



**Report about sections in
existing “Wildlife Protection Act (WPA)”
and
proposed “Wildlife (Protection) Amendment Bill, 2021”**

(Bill No 159 of 2021)

**that treats elephants as a commercial commodity and promotes
elephants trade, transfer.**

Table of Contents:

- Status given to elephants in “Wildlife Protection Act”
- Details about sections in existing “Wildlife Protection Act (WPA)” and proposed “Wildlife (Protection) Amendment Bill, 2021” that promotes elephant sales, transfer.
- Report about illegal capture and trade of elephants.
- Other problems (other than elephants) in WPA amendment bill 2021
- Immediate actions to be done to protect the elephants
- Appendix:
 - Highlights of existing “Wildlife Protection Act (WPA)” sections that deal with captive wild animals.
 - Snippets from central government “Wildlife Crime Control Bureau” report about illegal trade of elephants.
 - Soft copy of the “Wildlife Protection Act” and “WPA amendment bill 2021”
 - Commercially exploited captive elephants released into wild in Botswana and Thailand
 - Captive wild animals successful release into wild in other countries.

Status given to elephants in Wildlife Protection Act

- ❖ Elephants (both wild and captive) are classified as Schedule-I animals
- ❖ This status is equal to the status of a tiger
- ❖ Schedule-I animals are considered as endangered and receive highest form of protection as per “Wildlife Protection Act.”

**Details about sections in
existing “Wildlife Protection Act (WPA)” and
proposed “Wildlife (Protection) Amendment Bill, 2021”
that promotes elephant sales, transfer and considers elephant as a
commercial commodity**

**This leads to illegal capture, trade of elephants, elephants being subjected to
enormous cruelty and lifelong abuse**

**There is no scope for rehabilitating the captive elephants in a sanctuary (protected
government facility)**

**These sections directly contravenes with the fundamental purpose of creating the
Wildlife Protection Act**

Excerpts from section 40 of existing WPA

(2) No person shall, after the commencement of this Act, acquire, receive, keep in his control, custody or possession, sell, offer for sale or otherwise transfer or transport any animal specified in Schedule I or Part II of Schedule II or any uncured trophy or meat derived from such animal, or the salted or dried skins of such animal or the musk of a musk deer or the horn of a rhinoceros, except with the previous permission in writing of the Chief Wild Life Warden or the authorised officer.

2[(2A) No person other than a person having a certificate of ownership, shall, after the commencement of the Wild Life (Protection) Amendment Act, 2002 acquire, receive, keep in his control, custody or possession any captive animal, animal article, trophy or uncured trophy specified in Schedule I or Part II of Schedule II, except by way of inheritance.]

2[(2B) Every person inheriting any captive animal, animal article, trophy or uncured trophy under sub-section (2A) shall, within ninety days of such inheritance make a declaration to the Chief Wild Life Warden or the authorised officer and the provisions of sections 41 and 42 shall apply as if the declaration had been made under sub-section (1) of section 40: Provided that nothing in sub-sections (2A) and (2B) shall apply to the live elephant.]

3[(3) Nothing in sub-section (1) or sub-section (2) shall apply to a recognised zoo subject to the provisions of section 38I or to a public museum.]

Important Aspect

Only way a person can get a captive wild animal is, via inheritance

Negative Aspect

Elephants can be acquired by anyone as a gift with CWW permission (cannot buy for commercial value).
Inheritance rule **NOT** applicable

Excerpts from section 43 of existing WPA:

Regulation of transfer of animal, etc.—

(1) No person having in his possession captive animal, animal article, trophy or uncured trophy in respect of which he has a certificate of ownership shall transfer by way of sale or offer for sale or by any other mode of consideration of commercial nature, such animal or article or trophy or uncured trophy.

Positive aspect in existing law

Prohibits sale of any wild animal (including elephants) that involves any commercial transactions

Proposed “Wild Life (Protection) amendment bill 2021” to amend the WPA

27. In section 43 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

"(4) This section shall not apply to the transfer or transport of any live elephant by a person having a certificate of ownership, where such person has obtained prior permission from the State Government on fulfilment of such conditions as may be prescribed by the Central Government."

Negative aspect in proposed bill

Allows commercial sale of elephants by modifying the section 43.

Impact: Promotes illegal capture, trade of elephants. Elephants being subjected to enormous cruelty and lifelong abuse. No scope for rehabilitation.



Elephant calf smuggled from North East states, kept for sale at Sonepur mela in Bihar.

