



## **Unwanted Captive Elephants of India**

**What happens when a privately owned elephant becomes old, sick and cannot earn money for its owner?**

**Case study of a total government system failure**



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**About us:**

Elsa Foundation is a non-profit charitable trust that focuses on the conservation of biodiversity, prevention of cruelty to animals and animal rights issues of both domestic and wild animals. It opposes keeping wild animals in captivity.

We have travelled to several countries to study best practices and implement them in India.

The foundation supports various government bodies, in informed policy-making and decision-making on critical issues impacting biodiversity and the rights of animals.

Our work areas are research, advocacy, awareness, publication, support in policy and decision-making.

**Website:** [www.elsafoundationcharity.org](http://www.elsafoundationcharity.org)

**Cover photo:** Captive Elephant Lalitha.

**This case study is in memory of the privately owned elephant Lalitha that died in  
March 2023**

**Based on her condition and health inspection report by the foundation, a high court order instructing the retirement & lifelong rehabilitation of Lalitha and also a recommendation for rehabilitation of all other captive elephants in Tamil Nadu state was issued on 27th Feb 2023**

**Due to her old age and bad health conditions transportation to the rehab centre was not feasible. She died at the spot, where she lived the last few months of her life.**

**Lalitha's case is the starting point for the rehabilitation of several other captive elephants suffering like her.**

**Lalitha is a sad icon of abused, tortured, suffering captive elephants of India. Let her life help provide relief for several hundreds of suffering captive elephants.**

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## Introduction

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What happens, when a privately owned captive elephant becomes old, sick and cannot earn for its owner?

This case study tracks the last few months of the life of the private elephant Lalitha that was old and sick and was not able to earn money for its owner.

A general welfare assessment was done for the elephant which was kept at a Muthu Mariamman temple premises (Near KVS school) in Virudhunagar, Tamil Nadu. Based on the observations given by the foundation plus videos, photos and lab reports, feedback on veterinary aspects was given by the wildlife veterinarian Dr. Jayakrishnan.

From the medical record book, a detailed vet visit analysis was done

**Date of inspection:** 26<sup>th</sup> Feb 2023

## Elephant Lalitha's details

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**Gender:** Female

**Age:** about 63 - 65 (as per Madurai animal husbandry vet (Ex. Mudumalai elephant camp vet) observation in medical record book)

**Lives in:** Rajapalayam (Tamil Nadu)

**Owner name:** S.G.M.Shaa @ Sheik Mohammed

**Purchase date by current owner:** 08 May 2000

**Usage of the elephant:** Rented for temple festivals and general functions

## Background of the inspection

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A representative from People for Animals (an NGO) in Virudhunagar saw the bad health condition of the elephant in the last week of Feb 2023. It had multiple visible injuries and puss formation. (Refer to the photos in the 'Photos' section)

Elsa foundation and PFA gave information to the senior forest department officials and the Tamil Nadu Animal Welfare Board.

In the urgent meeting conducted by the forest department, it was decided to take temporary custody of the elephant from the owner, for further medical treatment. (Refer to the order in the appendix section)

The following key points were observed, from the order issued by the Chief Wildlife Warden of TN (dated: 21 Feb 23)

- The elephant was in bad health condition from 9<sup>th</sup> Dec 2022
- It had collapsed thrice within 55 days (9<sup>th</sup> Dec 22; 1<sup>st</sup> Jan 23; 2<sup>nd</sup> Feb 23)
- The owner had tried to rent the sick elephant multiple times, despite the serious illness.
- The owner had tried to seek a fake fitness certificate from the animal husbandry doctor, to rent the elephant.



- Without obtaining a transport permit from forest officials the owner had transported the animal to Virudhunagar for a temple (Ramar Kovil) festival
- Despite instructions given by the forest officials not to transport the animal, the owner had transported it.

