

**REPORT ON INSPECTION OF CAPTIVE
ELEPHANT (*Elephas maximus*) – LAKSHMI IN SRI MANAKULA
VINAYAGAR TEMPLE, PUDUCHERRY**

INSPECTION AUTHORISED BY: Animal Welfare Board of India (AWBI), through letter No 9-1/2014 -15 / PCA/IR; Dated 27 August 2014

DATES OF INSPECTION: 28 August 2014

TIME OF INSPECTION: 2:30 to 07:10 pm

LOCATION: Sri Manakula Vinayagar Temple, Puducherry

AWBI-AUTHORISED INSPECTORS:

- Dr Rajeev TS, Assistant Professor and Project Leader, Centre of Elephant Studies, College of Veterinary and Animal Sciences, Kerala
- Dr Naresh Upreti, Programme Manager, Animal Rahat and Honorary Animal Welfare Officer, Animal Welfare Board of India

OFFICIALS WHO FACILITATED THE INSPECTION:

- Sathiyamoorthy. G, Deputy Conservator of Forest, Puducherry
- Thyagarajan, Forest Officer, Puducherry
- Dr G. Selvaraj , Forest Veterinary Officer, Puducherry
- Karunakaran. N, Executive Officer, Arulmigu Manakula Vinayagar Devasthanam, Puducherry

RELEVANT ACTS, RULES, NOTIFICATIONS AND GUIDELINES:

- The Indian Wildlife (Protection) Act, 1972
- The Prevention of Cruelty to Animals Act, 1960
- Guidelines for care and management of captive elephants issued by Project Elephant, Ministry of Environment & Forests
- Stock Book Rules 2003

PURPOSE OF THE INSPECTION: To assess the mental and physical health of Lakshmi (Captive elephant), assess her housing, upkeep and maintenance and verify the records kept with the temple management and forest department, Puducherry pertaining to the elephant.

SPECIFIC OBJECTIVES:

1. Examine the elephant and assess her mental and physical welfare.
2. Evaluate the housing facilities, management practices and other important services.
3. Scrutinise the records to check compliance of legal provisions and the guidelines on care and management of captive elephants.

I. INTRODUCTION:

The inspection team reached the office of Conservator of Forest & Chief Wild Life Warden, Puducherry at 12:40 pm on 28 August 2014. Mr. Thyagarajan, Forest Officer accompanied the inspection team to Eshwaran temple where Lakshmi was housed. On reaching the site at 02:15 pm, the inspection team met Mr. Sathiyamoorthy G, the Deputy Conservator of Forests and Dr G. Selvaraj, the Forest Veterinary Officer.

At the time of inspection the mahouts Mr. Sakthivel was present and Mr. Senthil (Sakthivel's brother and second mahout was absent) and the Executive Officer of Arulmigu Manakula Vinayagar Devasthanam, Mr. N Karunakaran were also present.

II. OBSERVATIONS:

1. **Behavioural Observations:** On observation from a distance, the elephant Lakshmi was showing signs of severe stereotypic behaviour such as head-bobbing, swaying and weaving. This behaviour is considered as an indication of severe psychological illness, a condition in captive elephants due to forcing them to live unnatural lives without regular, normal, uncontrolled interaction with other elephants, lack of activities that keep them engrossed, mental distress and severe frustration due to constant and continuous chaining, lack of exercise and lack of ability to display natural behaviour.

