

# The Tamil Nadu Captive Elephants (Management and Maintenance) Rules, 2011

- **Section 2. Definition**

*Note: Terms defined by a definition clause will assume the meaning provided throughout the statute. The following definitions will therefore aid you throughout your interpretation of this Act.*

- (1) In these rules, unless the context otherwise requires,
  - (a) "Act" means the Wild Life (Protection) Act, 1972 (Central Act 53 of 1972);
  - (b) "cavady" means a person engaged to assist the mahout;
  - (c) "Department" means the Tamil Nadu Forest Department;
  - (d) "elephant" means any elephant, captured or kept or bred in captivity;
  - (e) "mahout" means the person who manages the captive elephant;
  - (f) "owner" means a person who owns an elephant;
  - (g) "veterinary doctor" means a registered veterinary doctor.
- (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.

- **Section 3 . Possession of an elephant**

*Note: Temples can only accept elephants which are in good health and with prior permission of the Chief Wildlife Warden. The listed factors have to be accounted for by the Govt. Committee before the elephant is given to the temple by private individuals/institutions.*

The elephant donated to the temple should be in good health condition and that should be accepted only after obtaining prior permission of the Chief Wildlife Warden. Whenever an elephant is donated by private individuals or institutions to the temples, the State Level Committee appointed by Government shall scrutinize the application regarding health, age and pedigree of the elephant and the infrastructure facilities, and the financial position of the temple and the donor and recommend to the Chief Wildlife Warden for consideration and passing appropriate orders under Wildlife (Protection) Act, 1972 (Central Act 53 of 1972). The State Level Committee should also take into account, whether the donor would meet out the annual maintenance cost as claimed by Temple authorities or in consolidated amount for several years together as one payment in the beginning

- **Section 4. Mahout and Cavady**

*Minimum three years of experience for each mahout and cavady*

(1) For taking care of each elephant, the owner thereof shall engage a Mahout and a Cavady having atleast three years experience in managing an elephant. The recruitment of Mahout and Cavady should be as per the guidelines of the Chief Wildlife Warden.

*Compulsory training for mahouts to be ensured by owner*

(3) Every mahout shall attend training programme in elephant care as and when called for by the Department and it shall be the responsibility of the owner to facilitate the above training by relieving the mahout after making suitable arrangements.

*Same elephant for mahout and cavady unless inebriated or sick*

(4) The mahout and cavady should be kept in-charge of the same elephant during its life span except when the mahout and cavady are under inebriated condition or in prolonged illness or affected with any contagious diseases.

*Annexure I is mandatory*

(5) The owner of the elephant, mahout and cavady should compulsorily follow the guidelines of do's and don'ts at Annexure-I.

*Compulsory training for mahouts to be ensured by owner*

(6) All the mahouts and cavadies shall be sent for compulsory training provided by the Forest Department at Arignar Anna Zoological Park, Vandalur. The Hindu Religious and Charitable Endowment Department or temple authority or elephant owner has to bear the training cost fixed by the Forest Department.

*Responsibility of owner*

(7) The owner should ensure that the mahout and cavady are not alcoholic.

● **Section 5. Housing of Elephants**

*Hygiene Shade, Floor*

(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. Elephant should not be kept on concrete flooring or on any hard surface for long periods. The tethering area should necessarily have earth and sand for proper foot care.

*Ventilation, Floor*

(2) The owner shall provide two concrete sheds with proper ventilation for each elephant (for both adult and sub-adult). A minimum floor area and height of 9 meter x 6 meter x 6 meter shall be ensured.

### *Ventilation, Drainage*

(3) Proper ventilation with drainage facility shall be provided.

### *Roof, Shed*

(4) No corrugated iron sheets or asbestos be used for roofing of elephant stables. The shed and surrounding area should have good drainage facility. The yard earmarked for elephant shall be with wooded or trees planted.

### *Summer*

(5) The elephant may be tethered to a well grown tree during day time in summer season.

## ● **Section 6. Care of Elephant**

(1) *Note: This section lays down standards of care to be necessarily maintained by the owner.*

### *Bath*

(a) There shall be bathing pool of minimum size 10 meter x 10 meter x 1.5 meter to 2 meter with gentle slope on all sides.

### *Regular bath*

(b) The mahout shall ensure that the elephant gets a thorough bath every day. The elephant should be kept in bathing pool for not less than three hours while bathing.

