

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN
&
THE HONOURABLE MR.JUSTICE MURALEE KRISHNA S.

Monday, the 17th day of February 2025 / 28th Magha, 1946
WP(C) NO. 16514 OF 2023

PETITIONER:

SANGITA IYER AGED 61 YEARS D/O MR. K. ANANTHARAMAN AND K.S. MEENAKSHI, PERMANENTLY RESIDING IN TORONTO CANADA, PRESIDENT, VOICE FOR ASIAN ELEPHANTS SOCIETY, 60 PAVANE LINKWAY, UNIT 709, TORONTO, ON, CANADA M3C 1A1, REPRESENTED BY HER POWER OF ATTORNEY ALINA ANNA KOSE, D/O KOSE MATHEW, AGED 25 YEARS, RESIDING AT PATLAT HOUSE, WEST VENGOLA P.O, PERUMBAVOOR, ERNAKULAM, PIN - 683556

RESPONDENT:

1. GURUVAYUR DEVASWOM REPRESENTED BY ITS SECRETARY, GURUVAYURDEVASWOM, GURUVAYUR, THRISSUR *CORRECTED *DETAILS OF R1 CORRECTED AS GURUVAYUR DEVASWOM MANAGING COMMITTEE, REPRESENTED BY ITS ADMINISTRATOR, GURUVAYUR, THRISSUR - 680101 , PIN - 680101
2. STATE OF KERALA, CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM, FOREST HEADQUARTERS, VAZHUTHACUAD, THIRUVANANTHAPURAM * CORRECTED *DETAILS OF R2 CORRECTED AS STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695001, PIN - 695014
3. SECRETARY, FOREST AND WILDLIFE DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM * CORRECTED *DETAILS OF R3 CORRECTED AS ADDITIONAL CHIEF SECRETARY TO GOVERNMENT, KERALA FORESTS AND WILDLIFE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695001, PIN - 695014
4. SECRETARY, DEPARTMENT OF DEVASWOM, SECRETARIAT, THIRUVANANTHAPURAM * CORRECTED *DETAILS OF R4 CORRECTED AS ADDITIONAL CHIEF SECRETARY TO GOVERNMENT, REVENUE (DEVASWOM) DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695001, PIN - 695014
5. CHIEF WILD LIFE WARDEN AND PRINCIPAL CHIEF CONSERVATOR OF FORESTS, FOREST HEADQUARTERS, VAZHUTHACUAD, THIRUVANANTHAPURAM * CORRECTED *DETAILS OF R5 CORRECTED AS PRINCIPAL CHIEF CONSERVATION OF FORESTS (WILDLIFE) AND CHIEF WILDLIFE WARDEN, FOREST HEADQUARTERS, VAZHUTHACUAD, THIRUVANANTHAPURAM - 695014 DETAILS OF R1 TO R5 SUO MOTU CORRECTED AS PER ORDER DATED 25-05-2023., PIN - 695014
6. ANIMAL WELFARE BOARD OF INDIA, NATIONAL INSTITUTE OF ANIMAL WELFARE CAMPUS, DELHI-AGRA HIGHWAY, NH-2,VILLAGE-SEEKRI, BALLABHGARH, FARIDABAD, HARYANA. REPRESENTED BY ITS SECRETARY, PIN - 121004
7. THE DIRECTOR, DEPARTMENT OF MUSEUMS AND ZOOS, MUSEUM AND ZOO CAMPUS, PALAYAM, THIRUVANANTHAPURAM, PIN - 695033
8. CENTRAL ZOO AUTHORITY OF INDIA B1 WING, 6TH FLOOR, PT. DEENDAYALANTHODAYA BHAWAN, CGO COMPLEX, LODHI ROAD, NEW DELHI. REPRESENTED BY ITS MEMBER SECRETARY, PIN - 110003

