

Wild Elephants Protection Act

B.E. 2464 (1921)

His Majesty King Maha Vajiravudh is graciously pleased to proclaim that, according to royal traditions and laws that have been established since ancient times, it is considered that all wild elephants, either a herd of wild elephants or a sole wild elephant, which are found in the Kingdom are the property of the state. Whoever intends to capture and tame wild elephants for personal benefit shall get permission from the government and shall give some of the captured elephants to be the elephants of tribute (Chang Hua Pah) to serve government service. Whoever harms wild elephants in any way shall be traditionally punished by laws.

At present, His Majesty has been aware that the number of people requesting permission to capture wild elephants has been increasing, and those who capture wild elephants are sometimes incapable of taking care of them which causes them to die. There are a large number of people who kill elephants to get their tusks for sale, which causes the number of wild elephants to decrease. Therefore, His Majesty has considered that elephants are useful animals which can be used as force and as vehicle; thus, the previous Act shall be amended and new laws shall be imposed to suit the present period regarding the capture of wild elephants and wild elephants danger prevention, including wild elephants preservation in the Kingdom. Therefore, His Majesty graciously imposes the Act as follows:

Name and Enactment of the Act

Section 1 This Act shall be called the “Wild Elephants Protection Act B.E. 2464” (1921).

Section 2¹ This Act shall be enforced from the date it is published in the Government Gazette.

Section 3 Any provisions in the Wild Elephants Protection Act Rattanakosin Era 119 (B.E. 2443 [1900]) and the chancellor rules which the chancellor of the Ministry of Interior has enacted under such Act, that are contrary to the provisions of this Act, shall be terminated from the date this Act has been enacted onwards.

Part 1

Definitions

¹ Government Gazette Vol. 38 /- /Page 75 / 26th June B.E. 2464 (1921).

Section 4 Some words used in this Act shall be understood according to the following definitions:

"Wild elephant" means a herd of wild elephants and a sole wild elephant, both shall be called as a wild elephant.

"Elephant capture" means the elephant capture in any way, such as chasing an elephant (Phon Chang) or setting up an elephant trap, which shall be called elephant capture.

"White elephant" means an elephant that has all of these 7 auspicious appearances:

- (1) White eyes
- (2) White soft palate
- (3) White nails
- (4) White hair
- (5) White skin, or a color similar to an unfired clay
- (6) White tail hair
- (7) White testicles, or a color similar to an unfired clay

"Rare elephant" means an elephant that has any of these 7 auspicious appearances:

- (1) White eyes
- (2) White soft palate
- (3) White nails
- (4) White hair
- (5) White skin, or a color similar to an unfired clay
- (6) White tail hair
- (7) White testicles, or a color similar to an unfired clay

"Black elephant" means an elephant that has all of these 3 appearances:

- (1) Black skin
- (2) Tusk shape is similar to a banana flower
- (3) Black nails

Part 2

Wild Elephant Protection

Section 5 The wild elephant protection is a duty of Ministry of Interior, and the intendant or provincial governor who is the authorized local governing person*.

Part 3

Wild Elephant Capture

Section 6 No person shall capture wild elephants without permission from the authorized officials under this Act.

Section 7 In case any person wishes to capture wild elephants in any county and province, such person shall submit an application in government form to the intendant of such province. In case a provincial governor of any province has been granted special authority to permit a wild elephant capture in such province, a person may submit an application to the provincial governor.

Section 8 The intendants and the provincial governors shall examine the number of wild elephant population that exist in their county and province. The wild elephant capture permission shall be granted as appropriate to the number of newly born elephants, and the wild elephants shall not be captured too much to the extent that the number of wild elephants decreases in such county and province. Each permission to capture wild elephants must be consulted with and approved by the Ministry of Interior* before granting permission to capture the wild elephants.