**Photos follow.....**

## Photos



**Right hind leg - thigh region:**

**Deep wound with hole filled with pus.**

**Pungent smelling**

**Nail crack on the front right leg**

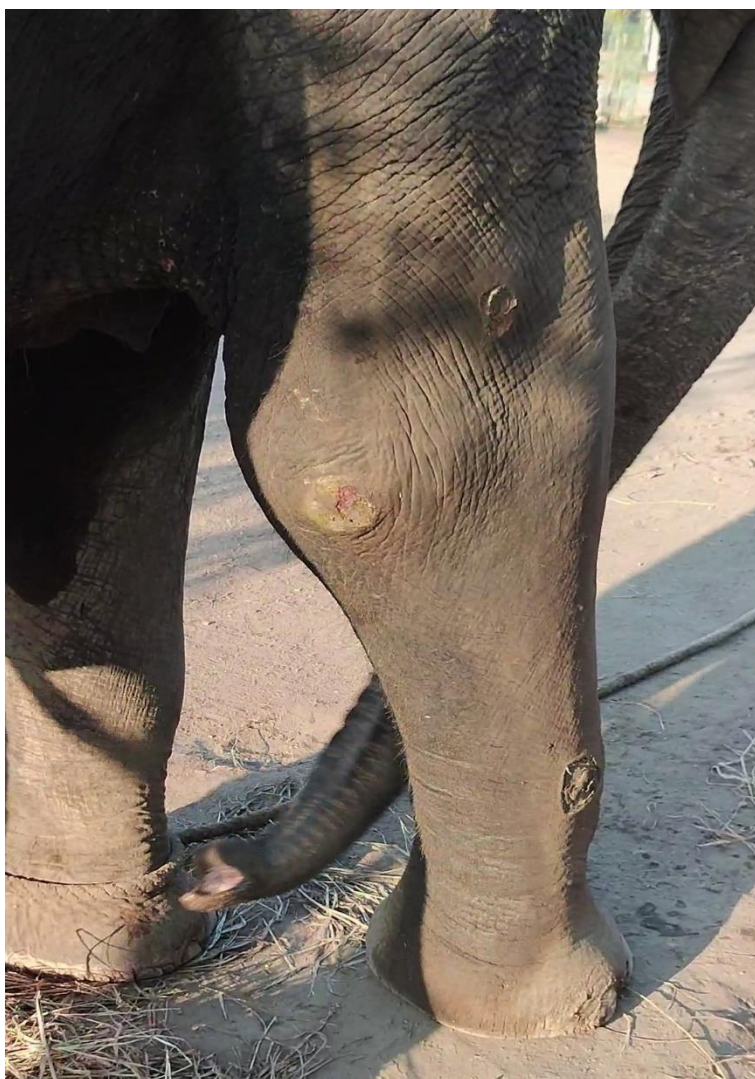
**(Could be osteomyelitis)**





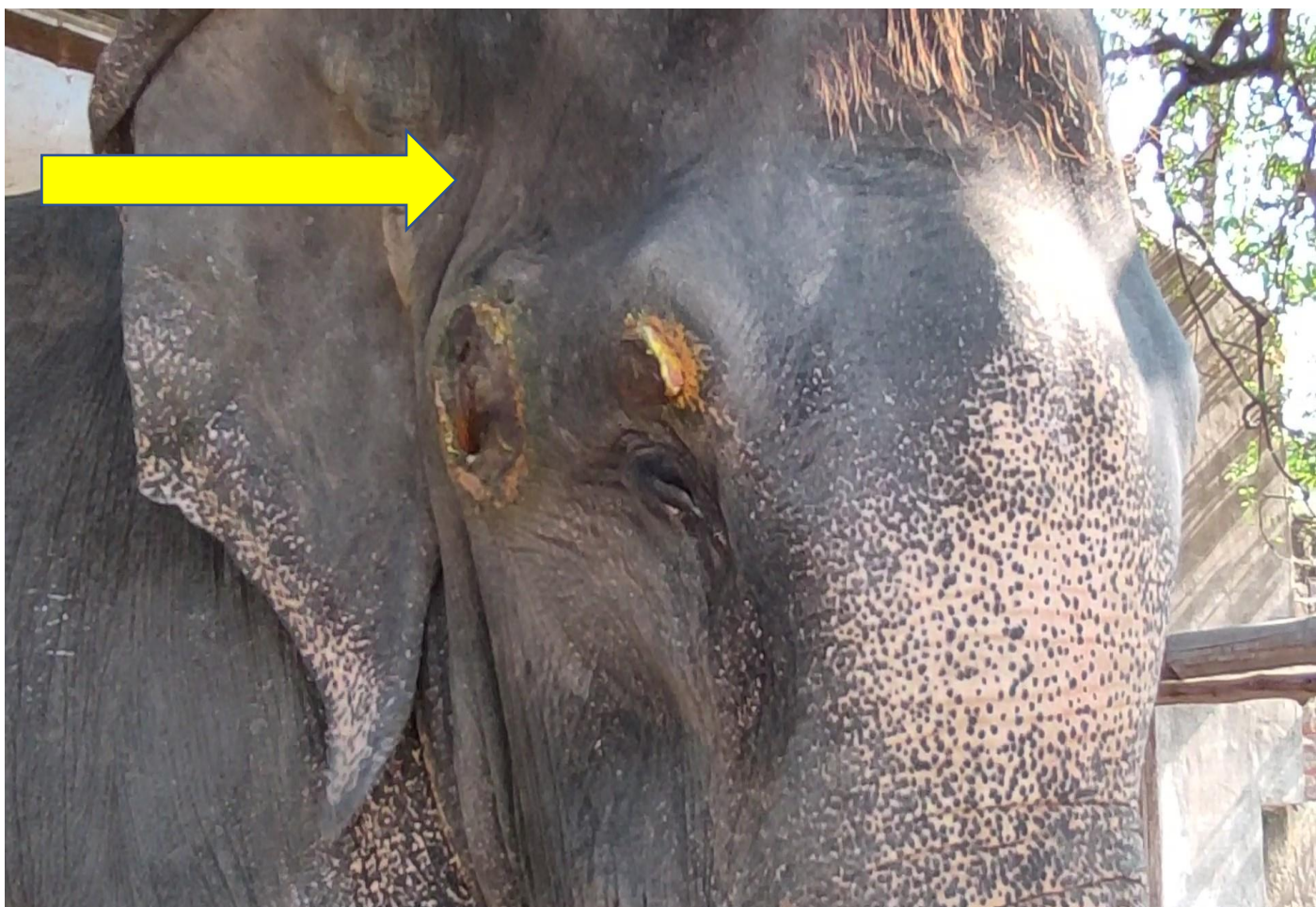


**Subcutaneous oedema found on the abdomen.**



**Front right leg bed  
soar in 3 spots**





**Arrow: Deep cavity on the forehead indicating poor body condition**

**Pus filled wounds on the right side of the face**



**Arrow: Protruding spine indicating poor body condition**

## Vet visit analysis

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**Information collected from:** The medical record book maintained by the mahout

