



**Animal Welfare Board of India
Ministry of Environment, Forests and Climate Change**

**REPORT ON INSPECTION OF WILD CAUGHT
ELEPHANT (*Elephas maximus*) IN CAPTIVITY
AT ACHANAKMAR
TIGER RESERVE, BILASPUR DISTRICT,
CHHATTISGARH**



Photo 1: The wild caught elephant struggling to break free from stringent confinement

INSPECTION AUTHORISED BY: Animal Welfare Board of India (AWBI), through letter No 9-1/2015 -16 / PCA; Dated 29 January 2016 (**Annexure 1**)

DATE OF INSPECTION: 31 January 2016

TIME OF INSPECTION: 08:00 am to 10:45 am

LOCATION: Temporary elephant camp at Village Bindawal, Achanakmar Tiger Reserve (ATR) core, Bilaspur, Chhattisgarh

AWBI-AUTHORISED INSPECTORS:

- Dr Rajeev TS, Assistant Professor and Project Leader, Centre for Studies on Elephant, College of Veterinary and Animal Sciences, Mannuthy, Thrissur, Kerala
- Dr Rakesh Chittora, Senior Veterinary Trainer, Animal Rahat

FOREST OFFICIALS WHO FACILITATED THE INSPECTION:

- Mr Tapash Jha, Chief Conservator of Forest (Wildlife Circle) & Project Director, Achanakmar Tiger Reserve (ATR)
- Mr V Matheshwarn, Deputy Director, ATR
- Mr S K Sharma, Assistant Director, Core, ATR
- Dr P K Chandan, Veterinarian, Kanan Pendary Mini Chidiya Ghar, Bilaspur

RELEVANT LAW:

- Wildlife (Protection) Act, 1972
- Prevention of Cruelty to Animals Act, 1960

PURPOSE OF THE INSPECTION:

To assess the mental and physical health of a wild elephant captured by forest officials of the Achanakmar Tiger Reserve. To assess his housing, upkeep and maintenance, check for the compliance of animal protection laws, provide expert advice regarding the treatment and care of the said elephant and submit the recommendations to AWBI for appropriate action.

I. EXECUTIVE SUMMARY

On 10 August 15, referring to the concerns regarding the routine management of Achanakmar Tiger Reserve (ATR) being affected because of the need to provide safety to the villagers and their possessions from a tusker and to prevent further damages, the Chief Conservator of Forest (Wildlife Circle) & Project Director (CCF&PD), ATR requested the Principal Chief Conservation of Forest (wild life) & Chief wild Life Warden (PCCF & CWLW), Chhattisgarh to give permission to tranquilise, capture and rear the wild elephant at ATR. Upon the instruction of PCCF & CWLW, the Chief Conservator of Forest (Eco-tourism) after conducting a ground evaluation of the situation recommended that the tusker may be tranquilised and translocated. The PCCF & CWLW considering that the tusker had become a danger to human life, issued an order on 20 October 2015 under Section 11 (1) (a) of the Wildlife (Protection) Act, 1972, directing CCF&PD, ATR to be the authorised official responsible for ensuring that the said tusker is tranquilised and captured in a way that does not cause any trauma or at least minimum trauma to the elephant. The order further allowed CCF&PD, ATR to take help from the veterinarian at Kanan Pendary Zoo, the veterinarian at Nandan Van Zoo, Raipur and ATR's mahaout for the said purpose. The order also directed that after capturing the tusker, and carrying out the required clinical examination, may be relocated to a forest area which is suitable from the point of view of his natural habitat.

