domesticated elephants in India should not be less than 4000. Project Elephant carried out a quick survey in December 2000 and estimated that there were 3400-3600 elephants in domestication in 24 States in the country (Bist, *et al.*, 2001).

There is no evidence to suggest any significant increase or decrease in the population of the domesticated elephants in recent years. There is, however, some regional shift in their distribution. For example, number of domesticated elephants has increased in Kerala from 250 in 1983 to 612 in 2000. Jaipur (Rajasthan) with 90 domesticated elephants has presently become a major elephant centre. There has been a great exodus of the domesticated elephants from Assam and Arunachal Pradesh to other parts of the country, particularly Kerala, as a result of the restriction on logging operations in the north-east India imposed by the Supreme Court in 1996.

Legal status

Elephant has been included in Schedule- I of the WPA-1972 since October 1977, which implies that it has the highest degree of legal protection. Hunting (which includes capturing) of elephants is normally banned. The CWLW may, however, proclaim a rogue elephant which has become dangerous to human life, and permit its hunting. The CWLW may also, with the previous permission of the Central Government, permit capturing of elephants for scientific research, zoological parks or population management. Commercial trade in live elephants as well as any product, including ivory, derived from elephants is prohibited.

Definition of wild elephants under the WPA-1972 also includes the domesticated ones. No person can keep, possess or acquire an elephant without an ownership certificate issued by the CWLW or any other authorised officer. Only the persons possessing ownership certificates can transfer elephants by way of sale, gift or otherwise. A person, having an ownership certificate, is required to inform the concerned CWLW within 30 days if he transfers his elephant from one State to another. The domesticated elephant is excluded from the definition of livestock. However, the Act recognises a domesticated elephant as a 'vehicle' to facilitate its confiscation if used for committing any offence. The zoos recognised by the Central Zoo Authority are exempted from possessing ownership certificates. Zoos are also required to follow standards and norms prescribed under the Recognition of Zoos Rules, 1992 for keeping elephants in captivity.

Offences relating to elephants under the WPA-1972 can not be compounded. For general offences concerning elephants, the offender can be punished

with imprisonment from one year to 6 years and a fine not less than Rs.5000. For offences relating to illegal trade in elephants and ivory, term of imprisonment can be extended up to 7 years. Any elephant captured or kept in violation of the WPA-1972 is a government property and liable for confiscation.

Import & export of elephants is governed by the Import- Export Policy announced periodically by the Ministry of Commerce. Zoological parks, recognised scientific institutes, circus companies and private individuals can import elephants subject to recommendation of the CWLW and provisions of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Export of elephants is prohibited. However, in special cases, non-commercial export of elephants for scientific, zoological or educational purposes is permitted subject to recommendation of the Ministry of Environment & Forests. Violation of the Import- Export Policy is treated as an offence under the Customs Act, 1962.

The domesticated elephants are also subject to the provisions of the Prevention of Cruelty to Animals Act, 1960 (PCA-1960) and the various rules framed thereunder, viz. the Prevention of Cruelty to Draught and Pack Animals Rules, 1965, the Performing Animals Rules, 1973 and the Prevention of Cruelty (Capturing of Animals) Rules, 1972. "Cruelty" has not been defined in the Act. However, certain acts of omissions and commissions described in the Act constitute cruelty punishable under the Act. Some of the activities recognised as cruelty include:

- Subjecting an elephant to beating, over-riding, over-loading, torturing;
- Wilfully and unreasonably administering any injurious substance to an elephant;
- Confining any elephant to a cage which does not permit it a reasonable opportunity of movement;
- Conveying or carrying an elephant in such a manner as to subject it to unnecessary suffering;
- Inciting any elephant to fight any other animal for the purpose of entertainment;
- Depriving an elephant of sufficient food, water or shelter.

The rules under the PCA-1960 prohibit use of elephants for drawing any vehicle or carrying any load for more than nine hour a day; use of any spiked stick or sharp equipment for driving or riding an elephant; and capture of animals except by 'sack & loop' method, tranquillising guns or any other method which renders the animals insensible to pain before capture. The rules stipulate registration of trainers and exhibitors of performing elephants.