### *Scrubbing and cleaning with coconut*

(c) Scrubbing and cleaning of elephant body with coconut scrap should be done properly by the mahout himself and the cavady.

### *Duty of owner to provide shower during summer*

(2) Provisions shall be made by elephant owner for providing shower bath near the shed during summer season at least twice a day.

### *Foot of elephant*

(3) The foot of the elephant should be maintained properly by applying Decamalli oil.

### *Signboard*

(4) A board with instructions not to feed elephants by pilgrims shall be kept near the elephants.

### *Sick, injured, stressed, pregnant requires reporting and medical consultation*

(5) If the elephant is found sick, injured, unduly stressed or pregnant the mahout shall report the condition to the owner or temple authority who in turn shall consult a veterinary doctor for providing treatment expeditiously.

*Routine medical examination*

(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. Regular de-worming should be carried out once in three months with suitable medicine.

*Annual anthrax vaccination*

(7) Annual vaccination against Anthrax shall be mandatory and a proper record shall be maintained.

*Yearly medical examination for specific diseases*

(8) The owner shall arrange for a medical checkup of the elephant once in a year to screen diseases like Tuberculosis, etc.

*No use for begging*

(11) The elephant should not be taken to street and other places for begging or any other mean purposes.

*Prior permissions for population control procedures*

(13) The owner shall obtain prior permission of the Chief Wildlife Warden or the officer authorised 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.

*Musth*

(14) The elephant showing symptoms of musth shall be got examined by a veterinary doctor.

*Illegal suppression of musth prohibited*

(15) No drugs or intoxicants shall be used to suppress musth except on a written prescription by a veterinary doctor.

*Proper security during musth*

(16) 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.

*Owner to pay for treatment of musth*

(17) The Forest Department or Animal Husbandry Department shall depute the Veterinary Doctor to treat the elephant during musth under guidance of Chief Wildlife Warden or the Officer by authorised by him. The expenditure shall be met by the owner of the elephant.

*Prohibition of work during musth*

(18) An elephant in musth shall not be put to any work. The elephants shall be fed as per the direction of the Veterinary Assistant Surgeon.

*Monitor periodicity of musth*

(19) The periodicity of musth shall be monitored by mahout and the elephant owner by testing the urine to find out the presence of testosterone hormone.

*Prohibition of work for pregnant and young elephants*

(20) No owner shall put to work any elephant having pregnancy of twelve months or above, or any cow elephant having a suckling calf of age below six months, or any elephant of height below six feet.

*Prohibition of nylon ropes, chains, spiked, sharp edges etc.*

(21) No owner shall permit the use of nylon ropes or chains or hobbles with spikes or sharp edges for tying the elephants.

*Proper weight of chains*

(22) Weight of the chains and hobbles shall be commensurate with age and health of the elephant.

*Prohibition of harness painful to sensitive part of elephant*

(23) No owner shall permit any type of harness which may expose the back or other sensitive organs of the elephant to pain or injury.

*Prohibition of uncertified trainer*

(24) No owner shall permit his elephant to be trained by a trainer who is not approved by the Chief Wildlife Warden or the Officer authorised by him for the purpose.

*Duty to report death of elephant*

(25) In the event of death of the elephant, the owner shall report to the Chief Wildlife Warden or to the officer authorised by him within twenty four hours and the certificate of ownership should also be surrendered to the Chief Wildlife Warden or the Officer authorized by him. The tusks or tushes of the dead elephant, if any, shall be declared to the Chief Wildlife Warden or the officer authorised by him within fifteen days of the death.

*Post-mortem exam*

(26) The owner shall get the postmortem examination of the elephant done by a veterinary doctor in the presence of a Forest Officer having jurisdiction not below the rank of Range Officer and shall submit the report to the Chief Wildlife Warden or the officer authorized by him within fifteen days of the death of the elephant.

*Owner's responsibility for loss of human life*

(27) The owner of the elephant shall be responsible for the loss of human life or injury to human beings caused by the elephant at any time.

● **Section 7 - Feeding of Elephants**

*Regular supply of food*

(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 as prescribed by veterinary doctor

*Minimum feed supply*

(2) The minimum feed supply for elephant per day shall be as follows:—

Height of Elephant Green Fodder

Below 1.50 meter (Weaned calf) Not less than 100 Kilogram.

1.50 meter to 1.80 meter Not less than 150 Kilogram.

1.81 meter to 2.25 meter Not less than 200 Kilogram.