**Record book observation period:** 2<sup>nd</sup> Jan 23 to 25<sup>th</sup> Feb 23 (55 days)

### Doctors count:

Total doctors visited and provided medical prescriptions – **14 (split-up details below)**

**Virudhunagar Animal Husbandry - 4**

**Madurai Animal Husbandry - 1**

**Three different vet college teams - 8 (from Namakkal, Theni and Thirunelveli)**

**Siddha - 1**

### Doctors' information missing

- Not a single doctor from the Animal Husbandry Department of Virudhunagar has printed their name in the book.
- In several places, their designation and regular duty location are not printed
- Even the Professor and the Asst. Professor from Tirunelveli vet college, who visited on 3<sup>rd</sup> Feb 23, did not print their name.
- The Siddha doctor who visited after 21<sup>st</sup> Feb 23, has not printed any details about him/her. Had not printed the date of the visit.

### Gaps in visit:

Several days of gaps in the visits are observed.

In particular, after the elephant fell from the lorry, on the sharp gravel stone, on 1<sup>st</sup> Jan 23 and was seriously injured, only two days of treatment (2<sup>nd</sup> & 3<sup>rd</sup>) were observed, after this, there is a long gap of 14 days (gap details on various dates)

**17 Jan 23 - 14 days**

**19 Feb 23 - 6 days**

**13 Feb 23 - 4 days**

**25 Feb 23 - 3 days**

### External doctors' only single visit:

- External doctors from Tirunelveli, Namakkal, and Theni government veterinary colleges had visited only a single time (as three different teams on three different days).
- AH doctor from Madurai had made only a single visit on 9<sup>th</sup> Feb 23
- All of them had prescribed medicines.



## Feedback regarding observations printed by the doctors

- On 1<sup>st</sup> Jan 23, the animal fell from the lorry, on the sharp gravel stone, was injured in multiple spots and was lifted using a crane (video below) there is nothing mentioned about this serious incident on the 2<sup>nd</sup> Jan 23 observation. <https://youtu.be/y5PUDpeWvmU>
- On 2<sup>nd</sup> Feb 23, the animal fell at the Muthu Mariamman temple. On 3<sup>rd</sup> Jan 23, there is no detailed observation printed about this fall and its consequences.
- On 2<sup>nd</sup> Feb & 20<sup>th</sup> Feb two doctors from Virudhunagar AH, had visited at two different times of the day and had given two separate prescriptions. Not sure which prescription was followed.
- Animal husbandry vet (Madurai) on his visit on 9<sup>th</sup> Feb 23, had suggested a diet for the elephant. Since there is no diet record book, whether the suggested diet was supplied to the elephant (or) not, is not clear.
- After 21<sup>st</sup> Feb 23, a Siddha doctor had visited and prescribed a medicine 'Ashokaristham'. The date of the visit and the doctor's details are not printed.

## Feedback on unorganised vet visits, lack of a SPOC vet team lead & treatment ownership among the vets

- The 14 days gap in treatment, after the fall from the lorry on 1<sup>st</sup> Jan 23 at Virudhunagar, is a very serious lapse in medical treatment.
- A Single-Point-of-Contact (SPOC) chief doctor, who is responsible for medications and decision-making about the further course of treatment, was not found.
- **6 different teams and 14 doctors treated the elephant within 55 days, with their own prescriptions and approach. This is a very serious violation of veterinary ethics**
- The elephant was used as an experimental object which may have led to serious health complications.
- Several days of the gap observed on multiple instances also might have led to the deterioration of the health of the elephant.
- Proper nutritious and sufficient quantity diet might not be supplied to the elephant (as there is no record book for food supply), which could be another important reason for health deterioration and 3 falls (from 9<sup>th</sup> Dec 22 to 2<sup>nd</sup> Feb 23)
- The task of treatment was assigned to Madurai Animal Husbandry elephant expert doctor on 7<sup>th</sup> Feb 23 and was released from his regular duty (refer to Appendix 2- FD order), but the doctor just made a single visit on 9<sup>th</sup> Feb 23 and was not seen involved in treatment any further. The medical notes from the doctor say *"The elephant needs to be shifted to vet college for further treatment"*.  
At a later stage, the High Court order was issued on 27<sup>th</sup> Feb 23, assigning the treatment ownership to the same vet. At this time, he said, *"The animal is in very bad health and cannot be transported even for shorter distances"*. This contradicts his previous recorded recommendation.

## Impact of serious deficiency in vet care:

- The swelling on its front right leg had not healed for 78 days (from 9<sup>th</sup> Dec 22 (first fall) till 25<sup>th</sup> Feb 23). Due to this, it was unable to sleep on the floor and take rest.
- Lack of rest & sleep deprivation could be one of the major reasons for multiple falls (a total of 3 falls from 9<sup>th</sup> Dec 22 to 2<sup>nd</sup> Feb 23).



## Senior animal welfare veterinarian’s opinion about these deficiencies and their impact

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### Dr. T.R. Jayakrishnan BVSc, MSc (Wildlife Biology)

Honorary animal welfare representative (Animal Welfare Board of India)

Ex. Elephant & wildlife veterinarian (Utter Pradesh Forest Department)

Animal in a lethargic and debilitated condition.