Despite a strong legal support, the general welfare of the domesticated elephants remains a problem due to poor enforcement of laws. As stated earlier, even after 25 years of inclusion of elephants in Schedule-I of the WPA-1972, registration of the domesticated elephants has not been completed. By excluding domesticated elephants from the definition of 'livestock', they have theoretically been placed outside the purview of the Livestock Departments. Provisions of the PCA-1960 are hardly ever invoked. Most of the legal restrictions on private ownership of elephants were not intended but consequential to inclusion of the Asian elephant in Schedule-I of the WPA-1972. Provisions of the WPA-1972, PCA-1960 and various rules made under the said Acts were never framed keeping the elephant in mind and as such, they suffer from various types of inadequacies and flaws. Some of the restrictions like the requirement of ownership certificates for elephants could have been utilised with advantage for improving the condition of the domesticated elephants if only the CWLWs could enforce these provisions seriously.

Veterinary care

Veterinary support is needed for treatment of sick and injured elephants, immunisation of livestock on the forest fringes to protect elephants against communicable diseases, control of problematic elephants (e.g., elephants in *musth*) and also for post-mortem and forensic support. Not all the domesticated elephants in India get veterinary support. Elephants owned by the zoos and the State Forest Departments have better luck. All the major zoos in India have one or more full-time veterinarian. The major Protected Areas (PAs) also have full time veterinary doctors. The PA authorities generally receive help from the State Veterinary Officers in arranging immunisation of livestock— a legal requirement under the WPA-1972. In some PAs, NGOs also arrange veterinary support. A large number of the domesticated elephants, particularly under private possession, do not have access to modern veterinary care and the elephant keepers depend on *Kaviraj* (practitioners of traditional medicine), quacks or their own knowledge. Veterinary colleges, even in the major elephant states, seldom include elephant-healthcare in the syllabus of their regular teaching programmes. Most of the veterinary doctors called upon to treat a wild or a domesticated elephant, lack necessary knowledge, experience and laboratory support. There have been instances when a problematic elephant had to be destroyed in the absence of tranquillising equipments. In a large number of cases of post-mortem of elephants, the reports are either defective or inconclusive. In fact, expert elephant veterinarian is a rarity in the country.

Employment opportunities

The survey by Project Elephant in December 2000 has revealed that 75% of the domesticated elephants are owned by individuals, 6% by temples, 2% by zoos, 3% by circuses and 14% by the State Forest Departments. The survey has also revealed that 43% of the elephants are primarily used for logging, 10% for transportation, 6% for tourism, 5% for entertainment (e.g., circus and zoo), 12% for ceremonial purposes, 2% for agriculture (mostly in Arunachal Pradesh), 4% for elephant capturing (as *Kunkis*) and 7% for begging. The remaining 11% elephants (mostly calves, sub-adults and old ones) are not put to any work.

The tradition of keeping the domesticated elephants appears to be going out of fashion in India. The abolition of *zamindari*— the landed gentry, after independence, deprived domesticated elephants of their chief connoisseurs. Remedial measures taken by the Government to protect wild animals and their habitat have resulted in a ban on capturing and trading of elephants as well as restrictions on logging operations— an activity that used to generate maximum employment for elephants. Improved road networks and availability of faster means of transport have reduced the utility of elephants as draught animals. Even the circuses that used to employ elephants in significant numbers are finding it difficult to sustain themselves either due to economic reasons or due to pressure from the animal-right activists. It is a costly proposition now to acquire and keep an elephant and the returns are very uncertain. There is not much incentive left for owning and possessing elephants. All these factors have led to a great decline in the employment opportunities for the domesticated elephants. Although there has not been any immediate decrease in the over-all numbers of the domesticated elephants, yet one can see the impact of the reducing employment opportunities in the form of the falling standards in the upkeep of the domesticated elephants and the general neglect of their *mabouts* in many parts of the country.