Above 2.25 meter Not less than 250 Kilogram. (or five per cent of its body weight)

*Food during hot climate*

(3) Supply of sufficient quantity of succulent food to the elephant shall be ensured during hot climate;

*Drinking Water*

(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 source of unpolluted running water or bore well water which does not contain salinity.

● **Section 8 - Work load of Elephant**

*Note: This section lays down the legal limitations to loads that an elephant can carry according to its height.*

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

Height of Elephant Load

Below 1.50 meter Not to be used for carrying load.

1.50 meter to 1.80 meter Not exceeding 150 kilogram. (To carry only fodder and trainer)

1.81 meter to 2.25 meter Not exceeding 200 Kilogram.

2.26 meter to 2.55 meter Not exceeding 300 Kilogram.

Above 2.55 meter Not exceeding 400 Kilogram.

(2) The load scale shall be reduced by fifty per cent in hilly or other difficult terrain;

(3) The elephants of height below 2.10 meter shall not be deployed for logging operations;

(4) The elephants of height from 2.10 meter to 2.25 meter shall not be engaged for dragging logs exceeding 750 kilogram in weight;

(5) The elephants of height above 2.25 meter shall not be engaged for dragging logs exceeding 1000 kilogram in weight;

*Prohibition of harness which causes extreme strain and injuries, and prohibition of regular use of tusks and jaws to carry weights*

(6) Using ill designed logging harness, which expose elephants back-bone and chest to extreme strain and injuries and using tusks and jaws regularly for dragging timber logs, timber hauling over steep areas or rocky areas shall not be done;

*Number of days per week for work*

(7) The elephant shall not be used for any work more than five days in a week and shall be in rest completely during monsoon;

*Prohibition of forcing elephant to sit on stomach for extended time*

(8) In no case the elephant shall be made to sit down on its stomach for a long period.

- **Section 9 - Norms and standards for Transportation**

*Mandatory permission from Chief Wildlife Warden or authorized officer for transportation of elephant*

(1) For transportation of the elephant, necessary permission from the Chief Wildlife Warden or any other officer authorised by the Government in this behalf shall be obtained as provided under section 48-A of the Act;

*Mandatory requirement of valid health certificate*

(2) A health 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 sign of musth or infectious or contagious disease shall be obtained in Form- 1;

*Mandatory requirement of valid Transit Permit and No-Objection Certificate for transport between states*

(3) (a) No elephant shall be transported to other states, without obtaining a Transit Permit from the Chief Wildlife Warden, Tamil Nadu.

(b) No elephant from other States shall be transported to Tamil Nadu without obtaining No Objection Certificate from the Chief Wildlife Warden, Tamil Nadu;

*Proper food and water prior to loading*

(4) The elephant shall be properly fed and given water before loading;

*Proper food and water during travel*

(5) Necessary arrangements shall be made for feeding and watering the elephant en route;

*Limitation of three hours for continuous walks*

(6) No elephant shall be made to walk for more than three hours at a stretch. Walking by the elephant shall be avoided between 10 A.M. to 2 P.M.;

*Mandatory reflectors to be placed on elephant's legs during night walks*

(7) While transporting elephants by walk during nights, two prominent reflectors shall be placed at the front and hind portion of the elephant;

*Limitation of distance of walks per day*

(8) No elephant shall be made to walk more than thirty kilometers a day and any transportation of the elephant for more than fifty kilometers shall be carried out in a vehicle;

*Dimensions of trucks*

(9) Trucks with length less than twelve feet shall not be used for carrying elephants except calves (height upto 1.50meter);

*Number of elephants per truck*

(10) One truck shall not be used to carry more than two weaned calves (height upto 1.50 meter) or one elephant with one un-weaned calf or one adult or sub adult elephant (height above 1.50 meter);

*Mandatory resting period*

(11) At least twelve hour rest should be allowed to elephants for every twelve hours of journey by trucks; .

*Prohibition of transport of pregnant elephants at advanced stage*

(12) Cow elephants in advanced stage of pregnancy should not be transported by trucks;



*Number of elephants per train wagon*

(13) 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 meter gauge, or not more than one adult elephant or two calves on narrow gauge;

*Mandatory standard of care to maintain constant speed and avoid jerks/stops*

(14) While transporting elephants by truck or train, care shall be taken to maintain constant speed avoiding jerks and sudden stop and reducing effects of shocks and jolts to the minimum;

*2 mahouts per truck or wagon*

(15) Each truck or wagon carrying elephant should have at least two attendant mahouts;

*Use of sedatives permitted only when prescribed by vet*

(16) Sedatives, if necessary, shall be used to control nervous or temperamental elephants only as prescribed by the veterinary doctor.