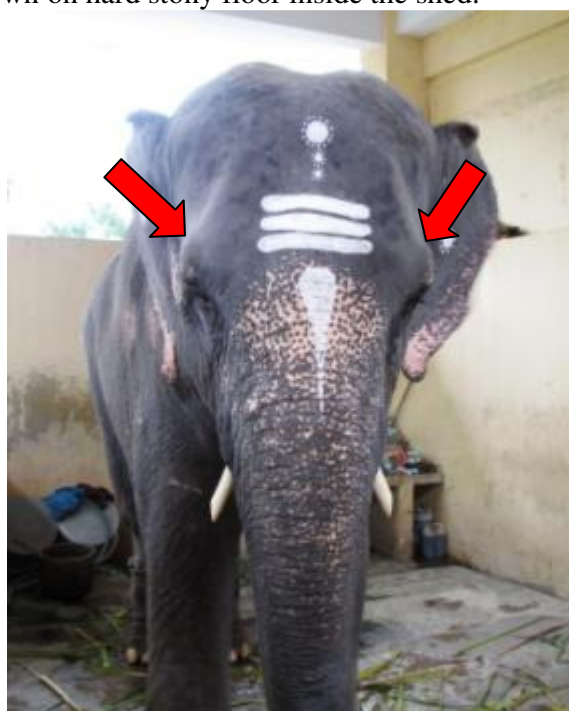


2. Physical health:

- i. The body condition score at the time of inspection was 11 to 12, as per Asian Elephant Body Condition Index. As per records she has put on weight after attending the rejuvenation camp at Metupalayam in the year 2013. As per Asian Elephant Body Condition Index, a body condition score of 11+ is considered as 'fat' which is indicative of an unbalanced diet with high carbohydrate intake, lack of exercise and poor health. Obesity can lead to irreversible joint problems and foot diseases.



- ii. There is bilateral peri-orbital swelling which could be due to constant rubbing while getting up and lying down on hard stony floor inside the shed.



- iii. There was minor wound on skin of the right orbital fossa, possibly due to rubbing on the hard stony floor.



- iv. Hyperkeratosis (thickening) of the skin at the carpal, metacarpal, tarsal and metatarsal region likely due to constant chaining.



- v. Slight deformity of the left forelimb and outward deviation below the left knee joint at carpo-metacarpal junction possibly due to the reported accidental injury encountered by Lakshmi when she was only 4 years old.



- vi. An ulcerating wound was observed on the right elbow joint, due to constant rubbing on the hard stony surface.



- vii. Lakshmi was tethered with chains on left fore and right hind limb on the hard floor



- viii. Due to chaining hyperkeratinisation (excessive development or retention of keratin in the epidermis) of the skin on the limbs was observed.



- ix. Feet & Nails: Fore nails were having cracks and inter-digital space had cutaneous growth and showed hyperkeratosis. Foot rot lesions were present on both forelegs likely due to a life of standing on the hard stony floor and lack of exercise, was also observed. Thinning of foot pad was also observed due to continuously standing and walking on hard surface.





- x. Nails on hind legs showed initial stages of foot rot, a very painful condition, due to standing on her own faeces and lack of exercise



- xi. Right ear was having hole near upper curvature made to hang the ankush.



- xii. Simultaneous ear flapping wasn't observed, which is usually done by elephants to show excitement and joy and is a sign of good health.



- xiii. Trunk had hyper keratinisation, was fleshy, and of normal shape



- xiv. Thorax – teats were prominent



xv. Sternum – not visible but palpable



xvi. Abdomen – Flank is normal



- xvii. Hind quarters – Bilateral non inflammatory soft swelling on both hip regions likely due to constant friction on hard stony floor was observed.



- xviii. Both tushes were worn out towards the tip measuring approximately 9 inches.



- xix. First set of premolar (PM – 1/1; wear and tear was observed) were clearly visible on observing mouth. The initial part of second set was also visible. Oral cavity was clear.



3. Housing:

- i. Lakshmi was housed in a cramped enclosure measuring approximately 10 x 15 x 15 feet having the side walls open on two sides above 8 feet.



- ii. Roof was made of concrete and the floor was made of stones. The enclosure was having a 5x4x4 feet cemented water trough on right corner on the back side. As Lakshmi is kept chained, she does not have access to this water except when it is made available to her.



- iii. No bedding is provided to Lakshmi and she is forced to lie on hard floor.



- iv. On left corner of the enclosure, utensils that were used for offering water and feed to Lakshmi were found to be dumped.



4. Other observations:

- i. Constant chaining: The constant chaining prevented the animal from display of any natural behaviour.
- ii. Bull hook was used by the mahout quite often while giving command to the elephant, for lifting the foot and turning the head away.



