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WEDNESDAY, THE 22ND DAY OF JULY 2026

WP(C) No. 16514 of 2023

SANGITA IYER

VS

GURUVAYUR DEVASWOM & OTHERS

ADVS FOR PETITIONER/S:

SHRI.M.R.HARIRAJ (SR.), SMT.THANUJA ROSHAN, SHRI.VISWAJITH C.K, SMT.GISHA G. RAJ, SHRI.REJIVUE K.C., SMT.VIDYA A.K, SMT.AKHILA S., SMT.MEGNA MARIYAM M., SMT.GAYATRI VISWANATHAN, SRI.RENJITH THAMPAN (SR.), SMT.KARTHIKA GANESH

ADVS FOR RESPONDENT/S:

SHRI.DAYASINDHU SHREEHARI N.S., SENIOR PANEL COUNSEL, SHRI.JAISHANKAR V.NAIR, SENIOR PANEL COUNSEL

WP(C) No. 16530 of 2023

SOCIETY FOR ELEPHANT WELFARE

VS

STATE OF KERALA & OTHERS

ADVS FOR PETITIONER/S:

SRI.P.B.SAHASRANAMAN, SRI.T.S.HARIKUMAR, SHRI.SANAND RAMAKRISHNAN

ADVS FOR RESPONDENT/S:

SMT.R.RANJANIE, SC, MALABAR DEVASWOM BOARD

**RAJA VIJAYARAGHAVAN V.,
&
K.V. JAYAKUMAR, JJ.**

WP(C) No. 16514 of 2023 & WP(C) No. 16530 of 2023

Dated this the 22nd day of July, 2026

ORDER

Raja Vijayaraghavan V, J.

We have heard the submissions of Sri M.R. Hariraj, the learned Senior Counsel appearing for the petitioner in WP(C) No. 16514 of 2023, the learned counsel appearing for the petitioner in WP(C) No. 16530 of 2023, Sri. T.K. Vipindas, the learned Standing Counsel appearing for the Guruvayur Devaswom, as well as Sri. C.R. Syamkumar, the learned Special Government Pleader for Forest.

2. Punmathur Anakkotta is the place where the Guruvayur Devaswom, a statutory trust established under the Guruvayur Devaswom Act, 1978, to manage properties and resources dedicated to the deity, houses its elephants. The facility was constructed to serve the religious and festival needs of the Guruvayur Krishna Temple, one of the most revered pilgrimage centres in the State of Kerala. The facility operates as a managed captive elephant population dedicated to providing elephants required for the temple rituals and festivals. Ownership of the facility and

the elephants is vested in the Guruvayur Devaswom. Most of the elephants have been donated by the devotees to Lord Guruvayoorappan, and that is all the more reason for the Devaswom to take care of the pachyderms with even more care than what is envisaged in the various governing statutes and Rules.

3. The petitioner asserts in the Writ Petition that the Guruvayur Devaswom Board is one of the richest and wealthiest temples in India, owning properties in excess of 271 acres and fixed deposits to the tune of about ₹2,000 crore. According to the petitioner, initially there were 59 elephants at Punnathur Kotta and, at the time of filing of the Writ Petition in 2023, there were about 42 captive elephants, which were tethered under highly unhealthy conditions in about 11 acres of land. The petitioner asserts that the number of elephants has now dwindled to under 35.

4. Before we deal with the assertions and contentions, it would be profitable to refer to the Acts, Rules, Regulations and Guidelines governing Wildlife in general and elephants in particular.

5. The Wildlife (Protection) Act, 1972, is the central legislation governing the protection of wildlife in India and provides the framework of protection of captive elephants and their management. The Act provides for strict standards and stipulates penalties for violations of various provisions of the Act. It is to be noted at the outset itself that the Indian elephant, scientifically known as "Elephas maximus", has been recognised as a Schedule I protected animal under the Wildlife

(Protection) Act, 1972. Such a classification confers the maximum level of legal protection available to wildlife in India. This classification reflects the constitutional commitment to environmental protection embodied in Article 48A of the Constitution and the State's duty to prevent animal cruelty recognised under Article 21 of the Constitution.

