

4 July 2007

To,
All PCCFs
India

Dear Sir,

Subject: *Elephants housed and made to perform tricks and manoeuvres in violation of section 38H of the Wild Life (Protection) Act, 1972; Recognition of Zoo Rules, 1992 and the Performing Animal Rules, 2001*

We are writing to you on behalf of People for the Ethical Treatment of Animals (PETA) India to draw your attention to the cruelty endured by captive elephants in your state who are forced to beg and perform various tricks and manoeuvres in violation of section 38H of the Wild Life Protection Act, 1972; Recognition of Zoo Rules, 1992; and the Performing Animal Rules, 2001.

Elephants begging on the street are now a common sight on roads and outside temples in many cities across India. Typically, these elephants are accompanied by *mahouts* sitting astride them, poking a painful *ankush* behind the elephants' sensitive ears in order to keep them moving in the confusing and alien traffic. Their ears are assaulted by the cacophony of horns and urban noises, and their tender feet are made to walk on the scorching-hot, pothole-ridden roads. When they are not working, these terribly neglected animals are chained by their legs; they suffer from skin ailments, eye infections, cataracts and foot diseases. They develop foot problems which are very rarely treated in captivity. The pads of their feet also act as shock absorbers, as natural substrates "give" a little under the weight of the feet. In captivity, less exercise, hard flooring (which does not have any "give" to it), and standing amid faeces and urine while chained up cause cracked and soft toe nails.

Elephants are also rented out for joy rides, weddings, functions and political rallies. The *mahouts* force the elephants to "bless" by placing their trunks on people's heads, and by making elephant garland statues, idols and people, they are also made to kneel to indicate obesience.

Section 2(7A) of the Wild Life Protection Act, 1972, defines the term "circus" as an establishment – either stationary or mobile – where animals are kept or used wholly or mainly for the purpose of performing tricks and manoeuvres.

Section 2(39) of the Wild Life Protection Act, 1972, includes inter alia "circus" within the definition of the word "zoo".

Section 38H of the Wild Life Protection Act, 1972, declares that no zoo – including circuses, per Section 2(39) – shall be operated without being recognised by the Central Zoo Authority.

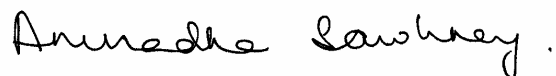
When these provisions of the Wild Life Protection Act, 1972, are read and interpreted together, it is clear that these elephants who are forced to perform the above-described tricks and manoeuvres fall within the definition of circus animal, as defined in Section 2(7A) of the act. Hence, such elephants would be covered by the definition of zoos and cannot be made to perform without recognition by the Central Zoo Authority and without having their housing and other needs met, as detailed in the Recognition of Zoo Rules and as applicable to circuses.

Secondly, the elephants' performances are governed by the Performing Animal Rules, 2001, framed under the Prevention of Cruelty to Animals Act, 1960. Rule 3 of the said rules prohibits any person from exhibiting a performing animal unless the animal has been registered with the prescribed authority, as appointed under the said rules. We verily believe that none of the elephants who are seen performing in public places has been registered under the said rules. An owner who makes an animal perform without registration is committing an offence punishable under section 38(3) of the said act.

Therefore, we kindly request that you ensure all captive elephants who are performing tricks and manoeuvres in the cities – for entertainment, donations or otherwise – are permitted to do so only after their owners have complied with the provisions of the relevant acts and rules. Failure to comply with the provisions of the act and rules should lead to seizure of that elephant.

Depending on you to take the necessary action to protect these magnificent animals.

Sincerely,



Anuradha Sawhney
Chief Functionary

CC Member Secretary, Central Zoo Authority
Chairman, AWBI
Secretary, Animal Welfare Board of India