Section 9 In case the intendant or the provincial governor considers that there is too small a number of wild elephants in the county and province, they may not give permission to capture the wild elephants for a while. However, in case the capture is necessary sometimes because elephants are necessary to be used as vehicle for the trade in such county, the intendant may permit a person to capture the wild elephant in such county to become government elephants to be rented out for people to use for their trade. Nevertheless, the capture shall always get permission from the Ministry of Interior* as mentioned in Section 8.

Section 10 In case any person submits an application to get the permission to capture wild elephants to the intendant or the provincial governor who is authorized to grant a permission, these following queries shall be investigated until satisfaction:

Clause 1 The applicant must have elephants used as a decoy and strong vehicles, as well as tools to capture the elephants, in order to facilitate the capture to run smoothly as deemed appropriate.

Clause 2 The applicant must enter into a parole agreement that, in order to capture wild elephants, after the elephants are caught they shall report to the intendant and the provincial governor to investigate within 3 days from the date of the capture, and shall deliver the elephants of tribute or provide a tribute in-lieu of the elephants according to this Act before taking the captured elephants elsewhere. Under this parole agreement, in case the intendant and the provincial governor consider appropriate, they may request the applicant to provide security money or a guarantor in a reasonable amount for the number of elephants to be caught in total but not exceeding 1,000 Baht. Should the applicant violate a parole agreement, all security money and elephants caught shall be forfeited as the government property.

Clause 3 The licensee shall pay the government fees according to the rates under this Act before being granted a permission.

Section 11 After the investigation in accordance with the previous section has been completed to satisfaction, a license can be issued and shall be valid for 12 months. However, a license cannot be transferred by the licensee to another person.

Section 12 Whoever has a white elephant, rare elephant or black elephant either because they have captured it, or because their mother elephant has given it birth, or by any other reason, such person shall offer such elephant to His Majesty, and His Majesty shall give rewards to the owner of the elephants as deemed appropriate.

The abovementioned elephants shall always be and remain the property of the Kingdom. The transfer of ownership either by selling, exchanging, giving or by any other means is not permitted. A person holding such elephant shall deliver the elephant to the officers once they are ordered to deliver. In case a person who is holding such elephant refuses to deliver the elephant, the officer shall have authority to seize the said elephant.

Part 4

Fees

Section 13 The fees to be collected from the wild elephant capturing shall be one-fifth, which can be collected by either of the two following methods as the person who has authority to issue a license to capture wild elephants considers appropriate, namely:

Clause 1 One of every five captured wild elephants shall be offered as an elephant of tribute. The method is writing a lot for each elephant, and the officials shall draw the lot at the presence of the licensee. The elephant which has been drawn shall be delivered to the district office or any other place designated by the intendant or the provincial governor within 3 months from the date the elephant has been captured.

Clause 2 The inspecting officials and the owner of the elephant shall estimate the selling price of total wild elephants caught at that time, and the licensee shall pay one-fifth of the selling price as the fee in lieu of delivering the elephant. In case both parties disagree on the estimated price of elephants, both parties shall select one mediator to consider.

Section 14 When the permitted person has caught either one or many elephants, such elephants are still government assets, and their ownership is still untransferrable until the fee has been fully paid.

Section 15² License fee for capturing wild elephants shall be charged as follows:

(1) In case using decoy elephant and mahout to chase and capture a wild elephant, the fee shall be charged in an amount of 50 Baht per one decoy elephant.

(2) In case of using an elephant trap to capture many elephants at the same time, the fee shall be charged in the amount of 400 Baht per one trap.

Section 16 A licensee who has the permission to capture wild elephants is permitted to capture elephants only in the area where such license was issued. The license is invalid to capture elephants in other areas, unless they start chasing wild elephants in a permitted area but can capture the elephants in other area. Such action is permitted without penalty.

Part 5

Penalties

Section 17 Any person who captures a wild elephant by any means without permission under Section 6 of this Act, such person is considered as an offender and shall be punished with imprisonment of a period not exceeding 1 year, or fined an amount not exceeding 800 Baht, or both.