- The welfare status of the animal is very poor.
- Multiple wounds and sores with pus were noticed on the right side of the body.
- Proper follow-up of the treatment was NOT noticed.
- No proper Antibiotic protocol was followed.
- Local wound management and treatment are not proper.
- The present locality of the elephant is not conducive for treatment & follow-up.
- **Interpretation of laboratory results** – All the haematological and biochemistry values are high. As the animal may be going for septicaemic condition (multiple wounds with pus)
- The lack of an “Elephant expert vet - Single point of contact (SPOC)” responsible for veterinary treatment, may have led to the health deterioration of the elephant (due to confusion in the treatment to be followed).

**Day based vet visit chart follows .....**

Colour codes are used to differentiate vets, as the names of the AH vets were not printed on the record

Privately owned elephant Lalitha, age 63-65, Virudhunagar, Tamil Nadu  
2nd-Jan-23 to 25th-Feb-23 - Veterinarian visit chart

Date	Doctor code	Doctor from AH, Virudhunagar	Designation	Regular duty location	Any gap in visit ?	Remarks (red colour indicates a problem)
02-Jan-23	D1	S.Sath--- (name not printed. Only sign)	Not mentioned	Not mentioned		A major fall on gravel stones on 1st Jan 23 and lifting by crane NOT mentioned
03-Jan-23	D1	S.Sath--- (name not printed. Only sign)	Not mentioned	Not mentioned		
17-Jan-23	D2	Name not printed, only sign	asst	Soolakarai	14 days	When elephant had serious injuries all over the body, why there is 14 days gap ?
18-Jan-23	D2	Name not printed, only sign	asst	Soolakarai		
19-Jan-23	D2	Name not printed, only sign	asst	Soolakarai		
20-Jan-23	D3	Name not printed, only sign	asst	Vadamalaikurichi		
21-Jan-23	D4	Name not printed, only sign	asst	Malaipatti		
22-Jan-23	D4	Name not printed, only sign	asst	Malaipatti		
23-Jan-23	D4	Name not printed, only sign	asst	Malaipatti		
24-Jan-23	D4	Name not printed, only sign	asst	Malaipatti		
25-Jan-23	D4	Name not printed, only sign	asst	Malaipatti		
26-Jan-23	D4	Name not printed, only sign	asst	Malaipatti		
27-Jan-23	D4	Name not printed, only sign	asst	Malaipatti		
28-Jan-23	D4	Name not printed, only sign	asst	Malaipatti		
29-Jan-23	D4	Name not printed, only sign	asst	Malaipatti		
30-Jan-23	D4	Name not printed, only sign	asst	Malaipatti		
31-Jan-23	D4	Name not printed, only sign	asst	Malaipatti		
02-Feb-23	D4	Name not printed, only sign	asst	Malaipatti	1 day	The animal fell down. 1st doctor in visited in the morning. Not able to find exhaustive observation about the fall
02-Feb-23	D2	Name not printed, only sign	asst	Soolakarai		Second doctor visit at 3:30 pm on the same day. The morning doctor and afternoon doctor had given separate prescriptions with a majority of the medicines different. Not sure which one was followed
03-Feb-23	ED1 (external vet)	Name not printed, only sign	# Asst Professor. Department of pathology. # Professor Department not mentioned	Vet College. Tirunelveli.		Just a single visit. They have not visited again. Name of vets NOT printed. Their department is not mentioned for one of the vets. Had prescribed medicines and lab tests
03-Feb-23	D4	Name not printed, only sign	asst (see remarks)	Malaipatti (see remarks)		Identification of location and designation done using previous sign
04-Feb-23	D4	Name not printed, only sign	asst (see remarks)	Malaipatti (see remarks)		Identification of location and designation done using previous sign
05-Feb-23	D4	Name not printed, only sign	asst (see remarks)	Malaipatti (see remarks)		Identification of location and designation done using previous sign

06-Feb-23	D4	Name not printed, only sign	asst	Malaipatti		
07-Feb-23	D4	Name not printed, only sign	asst (see remarks)	Malaipatti (see remarks)		Identification of location and designation done using previous sign
08-Feb-23	D4	Name not printed, only sign	asst (see remarks)	Malaipatti (see remarks)		Identification of location and designation done using previous sign
09-Feb-23	ED2 (external vet)	Dr. Kalaivanan (Virudhunagar AH vet sign not there. Not sure is a vet visited)	Vet Asst Surgeon, ADIU	Madurai		Just a single visit. Have not visited again. Has prescribed medicines and diet. Since the diet chart is NOT maintained by the mahout, NOT sure if the suggested diet was given.
13-Feb-23	D3	Name not printed, only sign	asst	Vadamalaikurichi	4 days	Designation and location not printed. Identified using handwriting & sign
19-Feb-23	D2	Name not printed, only sign	asst	Soolakarai	6 days	Designation and location not printed. Identified using past sign
20-Feb-23	D3 (3 pm)	Name not printed, only sign.	asst	Vadamalaikurichi		Designation and location not printed. Identified using handwriting & sign
20-Feb-23	D4 (3:30 pm)	Name not printed, only sign	asst (see remarks)	Malaipatti (see remarks)		Identification of location and designation done using previous sign  Two doctors signed in 30 mins gap. Provided separate prescriptions. 3pm doctor gave an extra injection
21-Feb-23	ED3 (external vet)	Dr. Muthukrishnan Dr. V.Vijay Anand Dr.R. Manikandan	# Not mentioned # Asst Prof. Dept of VMD # Asst Prof. Dept of Microbiology	Vet College. Tirunelveli.		Just a single visit. Have not visited again. Had prescribed medicines. Accompanied by: # Dr. Koil Raja - AHJD Virudhunagar # Name not printed - FD Deputy Director, Srivalliputhur Mega Malai tiger reserve. # Name not printed - Asst Commissioner HRCE Virudhunagar
Not Ment		Name and sign not printed	Not mentioned	Not mentioned		Siddha medicine Ashokaristam. Doctor details not printed
22-Feb-23	ED 4 (external vet)	Dr. M.Balagatharathilagar Dr.S.Sivaraman Dr.R.Umarani (Virudhunagar AH vet sign not there. Not sure is a vet visited)	# Asst. prof & head-VCE # Asst Prof - Dept of clinics # Prof & head - VCE	# Tirunelveli # Namakkal # Theni		Just a single visit. Have not visited again. Had prescribed medicines. Collected samples of dung, trunk wash, CBC, Blood biochemistry, Vaginal swab, Blood smear
23-Feb-23		No visit				No visit
24-Feb-23		No visit				No visit
25-Feb-23		No visit			3 days	No visit