9. UNION OF INDIA REPRESENTED BY THE SECRETARY TO GOVERNMENT OF INDIA, MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, INDIRA PARYAVARAN BHAWAN JORBAGH ROAD, NEW DELHI, PIN - 110003
10. ADDL R10. THE DEVASWOM COMMISSIONER, GURUVAYUR DEVASWOM, GURUVAYUR, THRISSUR - 680101
11. ADDL R11. LIVE STOCK MANAGER, GURUVAYUR DEVASWOM, GURUVAYUR, THRISSUR - 680101 ADDITIONAL RESPONDENTS 10 AND 11 SUO MOTU IMPEADED AS PER ORDER DATED 25-05-2023.
12. ADDL. R12. THE ASSISTANT CONSERVATOR OF FOREST, THRISSUR SOCIAL FORESTRY, PALACE ROAD, CHEMBUKAVU.P.O., THRISSUR - 680020 (SUO MOTU IMPEADED AS PER ORDER DATED 25-08-2023 IN WPC 16514/2023)
13. ADDL.R13. THE DEPUTY ADMINISTRATOR (LIVESTOCK) GURUVAYUR DEVASWOM, GURUVAYUR, THRISSUR, PIN - 680101 ((SUO MOTU IMPEADED AS PER ORDER DATED 30-09-2023 IN WPC 16514/2023)
14. ADDL.R14.THE RANGE FOREST OFFICER, SOCIAL FORESTRY RANGE,CHEMBUKAVU,THRISSUR-680020
15. ADDL.R15.DIVISIONAL FOREST OFFICER, FLYING SQUAD DIVISION, SONIA NAGAR,PALARIVATTOM,ERNAKULAM-682025 (ADDITIONAL R14 AND R15 SUO MOTU IMPEADED AS PER ORDER DATED 09/02/2024)

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to

a. To provide proper hygiene of the place by prompt removal and cleaning of filth and refuse from the premises and keeping the area used for housing of the elephants clean at all times, and to ensure that the elephants don't have to stand in their own refuse;

b. To Lengthen and loosen chains of elephants and install a one-inch thick rubber/ canvas (or other soft padding) sheathing below the chain and of tethered elephants to prevent the chain from cutting into the flesh of elephants

c. To provide properly diverse diet to the elephants appropriate for their health and nutritional needs based on expert scientific opinion and studies on the same;

d. To identify and retire those elephants that are aged, or are not being used by the temple in a rehabilitation center, where they can roam freely in an open enclosure chain-free;

e. To provide proper environmental enrichment for each elephant and to provide facility for proper exercise and movement for the elephants and to maintain a log book for the same.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this Court's order dated 14.02.2025 and upon hearing the arguments of M/S. M.R.HARIRAJ (SENIOR ADVOCATE), THANUJA ROSHAN, VISWAJITH C.K, GISHA G. RAJ, REJIVUE K.C., VIDYA A.K, AKHILA S., MEGNA MARIYAM M., GAYATRI VISWANATHAN,

Advocates for the petitioner, STANDING COUNSEL for the respondents 1 and Addl R10 and R11, SRI S RAJMOHAN, SENIOR GOVERNMENT PLEADER for the respondents 2 and 4 , SRI NAGARAJ NARAYANAN, SPECIAL GOVERNMENT PLEADER (FOREST) for the respondents 3, 5,7,12,14 and 15, SRI. JAYASANKAR.V.NAIR, CENTRAL GOVERNMENT COUNSEL for R6, SMT.N.S.DAYA SINDHU, SHREE HARI N.S., CENTRAL GOVERNMENT COUNSEL for the respondents 8 and 9 and of SRI.K.P.SREEKUMAR(SENIOR ADVOCATE), ADVOCATE COMMISSIONER, the court passed the following:

P.T.0



ANIL K. NARENDRAN & MURALEE KRISHNA S., JJ.

W.P.(C) No.16514 of 2023

Dated this the 17th day of February, 2025

ORDER

Anil K. Narendran, J.

