

Animal Rights Groups Decry Loopholes in Captive Elephant Transfer Rules, Demand Urgent Action



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Chandan Kumar Duarah 1 April 2024 13386 views

In a scathing condemnation, a coalition of animal protection organizations in India has slammed the recently enacted Captive Elephant (Transfer or Transport) Rules, 2024, as riddled with loopholes that endanger captive elephants.

The joint statement, signed by People for Ethical Treatment of Animals (PETA) India, the Centre for Research on Animal Rights (CRAR), Heritage Animal Task Force, Kaziranga Wildlife Society, and the Federation of Indian Animal Protection Organisations (FIAPO), urges the Ministry of Forests, Environment, and Climate Change (MoEFCC) to strengthen the rules immediately.

These organizations, dedicated to safeguarding elephants in captivity, meticulously reviewed the rules and identified critical flaws that could pave the way for rampant exploitation and illegal trade of these magnificent creatures.

"The current rules leave the door wide open for abuse," says Alok Hisarwala, founder of CRAR. "We urge the MoEFCC to take immediate steps to ensure these regulations don't become a shield for the capture, exploitation, and commercialization of captive elephants."

Key Concerns and Recommendations:

- **Missing National Database:** The coalition demands a comprehensive, publicly accessible national database of captive elephants, including ownership certificates, genetic mapping, owner information, and location. Until the government completes genetic mapping, only transfers for rehabilitation should be allowed.
- **Loopholes in Ownership Certificates:** The groups demand an amendment to Rule 7(1) to restrict transfers to elephants with valid ownership certificates issued within the stipulated period of 180 days of the Declaration of Wild Life Stock Rules, 2003 (DWSR). "This is crucial to prevent those holding elephants illegally from exploiting these rules for a second amnesty period," emphasizes Khushboo Gupta, advocacy officer at PETA India.

- **Lack of Uniform Standards:** While Rule 4 mandates inquiries into the elephant's upkeep at both the sending and receiving locations, the absence of uniform national guidelines for elephant care renders these inquiries ineffective. The coalition demands the creation of robust national guidelines before implementing Rule 4.
- **Non-commercial Transfers Only:** The groups insist that the Rule 4 inquiry, with the assistance of the Economic Offences Wing, Crime Branch, be expanded to ensure all transfers are strictly non-commercial. Additionally, annual post-transfer welfare assessments are demanded, with the authority to seize the elephant if its well-being is compromised.
- **Embargo on Transfers:** To curb commercial exploitation and comply with the Supreme Court's 2016 directive, the coalition proposes a five-year embargo on elephant transfers from the Northeast and to Kerala, except for rehabilitation purposes.
- **Right to Appeal and Clear Exclusions:** The right to appeal transfer decisions (Rule 11[1]) should be extended to any party, and the definition of "any other purpose" in Section 43 must be narrowed down to include only transfers to recognized rescue and rehabilitation centers. A comprehensive list of exclusions from transfers, encompassing commercial activities, tourism, entertainment uses, and situations endangering humans and elephants, is also demanded.

"We implore the MoEFCC to halt all transfer applications (except for rehabilitation) under these flawed rules until these urgent reforms are implemented," concludes Bharati Ramachandran, CEO of FIAPO.

The future of captive elephants in India hangs in the balance. Will the MoEFCC heed these calls to strengthen the regulations and protect these vulnerable animals, or will the current rules become a tool for exploitation?

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