- iii. Microchip reader was used for confirming the number and was matching with the number in the ownership certificate- **0006596E07**.
- iv. Lakshmi was taken out of the enclosure at Eshwaran Temple in the evening (at 04:30 pm) to the Manakula Vinayagar Temple, which is situated approximately 2 kms away and she was made to stand at the entrance of the Manakula Vinayagar Temple for almost 2 to 3 hours before she was taken back to Eshwaran Temple. While standing at the entrance of the temple she was offered fruits and sweets by the devotees for blessing them with her trunk.



- v. Blood sample i.e. whole blood and serum was collected for further examination. The report is enclosed as ‘**Annexure 1**’. Blood smear is negative for any blood parasites and dung sample is positive for strongyle ova.

5. **Records:**

The following records were scrutinised at the temple (Annexure 2 to 10)

- Ownership certificate (Annexure – 2)
- Transport permit when she was moved from Kerala to Pondicherry in 1997. (Annexure – 3)
- No NOC from Pondicherry forest department could be traced.
- A copy of the sale deed between the K.P. Chakko who is based in Kottayam and Manakula Temple, Pondicherry was examined. This sale deed is a proof of illegal trade between K.P. Chakko and the Mankula temple, as sale or gifting of elephants is prohibited under The Indian Wildlife (Protection) Act, 1972. (Annexure – 4)
- Few records were maintained by the temple after receiving the show cause notice from wildlife department, but were not regularly updated. The following records were produced upon request;
 - Feeding register (Annexure – 5)
 - Disease and Treatment register (not properly maintained) (Annexure – 6)
 - Vaccination record (not properly maintained) (Annexure – 7)
 - Movement register (Annexure – 8)
 - Health card of Lakshmi (from 19 December 2013 to 04 February 2014) given by the Rejuvenation camp forest veterinarian at Mettupalayam, Coimbatore (Annexure – 9)
 - Instructions given by Dr. N. Kalaiivanan after the health examination done on 27th July 2014 (Annexure – 10)

The following records were examined at forest department office (Annexure 11 to 17):

- Copy of show cause notice and explanation given by the temple management against the show cause notice (Annexure – 11)
- Registration of the elephant as per the stock rule 2003 (annexure – 12)
- Transport permit issued by forest department when Lakshmi was taken to the rejuvenation camp in 2012.(Annexure – 13)
- Transport permit issued by forest department when Lakshmi was taken to the rejuvenation camp in 2013.(Annexure – 14)
- Health and fitness certificate of 2013 (Annexure – 15)
- Health certificate issued by the Forest veterinary Officer after Lakshmi reached Sadivayal Elephant Camp on 05/09/2012 (Annexure – 16)
- Certificate of vaccination against Anthrax in 2013 (Annexure – 17)

III. INTERPRETATION

1. **Illegal Ownership**

Elephant Lakshmi is under illegal possession of Sri Manakula Vinayagar Temple, Puducherry, as it is an apparent violation of the section 43 (1) The Indian Wildlife Protection Act, 1972 to ‘buy’ an elephant. The law states that “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”. As per the sale deed signed between Sri Manakula Vinayagar Temple,

Puducherry and Mr. K.P. Chakko S/o late Mr. Pothen dated 22 October 1997, Lakshmi was “bought” by Sri Manakula Vinayagar Temple after paying 4.6 lakh rupees! This is an illegal trade as per the law, thereby invalidating the right of the Sri Manakula Vinayagar Temple to keep the custody or possession of Lakshmi.

2. Mental Suffering

The stereotypic behaviour such as head-bobbing, swaying and weaving is an indication of mental stress and boredom. This behaviour is seen only in captive elephants forced to live unnatural lives without regular, normal, uncontrolled interaction with other elephants, lack of activities that keep them engrossed, mental distress and severe frustration due to constant and continuous chaining, lack of exercise and lack of ability to display natural behaviour. For the same reason, the Central Zoo Authority of India on 7 November 2009, through a circular banned the keeping of elephants in zoos across India.