The elephants captured by an offender shall be confiscated by the government.

Section 18 Any person who kills a wild elephant by any means, such person is considered as an offender and shall be punished, per 1 elephant killed, with imprisonment of a period not exceeding 3 years, or fined an amount not exceeding 1,000 Baht, or both.

Section 19 Any person who injures a wild elephant by any means, such person is considered as an offender and shall be punished with imprisonment of a period not exceeding 18 months, or fined an amount not exceeding 500 Baht, or both.

Section 20 The punishment according to the above 2 sections shall be refrained in the following cases:

(1) A person who killed or injured such wild elephant has done that by reason of necessity to protect a life or property of theirs or others.

(2) A person who has been granted permission to capture wild elephants, captured an elephant and caused such elephant death or injury under unpreventable and/or unavoidable circumstances.

Section 21 Any person who has a white elephant or rare elephant or black elephant, and frees, hides those elephants or does anything in refusal to offer them to His Majesty under Section 12, such person is considered as an offender and shall be punished with imprisonment of a period not exceeding 1 year, or fined of an amount not exceeding 500 Baht. Despite such punishment, such elephant shall still be confiscated by the government.

Section 22 Any person who has obtained a license to capture wild elephants in one province and uses that license to capture wild elephants in another province, which is considered as an offense to the provision under Section 16, such person is an offender and shall be fined an amount not exceeding 500 Baht.

Section 23 The Public Prosecutor Department shall be the official responsible of the prosecution against a person who offends this Act.

Part 6

Command

Section 24 The Chancellor of the Ministry of Interior* shall preserve this Act.

Section 25 The Chancellor of the Ministry of Interior* has the authority to issue rules and regulations for the management and the execution of this Act. Once such rules and regulations have been published in the Government Gazette, they shall become effective and a part of this Act.

Announced on the 20th day of June B.E. 2464 (1921), which is the 12th year of this present reign.

Wild Elephants Protection Act (No. 2), B.E. 2503 (1960).²

Remarks: The reason for the announcement of this Act is because, in the Wild Elephants Protection Act B.E. 2464 (1921), the fee rates were set according to the past. For that the financial situation has changed, the fees for chasing wild elephants and for elephant traps shall be changed to suit the current circumstances.

*Announcement of transferring the duties to protect wild elephants from the Ministry of Defense to the Ministry of Interior, and to correct some words in the Wild Elephants Protection Act B.E. 2464 (1921).³

His Majesty is graciously pleased to proclaim that the duties of wild elephant protection which the Ministry of Defense officials have been assigned under the Wild Elephants Protection Act B.E. 2464 (1921), shall be transferred back to the Ministry of Interior, which is a local administration ministry.

Therefore, His Majesty has graciously ordered that the duties of the wild elephants protection, under the Wild Elephants Protection Act B.E. 2464 (1921), shall be transferred to be the duties of the Ministry of Interior from now onwards;

And has graciously ordered that some parts of the Wild Elephants Protection Act B.E. 2464 (1921) shall be amended as follows:

1. In Section 5, the words "The wild elephants protection is a duty of the Department of Army Beast of Burden Inspection (Elephant Care Division), Ministry of Defense and the intendant or provincial governor which is the authorized local governing person." shall be amended to "The wild elephants protection is a duty of Ministry of Interior, and the intendant or provincial governor who is the authorized local governing person."

2. The words "Ministry of Defense or the Chancellor of the Ministry of Defense" shall be amended to "Ministry of Interior or the Chancellor of the Ministry of Interior" at every place.

Patcharin/Nethima/Thapanee, prepared

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² Government Gazette, Vol. 77/Chapter 75 /Special Edition, Page 7/14th September B.E. 2503 (1960).

³ Government Gazette, Vol. 41/-/Page 175/26th October B.E. 2467 (1924).