(image by Sujit)

Sonepur mela is a very famous event for illegal sale of elephants. Even though sale of elephants are banned at Sonepur, in recent years, the smuggling and illegal trade continues through various other channels

To access the report about illegal capture and sale of elephants from North East India to South India click on the Google drive link below

<https://drive.google.com/drive/folders/1rtl8Ov1iBQcnqxq1tSyNcOrKzIJ2lgVI?usp=sharing>

Other problems (other than elephants related) in WP Amendment Bill, 2021

Please refer the documents prepared by the NGOs

- Legal Initiative for Forest and Environment (LIFE)
- Nature Conservation Foundation (NCF) (detailed technical report)

in the below link (click to open the Google drive folder)

<https://drive.google.com/drive/folders/1rtI8Ov1iBQcnqxq1tSyNc0rKzIJ2lgVI?usp=sharing>

Immediate actions to be done to protect the elephants:

Please communicate the below mentioned points and any other additional points you want to convey before 12th Feb 2022 to

The Chairman (Mr. Jairam Ramesh)

Rajya Sabha department related parliamentary standing committee for “Environment Forests and Climate Change”

Email id to send your feedback: rsc-st@sansad.nic.in

Feedback points:

Amend the existing law

- by removing all the sections, that allow private ownership of any wild animal.
This includes removing all the sections that support the aspect of providing “**Ownership Certificate**” for keeping a wild animal in captivity (or) owning a wild animal by inheritance (or) Owning a wild animal with Chief Wildlife Warden’s permission.
- by adding sections to rehabilitate the wild animals currently owned by private people (including temples). The rehabilitation should be done in a government owned rehabilitation facility that replicates a sanctuary. (**Note:** Rehabilitation cannot be done at a zoo). The existing forest department elephant camps can be used for such rehabilitation programs.
- by adding suitable sections about the long term plan of sending healthy captive wild animals from the rehabilitation facility back to wild, using soft release method.

Remove the clause 27 (in page 5) of the proposed WP Amendment Bill 2021 that modifies the Section 43 of WPA and allows commercial sale of elephants.

Note: There is no standard format, template to send the feedback.

Appendix: follows.....

Appendix 1:

Highlights of existing “Wildlife Protection Act (WPA)” sections that deal with captive wild animals that are classified under Schedule I (or) Part II of Schedule II

39 - All wild animals (including elephants) are government property. Cannot keep any wild animal illegally

40 - The owner should declare the wild animal in his/her possession to Chief Wildlife Warden

41 - CWW to inspect the owner’s premises, document the inventory of animals, affix identification mark on the animals (for captive elephants it is micro-chipping).

42 - CWW to issue "Ownership Certificate" to the owner only if adequate facility for housing, maintenance and upkeep of the animal is available.

43 - Selling of wild animals (including elephants) for any commercial value is illegal

49 – Prohibits purchase of wild animals from a person NOT authorized to sell (or) transfer

50 - Gives powers to officers (Forest Department & Police) to seize the wild animals kept illegally.

Study on illegal sale and transfer of live elephants from Assam

Chaturbhuja Behera, IFS

Regional Dy. Director, Wildlife Crime Control Bureau, Kolkata

Abstract:

Assam has a glorious history of its association with elephants, of taming wild elephants for domestication and harbouring maximum number of wild and captive elephants. Abrupt fall in the forestry activities since 1996 and subsequent deterioration in economic conditions of the elephant owners have spurred sale of captive elephants from the state in the face of public outcry, administrative and legal restrictions, and have created inter-state nexus for smuggling.

To study the cause and process of smuggling, the dynamics of demand and supply in the

Involvement of Assam forest officials and South Indian temples in illegal trade of elephants.

Snippets from central government “Wildlife Crime Control Bureau” report

5.5. Gangs and network of elephant trafficking:

Some of the business men of Bihar and UP settled in Assam have developed links with the local agents in Assam for facilitating the transfer of elephants. Some of the elephant smuggler groups are dealer in coal, timber and auctioned vehicles. They engage locals to mediate with the elephant-owners and settle the negotiations for transactions after paying advance. **The official formalities of getting NOC, health certificate, DNA testing, transport permit etc. are done by the local agents with the help of the Government officials. The agents have developed close links with the officers dealing with the relevant jobs, which ensure the sale without any impediment.** The business-men are quite conversant with the transporters, the buyers in Bihar & UP and know how to evade or circumvent checks on the forest check posts at the Assam-WB border.

Temples, religious organizations and political parties place their demand through messengers and sometimes directly through Government officials.

Appendix 3:

- **Wildlife Protection Act**
- **2021 bill to amend the WPA**

Please click the Google drive link below to access the above mentioned documents

<https://drive.google.com/drive/folders/1rtl8Ov1iBQcnqxq1tSyNc0rKzIJ2lgVI?usp=sharing>

The Release of a Captive-Raised Female African Elephant (*Loxodonta africana*) in the Okavango Delta, Botswana

Kate Evans ^{1,2,*}, Randall J. Moore ³ and Stephen Harris ¹

¹ School of Biological Sciences, University of Bristol, Woodland Road, Bristol BS8 1UG, UK; E-Mail: s.harris@bristol.ac.uk

² Elephants For Africa, P.O. Box HA148 HAK, Maun, Botswana

³ Elephant Back Safaris, Private Bag 332, Maun, Botswana; E-Mail: randalljaymoore@yahoo.fr

* Author to whom correspondence should be addressed; E-Mail: kate@elephantsforafrica.org; Tel.: +44-117-928-7479; Fax: +44-117-331-7985.