## Record books maintained

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Medical record book in which the visiting vets record their observations, provide prescriptions and sign

## Record books NOT available

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Record book about food consumption NOT maintained.

## Lab reports available

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Culture & Susceptibility test – Date: 29<sup>th</sup> Jan 2023

Haematology and Serum Biochemistry – Date: 10 Feb 2023 (sample given on 3<sup>rd</sup> Feb 2023)

## Observation of external injuries, swellings & body condition

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### Injuries and general health conditions

- There are injuries and sores on multiple spots on the right side of the elephant's body. Some of the injuries are filled with puss and the injury on the thigh region is deep and large with a pungent smell.
- The animal is unable to walk properly.
- Unable to bend the front right leg due to swelling and sores
- As the animal is unable to get up (in case it lies down on the floor) it has been in the standing position for the past 78 days, with severe pain in the legs
- Due to this leg problem, the elephant has not slept (or) taken rest by lying on the floor for 78 days, which had led to further falls and deterioration of health

### Reason for injuries:

The elephant's fall on the floor was the main reason, **in specific**, on 1<sup>st</sup> Jan 23, when the elephant was unloaded from the lorry for the temple function at Viruthunagar, it fell on the floor that was filled with gravel stone. This led to serious wounds on multiple spots on the right side of the body.

### Eye condition:

A mild cataract was noticed in the right eye.

### Footpad condition:

Footpad was normal on all legs

### Nail:

One of the nails in the front right leg was cracked fully (could be osteomyelitis) – Please refer to the photo

### Oedema:

Oedema was observed in the abdomen (pls refer to photo)

### Nature of animal:

The animal is docile and soft natured

### Tethering:

The elephant was tethered using a rope on one front leg and in one of the hind legs, a hobble metal chain with a rubber hose was used around the leg. This metal chain was connected to a rope. Later after an hour, the tethering was fully removed.

**Current place of living:**

The elephant is living in a tin sheet-roofed shed that is open on all sides. It is also kept in another shed with shade, that very close to the small temple entrance

**Water supply:**

Tap water supply is used for drinking. The source of tap water is not known. For bathing a tanker lorry with water is rented and used.

**Food supply (as per the statement by the mahout)**

As per the statement by the mahout, a variety of food was supplied daily. Since there is NO food consumption record book and food supply verification is NOT done by any third party, on a daily basis, ***the variety, the quantity given and the authenticity of this information could not be verified.***

The representative of the NGO PFA informed that they arranged for food supply with the help of the public and the list below is fake.

**Application of medicines for wounds (as per the statement by the mahout)**

Daily application of medicine for external wound treatment is done by the mahout. He said the doctor's visit only when there is a need for an injection to be administered.

**The intention of the elephant owner:**

Despite the animal being sick and injured the owner had planned to rent the animal, which had led to further problems of falling on hard gravel stones.

Such actions of the owner have put the public at risk as the elephant could collapse on the public standing nearby and the public may be injured / killed.

**Government system failures and queries**

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**Custody of animal:**

FD took custody of the animal only when the NGOs started highlighting this critical issue to various govt. departments.

**Query:** Why the FD had not taken custody at a much earlier date (**Note:** the elephant suffered in this condition for several weeks)? What happened to the district captive elephant welfare committee? Why they did not take any initiative?

**Food supply stopped by elephant owner:**

As the elephant is not earning any money, the owner stopped the food supply and the food was arranged by the NGO with the help of the local public.

**Query:** Why FD (or) the District elephant welfare committee did not look into this very serious issue and address this issue immediately?

**Complete chaos and failure in medical treatment:**

The section "Vet Visit Analysis" of this case study highlights gross negligence, serious violations of veterinary ethics and total lack of ownership among the vets.

**Query:** Why the FD (or) the AHD (or) the Vet colleges involved, did not look into these highly critical problems and rectify them immediately?

## **Why wait for a court order always?**

NGOs approached the high court and brought the plight of the animal to the court, based on the court order all the above problems were rectified.

**Query:** Why do the government departments that are responsible for executing their duty seamlessly, always wait for a court order? This attitude is a huge roadblock in providing care for suffering animals and also a huge waste of the court's precious time

## **Impact of such system failures**

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The animals are subjected to enormous suffering and unbearable torture for several months. Death is the only relief these animals get.