Following the order, the wild elephant (male) was captured by the forest department on 1st December 2015 and is currently being housed in Bindawal village at ATR, District Bilaspur, Chattisgarh, along with other three captive elephants Raju (male), Civil Bahadur (male) and Lali (female). Following the capture, through a letter dated 5 December 2015 the Deputy Director, ATR informed the CCF&PD, ATR that at the time of tranquilisation the elephant had no wounds and as on the date (5 December 2015) the elephant is totally healthy and is not putting much resistance when offered with sugarcane and drinking water. The inspection team observed that the wild caught elephant is in stringent and continues confinement by chaining, and has a deteriorating health condition characterised by severe infected wounds on both forelimb and hind legs, swellings on the elbow joints, and malnourishment. Based on the discussion with the veterinarian of Kanan Pendary Zoo, AWBI inspectors identified that there was serious gaps in calculating the dose rate of the tranquilizers resulting in overdosing, which had lead to the use of reviving drugs. It was also observed that the continuous heavy chaining of the elephant for nearly 2 months is the reason for multiple severe infected wounds on the legs and that the current veterinary treatment and care being provided is grossly inadequate. On 20 January 2016, the veterinarian of Kanan Pendary Zoo had written to CCF&PD, ATR stating that the elephant is under his treatment & care, the wounds on legs have almost healed and that the said animal is free from any infectious disease. However, the AWBI inspectors found large deep infected wounds on both forelegs and right hind legs, at the time of inspection on 31 January 2016. The AWBI inspectors also found that the housing and upkeep were also found to be insufficient. The elephant is being handled by inexperienced mahouts using sharp equipments such as Ankush (Bull hook) and sticks with sharp pointed metal tip called 'Balam'. The elephant does not have protection from adverse weather conditions and does not have continues access to drinking water.

The scrutiny of the records reveals that despite the order of PCCF & CWLW to tranquilise and relocate the elephant to his natural habitat, and despite the provision mandated by the Wildlife Protection Act (WPA), 1972 under Section 11, not to keep a captured wild animal in captivity unless the CWLW is satisfied that such animal cannot be rehabilitated in the wild and the reasons for the same are recorded in writing, the CCF&PD, ATR preferred to retain the tusker under captivity as intended in his request letter to PCCF& CWLW dated 10 August 2015 leading to the current poor welfare of the captured elephant and the suffering he is going through. Considering the facts that the letter of the Deputy Director, ATR dated 5

December 2015 reporting that the elephant was completely healthy at the time of capture and even after 5 days of capture, which means there was no medical need for retaining the elephant in captivity; absence of any record of a truck being arranged at the tranquilisation site on the day of capture of the elephant so as to transport him to a identified relocation area; absence of any record of CCF&PD, ATR identifying the translocation area as per the directive of PCCF&CWLW; a letter from CCF&PD, ATR addressed to PCCF&CWLW, Chhattisgarh requesting for appropriate instruction regarding the rehabilitation of the captured elephant in a natural habit after 30 days of capturing the elephant; and absence of any further directive from PCCF&CWLW allowing the captivity of the elephant being satisfied that the elephant cannot be rehabilitated in the wild explaining reasons recorded in writing, it can be concluded that, the captivity of the said elephant by ATR is in apparent violation of Section 11 (1)(a) of the WPA, 1972. Moreover forcing the captured elephant to live in captivity for more than 2 months (as on the date of inspection), which has resulted in severe painful infected wounds on legs, further complicated with maggot infestation, and subjecting the elephant to suffer from starvation and inadequate water to drink and not providing with shelter, are apparent violations of the Section 11 (1)(a), 11(1)(f) and 11(1)(h) of the Prevention of Cruelty to Animals Act, 1960.

It is recommended that as an immediate measure of providing relief to the elephant, the chains should be covered with rubber tubes to prevent further aggravation of the wound and to facilitate wound healing process, the chains should be loosened to allow adequate leg and body movement, cleaning and dressing of the wounds should be carried out at least twice a day by a veterinarian apart from providing other necessary treatment & care based on a sound diagnosis and prognosis, the elephant should be fed with adequate nutrient diet and must be provided with continuous access to drinking water. A temporary shed should be constructed to protect the elephant from adverse weather conditions such as heat and cold. The torture devices must be immediately confiscated from the mahaout and care takers with humane handling skills must be appointed. Once the elephant regain normal health and the veterinarian declares him physically fit, which is expected in not more than 4 weeks time if provided with quality veterinary treatment and management care, he may immediately be released to an identified translocation area inside the forest. Further investigation must be carried out to find out whether similar incidents have happened in the past, where wild elephants were caught from the wild and were retained in captivity in apparent violation of the wildlife Protection Act, 1972 and The Prevention of Cruelty to Animals Act, 1960 and strict action be taken against the erring officials.