On 14.02.2025, when this matter was taken up for consideration, the learned Senior Counsel for the petitioner pointed out an incident that happened on 13.02.2025 in connection with the annual festival of Manakkulangara Temple near Koyilandi. Three elderly persons died in the stampede caused on account of two elephants getting violent due to the bursting of crackers. Those elephants, belonging to Guruvayur Devaswom, were taken to Koyilandi from Punnathur Anakkotta at Guruvayur.

2. Pursuant to the direction contained in the order dated 14.02.2025, the additional 13th respondent Deputy Administrator (Livestock), Guruvayur Devaswom is personally present in Court along with the feeding register, transportation register and other statutory registers maintained in respect of captive elephants at Punnathur Anakkotta. The statutory registers in respect of the captive elephants by name Gokul and Peethambaran are made available for the perusal of this Court. The learned Standing

Counsel would submit that statutory registers in respect of other elephants in Punnathur Anakkotta have also been brought to the Court. The Veterinary Surgeon, Guruvayur Devaswom is also personally present in Court.

3. The learned Senior Counsel for the petitioner pointed out a photograph of the injured elephant 'Gokul'. On seeing that photograph, the Veterinary Surgeon, Guruvayur Devaswom would point out that it is a stab injury sustained by 'Gokul', with the tusk of the other elephant 'Peethambaran'. The elephant 'Gokul' has also sustained minor injuries like abrasions in the incident that happened on 13.02.2025 at Manakkulangara Temple, Koyilandi.

4. The learned Special Government Pleader and also the learned Senior Counsel for the petitioner have pointed out the statutory provisions regarding feeding of captive elephants, transportation of such elephants, etc. From the duplicate receipt No.4634 dated 13.01.2025 in respect of the elephant 'Peethambaran', we notice that the distance from Punnathur Aanakkotta to Manakkulangara Temple, Koyilandi is about 120 kms. On a query made by this Court, the submission made by the Deputy Administrator (Livestock), Guruvayur Devaswom is

that the Mahouts of the elephants are instructed to ensure that the lorries carrying elephants from Punnathur Aanakkotta are driven at a speed of 30-35 kms.

5. On a perusal of the feeding registers of the elephants 'Gokul' and 'Peethambaran', we notice that no entries are made in those registers in respect of the dates on which the elephants are taken out of Punnathur Aanakkotta. On the above aspect, the submission made by the Deputy Administrator (Livestock), Guruvayur Devaswom is that the office bearers of the festival committee in the respective temples are being instructed to ensure that the elephants are provided with required quantity of feed when they are taken out of Punnathur Aanakkotta in connection with temple festivals.

6. From the transportation register of the elephants 'Gokul' and 'Peethambaran', we notice that the said elephants are being taken frequently to distant places in connection with temple festivals. During the course of arguments, the submission made by the learned Standing Counsel for Guruvayur Devaswom Managing Committee is that the aforesaid elephants will not be taken out of Punnathur Aanakkotta in connection with any temple festivals unless a proper recommendation is made by the

expert committee.

7. Having considered the materials on record and also the submissions made at the Bar, we deem it appropriate to direct the additional 13th respondent Deputy Administrator (Livestock) to file a detailed affidavit explaining the procedures being followed in Guruvayur Devaswom for booking and transporting elephants from Punnathur Aanakkotta in connection with temple festivals in other temples, and also to ensure that the elephants are provided with the required quantity of feed, as per the statutory requirements, when they are outside Punnathur Aanakkotta. The Veterinary Surgeon, Guruvayur Devaswom, who is personally present in Court, shall submit a report regarding the incident that happened on 13.02.2025 at Manakkulangara Temple, Koyilandi, with specific reference to the injuries sustained by the elephants of Guruvayur Devaswom.

8. Registry to retain the transportation registers of the elephants 'Gokul' and 'Peethambaran', for the time being.

List this matter for further consideration on 27.02.2025.

Sd/-

ANIL K. NARENDRA, JUDGE

Sd/-

MURALEE KRISHNA S., JUDGE

Scl