## **An important query to the central Ministry of Environment and Forest**

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Despite strong opposition from various NGOs during the WLP amendment in 2022 December, MoEF was not ready to remove the controversial portions of section 43 of the Wildlife Protection Act, which approves the supply of elephants (non-commercial mode) to private people and temples

In the bill, it had also proposed allowing the commercial sale of elephants, later that section was removed due to strong opposition from NGOs

From this case study it is very evident that such private elephants are subjected to enormous torture and suffering and a total system failure in such scenarios

None of the MoEF officials who drafted the WLP is going to visit such elephants (or) even have the basic courtesy to look into these poor animals' problems

On the ground, the whole responsibility of helping such animals is kept on the shoulders of genuine animal lovers and volunteers, who do not have any authority (or) power. They run from pillar to post even for getting minor help for the animal.

When this controversial section in WLP is directly in conflict with the core principles of the Wildlife Protection Act, what is the pressing need for MoEF to have this section?

This creates serious suspicion about the activities of MoEF officials and their intentions



## Recommendations

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- Considering the old age of this elephant and its critical health condition, this elephant should be retired immediately and taken to forest department custody and rehabilitated for its entire life in a Forest Department rehabilitation centre.
- A team of AH vets along with an elephant expert vet (acting as a team lead and SPoC), needs to be formed to decide on the course of medical treatment and further actions.
- This team should visit the elephant daily and decide on the course of action (mandatory)
- The team needs to record the daily health condition and treatment procedures in the medical record book
- A weekly health report needs to be emailed by this team to the High Court (Madurai Bench), CWW and District Collector.
- The vet team will decide on the variety and quantity of food to be supplied to the elephant
- The Forest department has to sponsor all the expenses (medical, food, transport of expert committee vets etc.)
- Orders to the respective department heads to be issued to appoint the members for the execution of the above-mentioned actions
- For the safety of the elephant a forest guard/police constable needs to be posted at the venue 24/7
- District collector needs to be kept in the loop and apprised of the health condition of the elephant.
- Any support needed (that comes under the purview of the collector) should be requested from the collector.
- A detailed root cause analysis needs to be done and the system failures mentioned in this report need to be prevented completely.
- MoEF needs to remove the section of WLP that allows ownership of elephants by private people
- Private ownership of elephants (including temples) should be totally abolished and the elephants need to be rehabilitated in a rehab facility, by the state governments, on the highest priority.

## Acronyms

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**AWBI – Animal Welfare Board of India**

**AHD – Animal Husbandry Department;**

**AH – Animal Husbandry**

**CWW – Chief Wildlife Warden**

**FD – Forest Department;**

**MoEF – Ministry of Environment & Forests;**

**SPoC – Single Point of Contact**

**VAS - Veterinary Assistant Surgeon**

## Appendix -1: Violations of laws and rules

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**Note:** The elephant is classified under Schedule-1 of WLP, which indicates that it is endangered and receives the highest form of protection as per WLP.

### **Violation of Article 51A (g) in The Constitution of India 1949 - Fundamental duties**

It shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures

### **Retirement age (as per “Guidelines for care and management of captive elephants” by TN FD)**

10. Retirement of elephants.—(1) No elephant shall be put to any work on attaining the **age of sixty years**; Provided that healthy elephants above sixty years of age may be allowed to put to light work under a proper health certificate from the veterinary doctor and with the previous permission of the Chief Wildlife Warden.

### **Prevention of Cruelty to Animals Act section 3**

Duties of persons having charge of animals.—It shall be the duty of every person having the care or charge of any animal to take all reasonable measures to ensure the well-being of such animal and to prevent the infliction upon such animal of unnecessary pain or suffering.

### **Prevention of Cruelty to Animals Act Section 11 - Treating animals cruelly**

(1) If any person—

(a) beats, kicks, over-rides, over-drives, over-loads, tortures or otherwise treats any animal so as to subject it to unnecessary pain or suffering or causes or, being the owner permits, any animals to be so treated; or

(b) <sup>13</sup> [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 so employed; or

(d) conveys or carries, whether in or upon any vehicle or not, any animal in such a manner or position as to subject it to unnecessary pain or suffering; or

(h) being the owner of <sup>15</sup> [any animal] fails to provide such animal with sufficient food, drink or shelter; or

(i) wilfully permits any animal, of which he is the owner to go at large in any street while the animal is affected with a contagious or infectious disease or, without reasonable excuse permits any diseased or disabled animal, of which he is the owner, to die in any street; or

(k) offers for sale or, without reasonable cause, has in his possession any animal which is suffering pain by reason of mutilation, starvation, thirst, overcrowding or other ill-treatment;

**No ownership certificate – Violation of WLP Section 39 - Wild animals, etc., to be government property.**

(1) Every—

(a) wild animal, other than vermin, which is hunted under section 11 or sub-section (1) of section 29 or sub-section (6) of section 35 or **kept** or 1[bred in captivity or hunted] in contravention of any provision of this Act or any rule or order made thereunder or found dead, or killed 2[\*\*\*] by mistake; and

(d) vehicle, vessel, weapon, trap or tool that has been used for committing an offence and has been seized under the provisions of this Act,] shall be the property of the State Government, and, where such animal is hunted in a sanctuary or National Park declared by the Central Government, such animal or any animal article, trophy, uncured trophy or meat 4[derived from such animal, or any vehicle, vessel, weapon, trap or tool used in such hunting] shall be the property of the Central Government.

(2) Any person who obtains, by any means, the possession of Government property, shall, within forty-eight hours from obtaining such possession, make a report as to the obtaining of such possession to the nearest police station or the authorised officer and shall, if so required, hand over such property to the officer-in-charge of such police station or such authorised officer, as the case may be.