Received: 28 March 2013; in revised form: 22 April 2013 / Accepted: 22 April 2013 /

Published: 29 April 2013

Simple Summary: Managing captive elephants poses a significant challenge because of their complex social behaviour. While wild female elephants live in close-knit family groups of related individuals, captive herds often consist of unrelated animals. Some of the elephants in captive groups may be excluded by their companions and experience increased aggression, so that their welfare is compromised. There is no easy solution to this problem and novel approaches are required since slaughter of captive elephants is not publicly acceptable. We show that captive-raised female elephants can be released into the wild, survive and reproduce, and suggest that this management option should be explored further for female elephants currently held under various captive conditions.

The Social and Ecological Integration of Captive-Raised Adolescent Male African Elephants (*Loxodonta africana*) into a Wild Population

Kate Evans^{1,2*}, Randall Moore³, Stephen Harris¹

¹ School of Biological Sciences, University of Bristol, Bristol, United Kingdom, ² Elephants for Africa, Maun, Botswana, ³ Elephant Back Safaris, Maun, Botswana

Abstract

Background: A rapid rise in the number of captive African elephants (*Loxodonta africana*) used in the tourism industry in southern Africa and orphaned elephants in human care has led to concerns about their long-term management, particularly males. One solution is to release them into the wild at adolescence, when young males naturally leave their herd. However, this raises significant welfare concerns: little is known about how well released elephants integrate into wild populations and whether they pose a greater threat to humans than wild elephants. We document the release of three captive-raised adolescent male African elephants in the Okavango Delta, Botswana.

Methodology/Principal Findings: Despite having been part of a herd of working elephants for at least eight years, the three males progressively integrated into the complex fission-fusion society of wild bull elephants. In the three years following release, they showed no tendency to be closer to human habitation, and there were no significant differences between wild and captive-raised adolescent males in the total number of social interactions, size of ranges and habitat use. However, the captive-raised elephants sparred less and vocalised more, and spent more time alone and in smaller social groups. Thereafter the released elephants continued to expand their ranges and interact with both mixed-sex herds and males. One male was shot by farmers 94 months after release, along with ten wild elephants, on a ranch outside the protected area.

Conclusions/Significance: We show that captive-raised adolescent male elephants can integrate into a wild population. Long-term studies are required to determine the longevity, breeding success, and eventual fate of released male elephants, but we identified no significant short-term welfare problems for the released elephants or recipient population. Release of captive-raised mammals with complex social systems is a husbandry option that should be explored further.

Including males and females a total of 10 captive elephants were released in to the wild

THAILAND

Release of commercially exploited and abused captive elephants, into wild

Information extracted from Thailand government website

https://www.elephantreintroduction.org/eng/about_en.html#board

https://www.elephantreintroduction.org/eng/act_en.html

About 84 captive elephants we re-introduced into wild. Partial list is given below

January 14, 1997 Her Majesty the Queen graciously released the first 3 elephants, Pang Bualoi, Pang Malai and Pang Boonmee to the Doi Pha Muang Wildlife Sanctuary Area after they fully recovered to a good condition

February 10, 1998, Her Majesty the Queen secondly returned two elephants to the Doi Pha Muang Wildlife Sanctuary Area in Lumpang Province

March 18, 1998 Pang Sungwal and Pang Noi got Her Majesty's compassion in returning into the forest

February 18, 1999 Ex-Governor of Lampang Province and Director of the World Wildlife Foundation International (Thailand) presented Pang Kammool and Plai Song, to Her Majesty the Queen. The cow elephant and her young boy were adopted into elephant reintroduction program since then.

February 19, 1999, Her Majesty the Queen returned two elephants to the Doi Pha Muang Wildlife Sanctuary Area in Lumpang Province

February 10, 2000 Thanks to Her Majesty's Compassion, Sidoyali, Pang Boonma, Pang Khammool Yai, Pang Chumpi, Pang Thongbai, Pang Boonmee, Pang Kongma, Pang Bua Nguen and Pang Buatong are brought into the elephant reintroduction program. Currently, these nine elephants are under the physical recovering process.

Pang Durian, a young orphan whose mother had been killed by a shot, received the royal compassion to bring into the program on February 10, 2000. Pang Durian was brought up with babysitting elephants, Pang Bua Ngeun and Pang Buathong before returning to Kang Kra Charn National Park, Petchburi Province

..... **2000** Plai Sri Sakorn, an orphan elephant being wounded from a shot was presented to Her Majesty. Plai Sri Sakorn had been under medical treatment and lived with his three babysitters in Mae Yao National Lumpang province in order to adjust itself to natural forest.

February 10, 2001 To promote friendly ties between Thailand and Denmark, under royal command of His Majesty the King and Her Majesty the Queen, Her Royal Princess Maha Chakri Sirindhorn accompanied Queen Magreth II of Denmark and Prince Henrik on the royal visit to release a cow elephant "Pang Boonrod" into Doi Pha Muang Wildlife Sanctuary Area.

Appendix 5: Projects in other countries focusing on releasing captive wild animals into wild

- Orangutans, Javan langurs, Moloch gibbons and Grizzled leaf monkeys rescued from illegal pet trade in Indonesia
- Chimpanzees rescued from illegal pet trade in Tanzania
- Gorillas in Gabon
- Cheetahs in South Africa.

Email: contact@elsafoundationcharity.org

END