II. INTRODUCTION

On 30th January night, 2016 the inspection team reached the Shivtarai Resort, which is inside the buffer zone of Achanakmar Tiger Reserve (ATR), On 31st January 2016, at around 8:30 am, Deputy Director, and Assistant Director of ATR, and the zoo veterinarian accompanied the inspection team to the core area of ATR, near village Bindawal, which is 20 km away from Shivtarai resort, where the wild caught elephant is being kept in captivity. There were three other captive elephants, namely Raju and Civil Bahadur who are bulls and Lali the cow elephant at the site. Though as per record 4 captive elephants were used for capturing the wild elephant, the fourth elephant Poornima was not present during the inspection. Forest officials explained to the inspection team about the human-animal conflict issue being the reason for capturing of the elephant, the method used for his capture, how he is being looked after in captivity and the future plan of action to release the elephant to the wild. These informations were confirmed by records and communication provided by forest department to the inspection team for scrutiny. As per the record, the elephant was captured on 1st December 2015 and is being housed at the temporary camp in village Bindawal in the presence of other three captive elephants.

III. OBRERVATIONS

1. **Animal Description:** The tusker is an Asian elephant and is approximately 15 year old.
2. **Behavioural Observation:** On observation from a distance, the elephant was showing sign of severe stereotypic behaviour such as continuous forward and backward movement and stretching of body. This behaviour is considered as an indication of severe psychological distress due to continuous chaining at one place, and lack of social interaction with other animals of the same species.
3. **Physical health**
 - 3.1. **Vital Parameters:** All the vital parameters such as heart rate, body temperature, respiratory rate, mucus membrane colour etc were under normal range and upon auscultation of chest and abdominal area no abnormalities found.
 - 3.2. **Demeanour/ General behaviour:** The elephant was found to be active and alert, and was trying hard to break free from captivity. However the mahouts were seen confidently approaching him since they had weapons, an *ankus* and *balam*, in their hands and the elephant was rigorously restrained.
 - 3.3. **Faeces:** Discolouration of faeces was observed along with presence of water, which is an indication of indigestion. This could be caused by changes in the diet, particularly inadequate quantity of grass in the diet and excess feeding of concentrate.



Photo 2: Discoloured faeces indicating indigestion

3.4. Wounds

Forelegs:

Both the forelegs were tightly hobbled together using a tight heavy chain. The right foreleg was tied to a tree on the right side of the animal and the left foreleg was tied to a tree on the left. Because of such a restraint the elephant was unable to take a step in any direction and was also prevented him from lying down comfortably, resting, sleeping or displaying any natural behaviour.

At lateral aspects of the left foreleg the inspectors found a wound of approximately 2 inch deep and 4 inch wide, from which pus was oozing out and dead tissues were present in the wound area. The metal chains on the leg put further pressure on the wound, thereby escalating the pain, distress and discomfort and delaying the wound healing process.

During the inspection, the team advised the veterinarian from Kanan Pendary Zoo about the procedure for proper wound for cleaning and dressing. After the wounds were cleaned, it was observed that there is granulation tissue in the wound indicating initiation of the healing process.



Photo 3: Deep infected painful open wound on left foreleg and presence of pus



Photo 4: Heavy tight chains on the forelegs which prevent the elephant from taking a step in any direction

On the medial aspect of the right foreleg, there are two wounds of approximately 6 inch wide from which pus was oozing out and dead tissues were also noticed in the area. Bleeding was noticed from the lower wound.