3. Physical Suffering

- i. Lakshmi is suffering from foot rot on all legs. Foot rot is a severe painful condition needing immediate veterinary care. There is serious absence of scientific foot care, especially when Lakshmi is forced to live and work on hard surface. Irrespective of this painful condition, Lakshmi was forced to work at the temple, blessing devotees and begging for 2-3 hours. This indicates serious negligence on the part of the temple and the mahout. Forcing Lakshmi, who is suffering from foot rot all legs to work is an apparent violation of section 11 (1) (b) of the Prevention of Cruelty to Animals Act, 1960 which states that, it is cruelty if a person “(employs in any work or labour or for any purpose any animal which, by reason of its age or any disease) infirmity; wound, sore or other cause, is unfit to be so employed or, being the owner, permits any such unfit animal to be employed; or,”. And forcing an elephant, a Schedule 1 animal to beg is an apparent violation of The Indian Wildlife (Protection) Act 1972. The Stock Book maintained with the Department of Forests and Wildlife, Government of Puducherry also supported this findings. The report dated 26/06/2012 stated that “on the basis of the report furnished by Dr K C Panicker in r/o of the elephant ‘Lakshmi’ the temple authorities may be advised to keep the elephant under rest. A communication may also be addressed to the Director, Project Elephant for clearance and recommendation in the matter of shifting of the elephant Lakshmi to any one of the elephant camps in Tamil Nadu under the state forest deptt.”
- ii. The housing condition is poor as Lakshmi is continuously chained preventing her from display of any natural behaviour. She is forced to stand on hard floor for most of the time in one position – unlike what nature intended – that has lead to painful and crippling foot ailments such as foot rot and disease conditions affecting foot pads and toe nails. The enclosure where Lakshmi is housed is cramped and doesn’t give enough space for her to take few steps forward or backward. All these are apparent violation of Section 42, of the Indian Wildlife Protection Act, 1972 which mandates that an elephant in captivity must receive “.....adequate facilities for housing, maintenance and upkeep....” There is apparent violation of section 11 (1) (e) and (f) of The Prevention of Cruelty to Animals Act, 1960 too, which states that it is cruelty if any person: “(e) keeps or confines any animal in any -cage or other receptacle which does not measure sufficiently in height, length and breadth to permit the animal a reasonable opportunity for movement; or (f) keeps for an unreasonable time any animal chained or tethered upon an unreasonably short or unreasonably heavy chain or cord; or”. Subsequent to the ban on keeping elephants

in zoos in 2009, the Stakeholders Consultative Meeting of Central Zoo Authority on ‘Elephant Upkeep in Zoos’ held on 18 March 2013 permitted few zoos to keep elephants provided certain strict norms are followed such as providing each elephant with not less than 1.2 acre of area. The space allotted for Lakshmi is approximately 10 x 15 x 15 feet which is much less than 1.2 acre and she cannot express any natural behaviour.

- iii. Most of the time the mahout of Lakshmi used an ankush to control and give her command causing pain and injury which is an apparent violation of section 11 (1) (a) of the Prevention of Cruelty to Animals Act, 1960 as it caused “unnecessary pain or suffering” to the animal.

4. Health and safety concerns

With no screening of Lakshmi being done for infectious and zoonotic diseases through serological studies, Lakshmi may not be free of contagious diseases such as tuberculosis, which is common in elephants. With devotees and tourists interacting with Lakshmi every day, the health and safety of people, including foreign tourists are at grave risk. Scientific references also cite that tuberculosis is transmitted more commonly from humans to elephants than elephants to animals and because of the same Lakshmi is also prone to tuberculosis infection.

IV. RECOMMENDATION

Since the custody of Lakshmi by Sri Manakula Vinayagar Temple and its ownership certificate is illegitimate, and since Lakshmi needs immediate veterinary care and enrichment of environment by appropriate association with other elephants in a rehabilitation and care centre- to avoid any further permanent damage especially to the mental status and the foot rot which shall, if left in her current condition eventually aggravate and make her suffer even more- she must be moved to a forested sanctuary where she can be kept unrestrained, undergo treatment until complete recovery, live amongst nature, be supplied with ample food and water and have the opportunity to socialise with other elephants, go for long walks and bathe in rivers and streams.

Dr Rajeev T.S.
Assistant Professor &
Project Leader Centre for Elephant Studies
Dept. Veterinary Extension
College of Veterinary & Animal Sciences
Mannuthy, Kerala

Dr Naresh Chandra Upreti
Programme Manager
Animal Rahat

Date: 27 November 2014