Initiatives of Project Elephant

As stated earlier, Project Elephant has only recently started paying serious attention to the management of the domesticated elephants in the country. The first step, as stated earlier, was in the form of a quick survey of the domesticated elephants in the country in December 2000. Project Elephant has recently undertaken a programme for registration of the domesticated elephants in Delhi, Assam and Arunachal Pradesh by using microchips for identifying the individual animals. It is proposed to prepare a database containing all the essential information about the domesticated elephants and their keepers during this





exercise. This programme will subsequently be extended to other parts of the country. It is also proposed to provide free annual health check-up and immunisation facilities to the registered elephants as an incentive to their owners. Attempts are also being made to bring all the domesticated elephants and *mabouts* under an insurance cover.

Project Elephant undertook skill-upgradation programmes for the *mabouts* of the State Forest Departments in Uttaranchal and Assam during 2001-02. It is proposed to continue such programmes in other States and extend these to cover the *mabouts* of the private elephants as well. Project Elephant also sponsored during 2001-02 some refresher courses on elephant-health care for the veterinarians in Orissa and Assam. It is now proposed to hold such refresher courses regularly in different regions of the country in collaboration with the reputed veterinary institutes. Project Elephant has also undertaken the publication of some useful literature relating to the domesticated elephants for the benefit of the elephant managers and the veterinarians. Project Elephant has also been conducting awareness programmes in collaboration with the State Forest Department and NGOs at the annual elephant-fair in Sonpur in Bihar for sensitising the elephant-keepers regarding the humane treatment with their elephants. Project Elephant proposes to organise similar elephant-fairs in the north-eastern India which harbours the largest population of the domesticated elephants. The elephant owners and *mabouts* in the north-eastern region are also being motivated to form co-operatives and undertake eco-tourism activities in the PAs. Project Elephant is also engaged in developing suitable norms and standards for the elephant-owners, which can be enforced through the WPA-1972 and the PCA-1960, for ensuring the welfare of the domesticated elephants. Attempts are also being made to persuade the State Forest Departments and other government agencies for increasing the employment opportunities for the domesticated elephants by deploying them for patrolling duties, controlling depredation by wild animals and eco-tourism works.

Roadmap for future :

Despite a long and glorious tradition of domesticated elephants to boast about, there have not been any systematic and conscious efforts in India for sustaining this tradition. Domesticated elephants have been ignored both by the wildlife experts and the livestock experts. There is also an apprehension that much of the traditional knowledge and skill available in India would be lost unless demand and utilisation of domesticated elephants is kept alive. It is important to understand that management of domesticated elephants is complementary to that of wild elephants.



It will be ironical if the option of capturing and utilising surplus or problematic wild elephants is given up simply because of some illogical provisions of law or because of criticism by the animal-right activists. It makes a better sense to take steps for stopping the abuse of the domesticated elephants rather than banning the domestication itself.

It is also possible to utilise modern techniques and scientific knowledge to remove unnecessary cruelty from capturing, training and handling of elephants. Demand for the domesticated elephants will have to be created and sustained by careful planning. The provisions of the WPA-1972 as well as the CITES need to be relaxed to facilitate internal trade and export of the domesticated elephants. It needs to be emphasised that, unlike the trade in ivory, trade in the domesticated elephants is not detrimental to the survival of the species. It is also possible to give suitable training to elephants to prepare them for new jobs and new avenues of employment. At the same time, there is an acute need for a large work force of trained *mabouts* and veterinarians to take proper care of the large fleet of domesticated elephants.

Yet another point worth remembering is that the people in most parts of the country still have sympathy for elephants because of their cultural and religious values. These values must be nurtured and encouraged as an essential ingredient of the conservation strategy for elephants in the coming years. The domesticated elephants provide a convenient medium for preserving these values. It is desirable that the energy, experience and goodwill of thousands of elephant keepers in India is channelled towards conservation and welfare of elephants.

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