(3) No person shall, without the previous permission in writing of the Chief Wild Life Warden or the authorised officer—

(a) acquire or keep in his possession, custody or control, or

(b) transfer to any person, whether by way of gift, sale or otherwise, or

(c) destroy or damage, such Government property.

#### **No ownership certificate – violation of Wildlife Protection Act - Section 40: Declarations**

(1) Every person having at the commencement of this Act the control, custody or possession of any captive animal specified in Schedule I or Part II of Schedule II, 1[or animal article, trophy or uncured trophy] derived from such animal or salted or dried skins of such animal or the musk of a musk deer or the horn of a rhinoceros, shall, within thirty days from the commencement of this Act, declare to the Chief Wild Life Warden or the authorised officer the number and description of the animal, or article of the foregoing description under his control, custody or possession and the place where such animal or article is kept.

(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.]

#### **Purchase of elephant – Violation of Section 43 (1) of the Act**

no person having in his possession a captive animal 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.

#### **Violation of Section 49 in The Wild Life (Protection) Act (Prohibits illegal purchase)**

Purchase of captive animal, etc., by a person other than a licensee.—No person shall purchase, receive or acquire any captive animal, wild animal, other than vermin, or any animal article, trophy, uncured trophy or meat derived there from otherwise than from a dealer or from a person authorised to sell or otherwise transfer the same under this Act: 1[Provided that nothing in this section shall apply to a recognised zoo subject to the provisions of section 38-I or to a public museum.]

#### **Section 289 of The Indian Penal Code - Negligent conduct with respect to animals:**

Whoever knowingly or negligently omits to take such order with any animal in his possession as is sufficient to guard against any probable danger to human life, or any probable danger of grievous hurt from such animal, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees or with both.

#### **Section 336 of The Indian Penal Code - Act endangering life or personal safety of others:**

Whoever does any act so rashly or negligently as to endanger human life or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to three months, or with a fine which may extend to two hundred and fifty rupees, or with both.

#### **Section 429 of The Indian Penal Code**

Mischief by killing or maiming cattle, etc., of any value or any animal of the value of fifty rupees: Whoever commits mischief by killing, poisoning, maiming or rendering useless, any elephant, camel, horse, mule, buffalo, bull, cow or ox, whatever may be the value thereof, of any other animal of the value of fifty rupees or upwards, shall be punished with imprisonment or either description for a term which may extend to five years, or with fine, or with both.

#### **Section 268 – Public Nuisance:**

A person is guilty of a public nuisance who does any act or is guilty of an illegal omission which causes any common injury, danger or annoyance to the public or to the people in general who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger or annoyance to persons who may have occasion to use any public right.

**PROCEEDINGS OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND  
CHIEF WILDLIFE WARDEN, CHENNAI – 32.**

**Present: Thiru. Srinivas R. Reddy, I.F.S.,**

**Proc. No. WL1/5247/2023**

**Dated: 21-02-2023**

Sub: Forests – Wildlife –Permission to take over the custody of Captive Elephant “Lalitha” from Thiru. SGM Shaa @ Sheik Mohamed for further treatment of the captive elephant at the present place – Regarding.

Ref: 1) Deputy Director, Srivilliputhur Megamalai Tiger Reserve, Srivilliputhur Ref. No. 3678/2002/P2 dated 20-02-2023.

2) Conservator of Forests and Field Director, Srivilliputhur Megamalai Tiger Reserve, Madurai Ref. No. A2/327/2023 dated 20-02-2023.

\* \* \* \*

The Deputy Director, Srivilliputhur Megamalai Tiger Reserve, Srivilliputhur has stated in the reference 1<sup>st</sup> cited that one Captive female Elephant named ‘Lalitha’ under the custody of Thiru. SGM Shaa @ Sheik Mohamed, Virudhunagar was transported illegally in a lorry (TN38 CD 6517) to Ramar Koil in Virudhunagar on 01.01.2023 without any transit permit. While unloading the elephant, it collapsed near the temple in the railway colony adjacent to the railway station in Virudhunagar at 11.30 pm. This was intimated to Forest Range Officer, Rajapalayam by Virudhunagar Squad team on 02.01.2023. The Forest Range Officer, Rajapalayam immediately rushed to the spot and registered a wildlife offence in WLOR . 1/2023.

Further, the valid ownership certificate has not been issued to this elephant and transit permit was issued only based on the Hon’ble Madurai Bench of Madras High Court in Writ Petition (MD) No. 7655 of 2020 dated 10-09-2020. Further the elephant owner has not applied for any Transit Permit to participate the temple function on 01-01-2023 and has transported the elephant illegally.

Thiru S.G.M. Shaa @ Sheik Mohamed has reported that the elephant collapsed on 09.12.2022 in a coconut orchard in Achamthavirthan village, Rajapalayam Taluk, Virudhunagar where the animal is usually kept. The elephant was treated by local veterinarians and it recovered on 10.12.2022. District Level Captive Elephant Welfare Committee inspected the elephant on 20.12.2022 and found the avulsion of 4<sup>th</sup> nail on the right leg. The committee recommended to Principal Chief Conservator of Forests and Chief Wildlife Warden that *“The animal is not fit to transport or participate in any procession or festival until the healing is complete. Hence, no transit permit shall be issued until the nail heals.”*



The District Level Captive Elephant Welfare committee instructed Veterinary Assistant Surgeon to enter the results of general check-up and health condition of elephant in health register. Further it was instructed that, condition of individual organ especially external organs like limbs, nails, eye, oral mucosa, teeth, external orifices, consistency of dung etc., is to be checked and entered in the register.