Photo 5: Two large open wounds on medial aspect of right foreleg

Hind legs:

Both the hind legs were tied by a thick rope to a tree on the backside of the animal. There are extensive wounds on both the hind legs which could be caused by the abrasive rope and also due the struggle made by the elephant to break free from captivity.



Photo 6: Open wound on medial aspect of right hind leg



Photo 7: Partially healed wound on lateral side of left hind leg along with hyperkeratinisation and open wound on the posterior aspect of right hind leg

Lower side of abdomen: On both sides of the abdomen, at the ventral side, in front of the stifle joint, wounds of approximately 7 inch length were noticed. These wounds were at a healing stage, indicated by epithelialisation.



Photo 8: Healed wound on the ventral and lateral side of the abdomen

- 4. Housing:** The elephant was forced to stand on his own urine and faeces. At the time of inspection the faeces were removed by the mahouts. There is no shade to protect the elephant from adverse weather conditions such as heat and cold. Since his capture he is continually restrained at one place over a pile of earth.



Photo 9: Elephant tethered by chains in the open



Photo 10: The elephant tied to a tree using a long chain



Photo 11: There is hardly any protection from extreme weather conditions

5. **Drinking water:** There is no continuous access for the elephant to clean drinking water. On a daily basis, a water tank is brought to site and water is offered to the said elephant and other three captive elephants in a rusted iron vessel. Upon enquiry, the veterinarian Kanan Pendary and mahout of ATR informed that the elephants were offered water in small quantities only four times a day, which is insufficient as per the requirement of an adult elephant in captivity.



Photo 12: Small rusted water trough is used for offering water to the elephants



Photo 13: Water tanker to store the drinking water for the elephants

6. **Feeding:** Concentrate, sugarcane and tree leaves (*Ficus benghalensis*) are being offered to the elephants. Concentrate feed is prepared jointly for all the elephants and is offered two times a day. The concentrate feed includes wheat, wheat flour, rice, pulse (*kulthi*), maize, salt, jaggery etc and is offered as per the feed formulation.



Photo 14: Cooked concentrate feed for the elephant

7. **Use of torture weapons for controlling the elephant:** Mahouts are using a sharp iron hook commonly called as *ankus* or *bull hook*, and a long straight stick with sharp metal tip know as a *balam* to give command and control the elephant. Use of such weapons for physical punishment and restraint causes extreme pain when used on sensitive body parts of the animal.



Photo 15: Use of sharp pointed weapons (balam) for giving command



Photo 16: Bull hook is used for controlling the elephant



Photo 17: Torture weapons are openly used for controlling the elephant

8. **Vaccination:** Upon enquiry it was informed that no chemoprophylaxis has been done, particularly Tenatnus toxoid injection.
9. **Records:** There are two records being maintained: the daily activity log/treatment register and the feeding register. ([Annexure 2 and 3](#)).
10. **Information about the mahouts and assistants:** Upon enquiry, it was informed that there are three mahouts and four assistants working at the camp. Out of the three mahouts, one person is on a permanent position at ATR, and the other two are working with ATR on a contract basis. They all received training from experienced mahaouts of Karnataka on captive elephant management, during the 'Jumbo Project' in Ambikapur in 1993. The mahouts working with ATR on contract basis, Mr Shiv Mohan and Mr Karma Ram are taking care of the wild caught elephant and they have named him Sonu.
11. **Welfare of other elephants:** Three elephants were housed at that camp area during the inspection. They are the cow elephant Lali and the bulls Raju and Civil Bahadur. All the three elephants' forelegs were hobbled together and were tied to different trees using chains. Civil Bahadur and Lali were showing stereotypic behaviours such as head bobbing and swaying. Civil Bahadur has only one tusk and it was informed that one tusk was broken earlier. Upon closer examination it was found that, there is a painful swelling on the right side of the upper jaw, probably because of an abscess and the pus was oozing out. The pus oozing out from the oral cavity indicates that the remnant part of the tusk is still inside the dental socket and that there is a severe infection. Civil Bahdur is also blind by the right eye and have a lump on the left

elbow. The AWBI inspectors were informed that Lali and Civil Bahadur were captured in the year 2010 and Raju was captured in 2013.



