JOYMALA'S CASE FLAGS GAPS IN PRIVATE OWNERSHIP NORMS FOR ELEPHANTS

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Joymala, who was leased by Assam to Tamil Nadu, is in the news after animal rights organisations alleged the elephant was being mistreated. File | Photo Credit: The Hindu

The ongoing dispute between the Governments of Tamil Nadu and Assam over the alleged mistreatment of a temple elephant named Joymala, has brought into focus the prevailing lacunae over private ownership of elephants in India. Joymala, who was leased by Assam to Tamil Nadu, is in the news after animal rights organisations alleged the elephant was being mistreated. Legal battles are underway at the High Courts of Madras and Gauhati, with both States making contrasting claims.

While Tamil Nadu is one of the States to have strict controls governing the private ownership of elephants, the lack of law enforcement in certain other States has led to a thriving "black market" in which elephants are captured illegally and trafficked to different places, allege activists and conservationists.

A response in 2020 from the Project Elephant Division of the Ministry of Environment, Forests and Climate Change (MoEFCC) to an application filed under the Right to Information (RTI) Act showed that the ownership of at least one out of every four captive elephants held by private individuals was not supported by the relevant documentation. The MoEFCC has clarified that it's illegal to hold elephants in captivity without ownership certificates.

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While Tamil Nadu reportedly has only one elephant without an ownership certificate, Kerala, Uttar Pradesh, Karnataka, Assam, Tripura and Madhya Pradesh account for 96% of elephants in captivity without ownership certificates. "As per the RTI Act response, 694 out of 723 elephants in India that are privately owned and without documentation are in these States," Antony Rubin, an animal welfare activist, said.

Activists allege that many elephants without documents have been captured in Assam, Tripura and other northeastern States. They are sold at elephant markets, from where individuals traffic them illegally to other States. Arunachal Pradesh, which has 109 elephants in captivity, has not released any data on whether these elephants have ownership certificates. Data also shows that Assam is home to the highest number of elephants without any ownership certificates, with 335 out of 905 captive elephants not having any documents to prove ownership.

Mr. Rubin said it was illegal to buy or sell elephants in India. Rules only allow for elephants to be exchanged or donated to temples or between private individuals. However, without an ownership certificate, the keeping of any elephant in captivity by a private individual is illegal, as per the new amendments to the Wildlife Prevention Act.

"It's a smuggling ring," prominent animal rights activist and former Union Minister Maneka Gandhi told *The Hindu*. Ms. Gandhi said elephants were illegally captured in the northeastern States and trafficked to different parts of the country. "They are either sent to temples or used for begging, and when State Forest Departments try to act against the smugglers, they cross State borders and escape action," she said. Rescue shelters for illegally owned elephants need to be

set up in each State, she suggested.

'Elephant' G. Rajendran, an advocate and activist, said that in many cases, one ownership certificate is used multiple times for different animals when they are transported within the country. "All elephants look the same to any normal person. So one ownership certificate is used for different animals, and unless there is proper monitoring and identification of each of the individual animals in captivity, it becomes extremely difficult to trace whether the animal was captured illegally and is being smuggled," Mr. Rajendran said.

Shekhar Kumar Niraj, Principal Chief Conservator of Forests (Biodiversity Conservation), and former head of TRAFFIC India, said that during his time as head of the organisation working to shut down illegal trade in wildlife, there had been some progress in shutting down "elephant markets" such as the one in Sonepur in Odisha. "However, shutting down such markets could have pushed the trade underground," Dr. Niraj said.

"The Wildlife Crime Control Bureau, with the cooperation of State Forest Departments, needs to investigate these reports of trafficking in elephants, which have always been around," he said. He had also investigated reports of trafficking of elephants from India, across the border into neighbouring countries. DNA profiling of the captive elephants needed to be undertaken so that they could be identified and tracked, he said.

Tamil Nadu Additional Chief Secretary (Environment, Climate Change and Forests), Supriya Sahu, said the State Government was again enumerating the number of elephants in private custody, and checking whether they all had ownership certificates. An online portal is to be set up by the Tamil Nadu Forest Department, in which details of elephants would be uploaded to ensure transparency.

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