However, Thiru SGM Shaa @ Sheik Mohamed transported the elephant in a lorry (TN38 CD 6517) to Ramar Koil in Virudhunagar on 01.01.2023 without any transit permit. While unloading the elephant collapsed near the temple in railway colony adjacent to the railway station in Virudhunagar at 11.30 pm. This was intimated to Forest Range Officer, Rajapalayam by Virudhunagar Squad team on 02.01.2023.

The Forest Range Officer, Rajapalayam immediately rushed to the spot and registered a wildlife offence WLOR No. 1/2023. Animal Husbandry department was also informed to treat and take good care of the elephant.

As per elephant health record, animal was treated and as on 03.01.2023 elephant was able to stand and walk normally. Animal was treated for other wounds in the same place since then.

Meanwhile, Mr. S.G.M.Shaa @ Sheik Mohamed requested Joint Director, Animal Husbandry Department, Virudhunagar to issue fitness certificate to take elephant from Virudhunagar to Thoothukudi district from 25.01.2023 to 27.01.2023 for temple festival. However, Regional Joint Director (i/c), Animal Husbandry Department Virudhunagar refused the request in his letter no CN. 2235/B2/2021 dated 24.01.2023 citing that wounds on the animal had still not healed and the animal was not fit for transport.

As per elephant health record, on 02.02.2023 elephant went to sternal recumbency after 40 days of treatment at 1.30 pm and animal stopped taking feed and water.

Regional Joint Director (i/c), Animal Husbandry Department Virudhunagar requested the Registrar, Tamil Nadu University of Veterinary and Animal Sciences, Chennai for sending University Level team of Professors (specialists) for thorough clinical and laboratory investigation and to recommend further course of action for its quick recuperation.

Regional Joint Director (i/c), Animal Husbandry Department Virudhunagar, in his letter vide ROC. No. 2235/B2/2021 dated 02.02.2023 requested Regional Joint Director Animal Husbandry, Madurai to permit Dr. Kalaivanan VAS, ADIU, Madurai to guide the technical committee members for further manage the elephant. Accordingly, Regional Joint Director Animal Husbandry, Madurai, in his letter vide CN:436/E/2023 dated 07.02.2023 instructed Assistant Director, Animal Disease Intelligence Unit, Madurai to relieve Dr. Kalivanan from duty.

Regional Joint Director (i/c), Animal Husbandry Department Virudhunagar, in his letter CN2235/B2/2021 dated 17.02.2023 instructed Mr. SGM Shaa @ Sheik Mohamed that elephant be taken to Veterinary College and Research Institute,

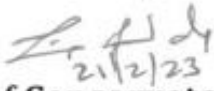
Tirunelveli as the animal was not responding to treatment as expected due to its old age. The same was also communicated to Dean, Veterinary College and Research Institute, Tirunelveli in his letter no Roc.no.2235/B2/2021 dated 17.02.2023.

Presently, the elephant is under the custody of Mr. SGM Shaa @ Sheik Mohamed and the Veterinary Officers of Animal Husbandry Department are treating the animal in front of Mariamman Temple, railway colony adjacent to the railway station in Virudhunagar only. Further action will be initiated based on the response of the owner. The above matter has been examined carefully and the following order is hereby issued.

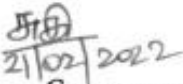
**ORDER**

The District Forest Officer and Member Convener, District Level Captive Elephant Welfare Committee, Srivilliputhur is hereby permitted to take custody of the Captive Elephant "Lalitha" from the possessor and to give proper medical treatment in the present place (In front of Mariamman Temple, Near Railway Colony, Virudhunagar). Once the elephant recovers the elephant may be transported depending upon the health condition and opinion of the veterinary experts for further maintenance under section 50 (1) (c) and 40 (2) of the Wildlife (Protection) Act, 1972.

The maintenance cost of the Captive Elephant "Lalitha" (Maintenance cost of the elephant to be decided by the officials concerned) shall be collected as fine from the possessor under section 51 (1) of the Wildlife (Protection) Act, 1972 and it shall be used for maintenance of the Captive Elephant. The protocol, norms and standards for transportation mentioned in the Tamil Nadu Captive Elephant (Management & Maintenance) Rules, 2011 should be strictly followed during the transport of the elephant.

  
21/2/23  
**Principal Chief Conservator of Forests &  
Chief Wildlife Warden**

To

  
21/02/2022

The District Forest Officer and Member Convener, District Level Captive Elephant Welfare Committees, Srivilliputhur.

**BY RPAD**

Copy to Thiru S.G.M.Shaa @ Sheik Mohamed, S/o. Sheik Mohideen Batcha, 6A, Idamal Street, Theni.

Copy to the Conservator of Forests and Field Director, Srivilliputhur Megamalai Tiger Reserve, Madurai for information and necessary coordination.

Copy to the Registrar, Tamil Nadu University of Veterinary and Animal Sciences, Chennai with a request to send University Level team of Professors (specialists) for thorough clinical and laboratory investigation and to recommend further course of action for its quick recuperation.

Copy to the Regional Joint Director (i/c), Animal Husbandry Department Virudhunagar.

Copy to the Stock File.



*Elsa Foundation*

**Unwanted captive  
elephants**

**&**

**Total failure of  
government systems**

**A case study**