Photo 18: The bull elephant Raju hobbled by both the forelegs, being tied to a tree and thereby restraining his movement



Photo 19: Lali, the cow elephant hobbled by both forelegs and tied to a tree



Photo 20: The bull elephant Civil Bahadur hobbled by both forelegs and his movement restricted



Photo 21: Civil Bahadur is blind on right eye, evident by microphthalmia



Photo 22: Swelling or abscess on the right upper jaw indicating infection and inflammation



Photo 23: Swelling on the left elbow of Civil Bahadur

IV. EVALUATION OF THE SITUATION THAT LEAD TO THE CAPTURE AND SUFFERING OF THE ELEPHANT IN CAPTIVITY

As per the record provided by the officials of ATR, on 03 August 2015 a woman was injured by the above mentioned tusker in the village Katami of Surahi forest area and the CCF&PD, ATR was informed by Deputy Director (DD), ATR vide letter no 1481 dated 6th August 2015 that the particular wild elephant has entered the ATR area and he requested for permission to tranquilize the said wild elephant. On 10 August 15, vide letter no 1558 ([Annexure 4](#)), referring to the concerns regarding the routine management of ATR being affected because of the need to provide safety to the villagers and their possessions from the tusker and to prevent further damages, the CCF&PD, ATR requested the PCCF & CWLW, Chhattisgarh to give permission to tranquilise, capture and rear the elephant at ATR..

Upon the instruction of PCCF & CWLW, the Chief Conservator of Forest (Eco-tourism) after conducting a ground evaluation of the situation recommended that, the tusker may be tranquilised **and translocated**. The PCCF & CWLW considering that the tusker has become danger to human life, issued an order on 20 October 2015 ([Annexure 5](#)) under Section 11 (1) (a) of the Wildlife (Protection) Act, 1972, directing CCF&PD, ATR to be the authorised official responsible for ensuring that the said tusker is tranquilised and captured in a way that does not cause any trauma or minimum trauma to the elephant. The order further allowed CCF&PD, ATR to take help from the veterinarian at Kanan Pendary Zoo, the veterinarian at Nandan Van, Raipur and ATR's mahout for the said purpose. The order also directed that after capturing the tusker, and carrying out the required clinical examination, **he may be relocated to a forest area** which is suitable from the point of view of his natural habitat.

As per the order of PCCF&CWLW, the DD, ATR through a vide letter no 2075 dated 26 October 2015 directed the veterinarian at Kanan Pendary Zoo, Bilaspur and veterinarian at Nanadan Van Zoo, Raipur to tranquilize & capture the elephant with no instruction for relocation of the elephant immediately after capture.

On 30 October 2015, Veterinarian of Kanan Pendary Zoo, Bilaspur and Assistant Director (AD), ATR inspected and identified a suitable area for tranquilization. Thereafter veterinarian of Kanan Pendary Zoo, Bilaspur and veterinarian of Nanadan Van Zoo, Raipur again inspected the area of Bindawal village and instructed for the preparation of a wooden stage on top of a tree and also requested to bring the other elephants of Sinhwai Sagar Camp to Bindawal village so as to make the capture the aforesaid tusker easy.

Through vide letter 52K, dated 5 December 2015 (**Annexure 6**) DD, ATR informed CCF&PD, ATR, while marking a copy to PCCF&CWLW the details of tranquilisation and capture of the elephant. As per the update given by DD, ATR, on 1 December 2015, both the veterinarians, tried to shoot the elephant with the dart gun but the first attempt failed and in the second attempt they managed to inject the tranquiliser at the right place. Within half an hour, the wild elephant became sedated and started to lose his body balance. With the help of mahouts, the elephant was tied with chains tightly on all four legs at the tranquilisation area itself. Drugs were injected to revive the elephant from sedation and water was poured over the forehead and on the entire body. After coming to complete consciousness at around 10:30 pm same day, the elephant in frustration tried to break the chains, but he didn't succeed and later reported to have calmed down. The DD, ATR through his letter also informed the CCF&PD, ATR that at the time of tranquilisation the elephant had no wounds and as on the date (5 December 2015) the elephant is totally healthy and is not putting much resistance when offered with sugarcane and drinking water.

