

Gods in chains: The live elephant trade in India

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Paper presented at the SOAS Elephant Conference – Bangalore – 4-6 April 2016

Asian elephants (*Elephas maximus*) have been declared as India's National Heritage Animals, and there has been considerable debate on their conservation in the wild. However India also has approximately 3,500 captive elephants (MoEF, 2010). These elephants are kept in various forms of custody in a variety of places all over the country. (CUPA, 2010). From temples in Kerala to the logging elephants in Assam to the begging elephants in Delhi and the elephants giving joy rides to tourists in Amer Fort in Jaipur, captive elephants in India have a chequered existence. There are elephants also used in protected areas and in logging camps maintained by government agencies.

The live elephant trade is one that has significant concern and implications for wild elephant populations, whenever wild elephants are caught and traded for the captive industry. Several rackets involving live elephants have been identified, including those in Assam, Arunachal and in Bihar. There is also evidence of cross border trade in elephants from India to Burma and Nepal. The most famous conglomeration of live elephants for trade is the Sonapur Animal Fair in Bihar, where every year, during the occasion of Kartick Pooranima, live elephants are brought for display and sale on the precincts of the world renowned animal fair.

TRAFFIC has monitored this trade for over a decade and field visits since 2013 have revealed specific trends in this trade. Investigations reveal that the status quo of live elephants in Sonapur in Bihar give rise to a number of pressing concerns that need immediate attention. These include the following :

- Safety of elephant handlers and the milling public around the animals in the fair
- The dubious nature of the transactions mostly done under the guise of gifts or inheritance exploiting a weakness in Section 42 of the Wildlife Protection Act
- Massive welfare issues surrounding the maintenance of these pachyderms in captivity, borne out by research in UK, USA and now increasingly in India.

The number of elephants brought to Sonapur show the following trend over the years as recorded by TRAFFIC :

Year	Number of elephants
2001	92
2002	77
2003	56
2004	67
2005	78
2006	65
2007	77
2008	65
2009	65
2010	41
2011	32
2012	35
2013	37
2014	39
2015	14

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The trade in live elephants in India and across borders violates the provisions for this species laid down in the Wildlife Protection Act (1972). According to the Wildlife Protection Act, the elephant is a Schedule I animal, and it is prohibited to possess, acquire, dispose of, and transport a captive elephant without express written permission from the Chief Wildlife Warden or from the authorised officer under the Act.

However there is a weakness in the Wildlife Protection Act that the traders take advantage of, and this lies in Sections 40, 2 (A) and 4 (B), where the provisions do not apply to live elephants and traders appear to take advantage of this loophole and present them as gifts whereas the reality is that they are traded illegally for large sums of money.

Captive elephants face welfare conditions as enunciated under the *Five Freedoms of Animal Welfare* of the Brambell Commission in 1965. There are also major issues involved in the methods used in the training of elephants, that are often detrimental to the wellbeing of both elephants and humans. Humane training methods have been emphasised by TRAFFIC in publications, and there is a wide variety of existent and upcoming literature on this.

To tackle the illegal trade in elephants, in 2014 a Public Interest Litigation (PIL) was filed in the Patna High Court by FIAPPO (Federation of Indian Animal Protection Organisations). The outcome is still awaited but it is significant that in 2015 there was a sharp drop in the number of elephants that were brought to Sonapur for trade.

It has been suggested that there is a live elephant trade nexus between India and Nepal and also between India and Myanmar. TRAFFIC has also investigated the illegal elephant trade between Thailand and Myanmar.

The Supreme Court of India, in 2015 also passed a judgement to certify all captive elephants held in temples in Kerala, keeping in mind the growing concerns on their welfare and their legal status, and also the possibility of captive elephant ivory coming into the black market in India.

TRAFFIC has the following recommendations to curb the illegal trade in elephants in India and neighbouring countries :

- The Indian government must ensure that all elephants are identified and monitored in the Sonapur Fair and that each animal is microchipped
- Regular veterinary care should be provided to all captive elephants everywhere
- No elephants should be allowed on the Sonapur Fair grounds without proper papers
- The display of captive elephants in Sonapur and elsewhere, including Kerala and those used for marriage parties should be phased out over a period of time
- *Musth* elephants should not be allowed to walk through the crowds in any situation that involves the presence of large numbers of people
- There ought to be more efforts to educate elephant owners, buyers and sellers on the nature of the elephant trade and issues affecting elephants in captivity

TRAFFIC has published an advisory for the Sonapur Fair trade in live elephants that is now online and includes the recommendations stated above. TRAFFIC also supports the recommendations made for the management of captive elephants as stated in the Gajah report of MoEF in 2010.

TRAFFIC continues to provide information to various enforcement agencies and other NGOs who are fighting the illegal capture and incarceration of elephants in India, including the elephants kept in Kerala. TRAFFIC is also monitoring the developments with the government to identify and break traditional routes for live elephant trade in India.

Elephants in India have been part of the cultural milieu since thousands of years. TRAFFIC recognises that there has been a tradition of keeping elephants in captivity in India for a very long time as well. However, keeping in mind the possible adverse effects on the conservation of wild elephants, TRAFFIC suggests that this trade be ultimately eliminated so that wild elephants can live free from abusive captivity.

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Bibliography

MoeF 2010 Gajah *Securing The Future of Elephants in India: The Report of the Elephant Task Force*

Varma S, Kushal Konwar Sarma, David Abraham, S.R. Sujata, T.S. Rajeev, Nibha Namboodiri and Madhulal Valliyatte, *Elephants Under Private Ownership in India*, 2010

Niraj, Shekhar and Shubhobroto Ghosh, *An investigative report on Sonapur Animal (Mela) Fair 2013* TRAFFIC Post March 2014

Niraj Shekhar and Shubhobroto Ghosh, *Sonapur Fair once again on the wrong side of the law*, March 2015

New Indian Express, 8 May 2016 “Don’t issue ownership certificates to elephant owners: SC tells Kerala govt” <http://indianexpress.com/article/india/india-news-india/dont-issue-ownership-certificates-to-elephant-owners-supreme-court-tells-kerala-govt-2789822/#sthash.cQsiPrQy.dpuf>