- **Section 10 - Retirement of elephants**

*Retirement age of elephants*

(1) No elephant shall be put to any work on attaining the age of sixty years;

*Elephants beyond 65 years require a health certificate for light work only*

Provided that healthy elephants above sixty years of age may be allowed to put to light work under proper health certificate from the veterinary doctor and with previous permission of Chief Wildlife Warden.

- **Section 12 - Cutting Tusks.**

*Prior permission required by owner before cutting/shaping tusks*

(1) The owner of the tusker shall apply in writing for permission of the Chief Wildlife Warden or the officer authorized by him in this behalf, for cutting or shaping the tusk, indicating the location where it will be done and the name of the competent person who would perform the operation at least one month in advance;

- **Section 13 - Acts which are tantamount to cruelty to elephant**

The following acts shall be considered as acts of cruelty to elephant and are prohibited:

(1) *General acts of cruelty*

Beating, kicking, over-riding, over-driving, over-loading, torturing or treating any elephant so as to subject it to unnecessary pain or suffering, or being an owner permitting, any elephant to be so treated;

*(2) Injurious substances/intoxicants*

Employing in any work or labour or for any purpose, any elephant, which by reason of its age or disease, infirmity, wound, sore or other cause, is unfit to be so employed, or being owner permitting any such elephant to be employed;

(3) Willfully and unreasonably administering any injurious drug or injurious substance to an elephant or uses drugs or intoxicants to control elephants particularly to suppress musth without proper veterinary doctors advice;

(4) Conveying or carrying an elephant, in or upon any vehicle or otherwise in such a manner or position as to subject it to unnecessary pain or suffering or cause accident;

(5) Keeping or confining an elephant, in any cage or receptacle, which does not measure the specifications as given in rule 5.

(6) Keeping for unreasonable time, an elephant chained or tethered upon by unreasonably short or unreasonably heavy chain or cord;

(7) Using an elephant for drawing any vehicle or carrying any load, more than nine hours a day or for more than five hours continuously without a break or rest for the elephant or exposes the elephant to hot climatic conditions without ensuring enough succulent food and electrolytes;

(8) Failing to provide an elephant, with sufficient food, drinking water or shelter;

(9) Abandoning an elephant in circumstance which will render it to suffer pain by reason of starvation or thirst;

(10) Offering for sale any elephant which is suffering from pain by reason of mutilation, starvation, thirst, over-crowding or other ill-treatment;

(11) Not providing adequate veterinary care to a sick, injured or pregnant elephant;

(12) Cutting the tusks of a bull elephant too short so as to expose horn tusk / pulp;

(13) Forcibly weaning away an elephant calf below two years of age from its mother;

(14) Using heavy chains and hobbles with spikes or sharp edges or barbed wires for tying elephants;

- (15) Using "Patti" (belly band) on cow elephants in advanced stage of pregnancy;
- (16) Using pad and Nundah of improper size on working elephant exposing its spinal cord to injuries;
- (17) Marching a sick, injured or pregnant elephant or a young calf over a very long distance or for a long duration at a stretch;
- (18) Marching an elephant over black topped roads or otherwise, during hottest period of the day and for a long duration at a stretch without rest for religious or any other purpose;
- (19) Transporting elephants in trucks of inadequate size or trucks with uneven floor, or tying them in an improper manner-subjecting them to severe jerks during journey by truck;
- (20) Transporting elephants in trucks for over twelve hours at a stretch;
- (21) Transporting elephants through any conveyance without making arrangement for adequate fodder and drinking water during the journey;
- (22) Carrying load on an elephant without proper pad;
- (23) Making an elephant to carry load unevenly balanced on its back;
- (24) Making the elephant to stand in scorching sun for long duration, or putting the ceremonial gears or decoration for unreasonably long duration, or bursting crackers from or near the elephants for ceremonial purposes;
- (25) Using an elephant in such a manner so as to cause any injury over-stress or strain to the elephant for tourism purpose;
- (26) Using an elephant for sports and games such as tug-of-war, football etc. in such a manner so as to cause over stress or strain to the elephant.