After 16 days of tranquilization and capture, CCF&PD, ATR through vide letter no 2496 dated 17 December 2015 (**Annexure 7**), instructed the veterinarian at Kanan Pendary Zoo, Bilaspur to provide regular treatment and care services and advice on the nutrition of the captured elephant and the other elephants maintained at Bindawal temporary camp.

Through vide letter number 2543 dated 30 December 2015 (**Annexure 8**) CCF&PD, ATR requested the appropriate instruction of the PCCF&CWLW regarding the rehabilitation of the captured elephant in a natural habit.

On 20 January 2016, the veterinarian of Kanan Pendary Zoo had written to CCF&PD, ATR (**Annexure 9**) stating that the elephant is under his treatment & care, the wounds on his legs have almost healed and that the said animal is free from any infectious disease. The photos enclosed in the letter did not show the lower part of the leg, which seems to be intentional. However, the AWBI inspectors found large deep infected wounds on both forelegs and right hind legs, at the time of inspection on 31 January 2016.

As per treatment/daily activity log, and based on the analysis of nutritional requirement of an adult elephant, it is observed that ATR is not providing proper and adequate ration to the elephants in its captivity. As per the entry on 23rd December 2015 in the treatment/daily activity log, the ATR officials were informed that appropriate feed and neem oil should be immediately procured. The entry on 31 December 2015 states that the ration for the elephants was finished, and was not supplied even after intimation, ultimately forcing the elephants to starve.

The entry on 16 December 2015 in the treatment/daily activity log states that maggots were found on the right hind leg wound, which indicates that ATR failed to prevent wounds and maggot infestation at the first place and was also negligent with veterinary and management care being provided to the elephant. After receiving a report of maggot infestation on the wound, CCF&PD, ATR through letter dated 17 December 2015, instructed veterinarian at Kanan Pendary Zoo, Bilaspur to provide regular treatment and care services and advice on the nutrition of the captured elephant.

V. APPARENT VIOLATIONS OF ANIMAL PROTECTION LAWS

1. Section 11 (1) (a) of Wildlife (Protection) Act, 1972 states that **“Provided further that no such captured animal shall be kept in captivity unless the Chief Wildlife Warden is satisfied that such animal cannot be rehabilitated in the wild and the reasons for the same are recorded in writing.”**

The explanation in the Act states that *‘For the purposes of clause (a), the **process of capture or translocation, as the case may be, of such animal shall be made in such manner as to cause minimum trauma to the said animal.**’* The explanatory note at the end of Section 11, further states that *“The clause seeks to amend section 11 of the Act with a view to ensure that no wild animal shall be killed unless all possible options of capturing, translocating and tranquilising are exhausted. **It also provides that the captured wild animals shall be rehabilitated in wild as soon as possible and translocation, if required, shall be done by causing minimum trauma to the captured animals.** Provision is being made to provide for the killing of only such animal that has become dangerous to human life and property or is disabled or diseased beyond recovery in a specified area.”*

The scrutiny of the communication between ATR and the office of CWLW reveals that despite the order of PCCF & CWLW to **tranquillise and relocate** the elephant to a appropriate natural habitat, and despite the provision mandated by the Wildlife Protection Act (WPA), 1972 under Section 11 (1) (a) **not to keep a captured wild animal in captivity unless the CWLW is satisfied that such animal cannot be rehabilitated in the wild and the reasons for the same are recorded in writing**, the ATR preferred to retain the tusker under captivity as intended in the request letter of CCF&PD, ATR addressed to PCCF&CWLW, Chhattisgarh dated 10 August 2015, seeking permission to tranquillise, capture and **rear the elephant** at ATR.

