

To

June 15th, 2020

Shri. Noyal Thomas IFS,
Head, Project Elephant,
Ministry of Environment, Forests and Climate Change,
Indira Paryavaran Bhavan,
Jor Bagh Road, New Delhi - 110003

Dr. K M Selvan,
Dy. Director, Project Elephant,
Ministry of Environment, Forests and Climate Change,
Indira Paryavaran Bhavan,
Jor Bagh Road, New Delhi – 110003

Dear Sir/s,

Subject: Urgent request to Project Elephant (PE)

- (i) To recommend independent investigation in the recent deaths and possible murder of wild Elephants in Kerala and Chhattisgarh;**
- (ii) Cease issuance of new Ownership Certificates for Elephant to private owners;**
- (iii) Direct state government to facilitate humane surrender and rehabilitation of elephants that require immediate care by allowing for fair and impartial inspections.**
- (iv) Create farmer and animal centric policies to mitigate human-animal conflict**

We are writing to you collectively as organisations working for the protection, advocacy, and betterment of the rights of all animals. We are committed to a change in our perception of animals from commodities to sentient beings who are subjects of equal rights.

This submission is in honour of Saumya, the pregnant 15-year old wild elephant from Silent Valley National Park that became a victim of cruel practices adopted by humans to protect their crops and land from wild boars. The national outrage should serve as a wake-up call to mitigate human-animal conflict and also to protect the rights and well-being of all elephants. The elephant is a Schedule I animal under the Wildlife

Protection Act of 1972 (WPA) and is the most protected with severe punishment meted out to those who hurt them.

After, Saumya, on June 10th, two female elephants (one of whom was full term pregnant) have been found dead at Surajpur Forest Division in Chhattisgarh because of poisoning. Another incident from 11th April 2020 from Kollam District in Kerala has been confirmed as a murder of a wild elephant by consuming a fruit snare with a hidden bomb, intentionally kept to illegally hunt a wild Sambar deer. The practice raises concerns about sourcing and use of explosives in the forest,

Elephants are the only wild animals allowed to be owned through an exception in section 40 of the WPA. This is contrary to both the tenets of the Wildlife Act and the Constitution of India. It is also contrary to the growing recognition that elephants are complex sentient beings with a strong sense of themselves as free, wild animals who belong in the Wild. Indian Courts have recognised that animals also have dignity and must be treated with equal consideration. It is time a change in the law is notified to rectify that.

One of our collective core beliefs is that elephants **have an inherent intrinsic value and deserve to be treated with dignity and ought to be “free”**. We strongly affirm that all elephants must be entitled to a range of legal and constitutional rights namely **bodily integrity, autonomy, liberty, and dignity**. These core rights will **prohibit ownership of elephants as things, prevent their commercial exploitation, torture, cruel and degrading treatment, and ensure their right to physical and mental well-being**.

We hold that elephant should never be captured from the wild because the very act of taking them away the wild is unconstitutional. The training that follows to tame them is a physically and mentally traumatic for them. **This violates the protection accorded to them under the WPA.**

Additionally, the **COVID-19 situation has put extra strain on the elephants** as their health and safety are under threat. **Private owners are unable to care for the animals.** We believe that the owner must provide unconditional care and upkeep and if unable to, they must surrender the animal.

Along with this letter, we are submitting a detail ‘White Paper’ on the “unconstitutionality” of ownership of elephants by private individuals. The additional Annexures included as part of this submission contain all the evidence and reports to support our case. We request you to go through them in detail and act upon our asks.

Elephant Captivity is cruel per se, and during COVID-19 it has become an additional public policy and public health challenge. As long as loopholes to capture and own

elephants from the wild will be available in law, intrusion and violent crimes against Wild Elephants like Saumya will also continue. We need to foremost recognize that all Elephants belong in the wild as free animals, and zealously guard their freedom as their inherent right.

Through this submission:

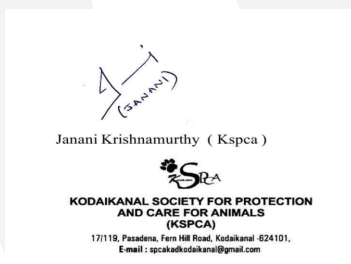
1. We urge Project Elephant to propose to the Ministry of Environment, Forests and Climate Change (MoEFCC) to notify a ban on issuance of any further Ownership Certificates to private individuals for Elephants as captive animals.
2. We propose an immediate order to be issued for an independent investigation into the violent and brutal murder of Saumya and many other wild and captive elephants that have died in the past two years, including the additional recent cases of an elephant in Kollam, Kerala and two female elephants in Surjapur, Chhattisgarh (Many other cases are listed in the White Paper submission annexed.)
3. We are also seeking your support in developing mandatory protocols for surrender of sick and old elephants in captivity following the care and management guidelines for Captive Elephants;
 - An independent investigation and inspection of the status of all captive elephants jointly with animal activists, elephant experts, and forest department officials, in every state;
 - Those captive elephants for which their current owners cannot provide proper care and upkeep a key requirement of ownership under section 42 of WPA. This second issue has gained additional urgency under the COVID-19 lockdowns as elephants in private custody are stuck without adequate food, water, and veterinary care across India.
4. We urge Project Elephant to proactively allocate designated funds for state forest departments to create Elephant Rehabilitation Centres.
5. We urge that Project Elephant should follow in the footsteps of the **Gajah** report that was put out 10 years ago, and create humane, farmer and animal centric policies to mitigate human-animal conflict.

We call for firm action to institute policy change in the matter of captive elephants through a new approach on animal rights in accordance with the Indian constitution and court rulings. We have conducted in depth study on the changes / shift in policy that have been ongoing, and must continue to put an end to both violence against elephants and end their private ownership.

We would like to have a discussion with PE on this matter so that the changes we suggest can be taken up for implementation at the earliest, and we can be reached on 9619292036 and alok@fiapo.org to assist with the recommendations of this letter.

We would also like to thank you in advance of your efforts as we are assertive that after reviewing our full-proof submission you will leave no stone unturned to ensure no more elephants meet the same fate as Saumya.

Sincerely,



Brigitte Uttar Kornetzky

Brigitte Uttar Kornetzky
Elephants in Need-NGO



Supriya