Moreover the letter dated 30 December 2015, from CCF&PD, ATR addressed to PCCF&CWLW, Chhattisgarh after 30 days of capturing the elephant, requesting for appropriate instruction regarding the rehabilitation of the captured elephant in a natural habitat indicates that the plan to tranquillise and capture was made and implemented by ATR without identifying a habitat for relocation of the animal! Reading with other facts such as, the letter of Deputy Director, ATR dated 5 December 2015 reporting that the elephant was completely healthy at the time of capture and even after 5 days of capture which means there was no medical need for retaining the elephant in captivity; absence of any record of a truck being arranged at the tranquillisation site on the day of capture of the elephant so as to transport him to a identified relocation area; absence of any record of CCF&PD, ATR identifying the translocation area as per the directive of PCCF&CWLW; and absence of any further directive from PCCF&CWLW allowing the captivity of the elephant being satisfied that the elephant cannot be rehabilitated in the wild explaining reasons recorded in writing, it can be concluded that, the captivity of the said elephant is in apparent

violation of Section 11 (1)(a) of the WPA, 1972. This subsequently led to the unwanted and unnecessary captivity of the captured elephant.

2. Forcing the captured elephant to live in captivity for more than 2 months (as on the date of inspection), which has resulted in severe painful infected wounds on legs, further complicated with maggot infestation, and subjecting the elephant to suffer from starvation and inadequate water to drink and not providing the animal with shelter, are apparent violations of the Section 11(1)(a), 11(1)(f) and 11(1)(h) of the Prevention of Cruelty to Animals (PCA) Act, 1960.
 - a. It was found that the mahouts were using torture equipments such as ankus and balam to inflict pain and induce fear so as to make the elephant obey the commands and to restrain him. The tight and continuous chaining has resulted in painful infected wounds, adding to the suffering of the elephant. Section 11(1)(a) of PCA Act, 1960 states that it is cruelty to an animal and a punishable offence if any person *“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 animal to be so treated; or”*.
 - b. The AWBI inspectors found that the captured elephant was tethered on both forelegs using heavy chains and both the forelegs and hind legs were tightly tied to the trees. The elephant was unable to take a step in any direction and was also prevented him from lying down comfortably, resting, sleeping or displaying any natural behaviour. Section 11(1)(f) states that that it is cruelty to an animal and a punishable offence if any person *“keeps for an unreasonable time any animal chained or tethered upon an unreasonably short or unreasonably heavy chain or cord; or”*.
 - c. It was revealed from the records that the captured elephant was made to starve at some point of time in December 2015 since the feed stock was completely depleted and ATR failed to replenish the stock on time. Drinking water is being offered in a small rusted vessel only 4 times a day which is insufficient for an elephant. At the time of inspection there was no shade available for the elephant, so as to protect him from adverse weather conditions such as heat and cold. Section 11(1) states that that it is cruelty to an animal and a punishable offence if any person, *“being the owner of (any animal) fails to provide such animal with sufficient food, drink or shelter; or”*

VI. INTERPRETATIONS

Based on the findings on present poor welfare of the captured elephant and the facts arising from scrutiny of the communications of Chhattisgarh Forest Department and the records maintained at ATR, the AWBI inspectors hereby conclude that it is a serious failure on the part of ATR, overlooking the orders of Chhattisgarh PCCF&CWLW and provisions of Section 11, of WPA 1972, to tranquilise and capture the tusker while failing to cause minimum trauma or to translocate him to a natural habitat upon capture. The elephant is currently suffering due to short-sightedness of the ATR officials, and the existing provisions for upkeep, maintenance and housing conditions as mandated by Section 42 of the WPA, 1972 is grossly inadequate and the quality of veterinary treatment and care being made available to the elephant is unsatisfactory. The other three captive elephants kept at the temporary camps in village Bindawal suffer from various ailments and are deprived of basic

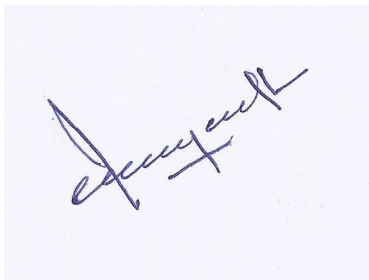
veterinary care and management practices which are essential for their physical and mental wellbeing.

VII. RECOMMENDATIONS

1. AWBI may advise the PCCF&CWLW, Chhattisgarh that the captured elephant must receive immediate quality veterinary treatment and care to help the wound healing process, and to regain physical health, which is expected to be achieved in less than 4 weeks time if the below listed conditions are followed and met:
 - a. The wounds must be flushed with plenty of water preferably using a water hose with minimum pressure, at least twice a day to thoroughly clean the wound and to promote granulation and epithelialisation.
 - b. Once the wounds are cleaned and dried, they may be touched with povidone iodine solution and may be applied with boric acid and zinc oxide ointment for faster healing.
 - c. The heavy metal chains and thick ropes should be covered with rubber or plastic tubes and should be tied away from the wounds. Tethering should be loose enough to allow the elephant to take few steps forward, backward and sideways. Preferably chains must be replaced with strong and soft cotton / jute rope.
 - d. Antibiotic Sensitivity Test may be done so as to choose the ideal parenteral antibiotic. Amoxicillin plus Sulbactam may be given @ 4mg/kg of body weight, I/M for 7 days to address the wound infection. Oral multi vitamin shall be given as a supportive therapy.
 - e. A balanced diet should be formulated and given ad libitum. Adequate grass must be offered and there must be continuous and free access to drinking water, 24X7.
 - f. A temporary shade must be set up to protect the elephant from extreme heat and cold weather.
 - g. If possible, the elephant may be given walk /exercise every 1 hour using humane handling and restraining methods, and without using any torture equipments to inflict fear or pain and the tethering area may be changed regularly.
 - h. The torture equipments such as *ankus* and *balam* may be immediately confiscated from the mahouts and they may be handled using humane elephant management practices.
 - i. Routine laboratory tests such as Complete Blood Count, Kidney Function test, Liver Function Test, urine analysis and faecal examination must be done at least fortnightly to assess the progress on health.
 - j. Tetanus toxoid vaccination must be given to the elephant.
 - k. Treatment and feeding record must be maintained regularly to evaluate the compliance on treatment services and nutrition.
2. AWBI may advise the PCCF&CWLW Chhattisgarh that, once the wounds are healed and the elephant is physically fit for travel as certified by an experienced elephant veterinarian, he should be immediately rehabilitated to a pre-identified natural habitat which is home for wild elephants.
3. AWBI may advise the PCCF&CWLW Chhattisgarh that, the other captive elephants at ATR, namely Lali, Civil Bahadur and Raju may be subjected to immediate clinical examination by experienced elephant veterinarians and may be provided with immediate veterinary care based on a proper diagnosis and prognosis made.
4. AWBI may advise the PCCF&CWLW to conduct an immediate enquiry to find out whether similar incidences of capture of wild elephants and retaining them in illegal

captivity had happened in the State in the past, in apparent violation of WPA, 1972, to find out whether the captive elephants Lali, Civil Bahadur, Raju and Poornima are victims of such a conspiracy and that disciplinary action may be initiated against those erring officials.

5. AWBI may advise the PCCF&CWLW to ensure better care and management of captive elephants in Chhattisgarh State by implementation of the “Guidelines for care and management of captive elephants” issued by the Project Elephant Division of the Ministry of Environment, Forests and Climate Change in 2008 (**Annexure 10**) and to recommend the Chhattisgarh government to enact a Rule on care and management captive elephants in the State.



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