6. The Prevention of Cruelty to Animals Act, 1960 was enacted so as to prevent the infliction of unnecessary pain or suffering on animals and to amend the law relating to prevention of cruelty to animals. In **Animal Welfare Board Of India v. A. Nagaraja And Others**¹, the Apex Court had noted that the Prevention of Cruelty to Animals Act, 1960 (hereinafter mentioned as PCA Act) is a welfare legislation which has to be construed bearing in mind the purpose and object of the Act and the directive principles of State policy. Referring to the various provisions of the PCA Act, it was observed as under:

"Rights guaranteed to the animals under Sections 3, 11, etc. are only statutory rights. The same have to be elevated to the status of fundamental rights, as has been done by few countries around the world, so as to secure their honour and dignity. Rights and freedoms guaranteed to the animals under Sections 3 and 11 have to be read along with Articles 51-A(g) and (h) of the Constitution, which is the magna carta of animal rights.

7. Section 11 of the PCA Act deals with treating animals cruelly. It reads

¹ [(2014) 7 SCC 547]

as follows:

Section 11 Treating animals cruelly

(1) If any person--

(a) beats, kicks, over-rides, over-drives, over-loads, tortures or otherwise treats any animal so as to subject it to unnecessary pain or suffering or causes or, being the owner permits, any animals to be so treated; or

(b) employs in any work or labour or for any purpose any animal which, by reason of its age or any disease, infirmity, wound, sore or other cause, is unfit to be so employed or, being the owner, permits any such unfit animal to be so employed; or

(c) wilfully and unreasonably administers any injurious drug or injurious substance to any animal or wilfully and unreasonably causes or attempts to cause any such drug or substance to be taken by any animal; or

(d) conveys or carries, whether in or upon any vehicle or not, any animal in such a manner or position as to subject it to unnecessary pain or suffering; or

(e) keeps or confines any animal in any cage or other receptacle which does not measure sufficiently in height, length and breadth to permit the animal a reasonable opportunity for movement; or

(f) keeps for an unreasonable time any animal chained or tethered upon an unreasonably short or unreasonably heavy chain or cord; or

(g) being the owner, neglects to exercise or cause to be exercised reasonably any dog habitually chained up or kept in close confinement;

or

(h) being the owner of any animal, fails to provide such animal with sufficient food, drink or shelter; or

(i) without reasonable cause, abandons any animal in circumstances which render it likely that it will suffer pain by reason of starvation or thirst; or

(j) wilfully permits any animal, of which he is the owner to go at large in any street while the animal is affected with contagious or infectious disease or, without reasonable excuse permits any diseased or disabled animal, of which he is the owner, to die in any street; or

(k) offers for sale or, without reasonable cause, has in his possession any animal which is suffering pain by reason of mutilation, starvation, thirst, overcrowding or other ill-treatment; or

(l) mutilates any animal or kills any animal (including stray dogs) by using the method of strychnine injections in the heart or in any other unnecessarily cruel manner; or;

(m) solely with a view to providing entertainment—

(i) confines or causes to be confined any animal (including tying of an animal as a bait in a tiger or other sanctuary) so as to make it an object of prey for any other animal; or

(ii) incites any animal to fight or bait any other animal; or

(n) organises, keeps, uses or acts in the management of, any place for animal fighting or for the purpose of baiting any animal or permits or offers any place to be so used or receives money for the admission of

any other person to any place kept or used for any such purposes; or

(o) promotes or takes part in any shooting match or competition wherein animals are released from captivity for the purpose of such shooting;

he shall be punishable, in the case of a first offence, with fine which shall not be less than ten rupees but which may extend to fifty rupees, and in the case of a second or subsequent offence committed within three years of the previous offence, with fine which shall not be less than twenty-five rupees but which may extend to one hundred rupees or with imprisonment for a term which may extend to three months, or with both.

8. The Government of Kerala in exercise of the powers conferred by sub-section (2) of Section 64 of the Wildlife (Protection) Act, 1972 and in supersession of the Kerala Captive Elephants (Management and Maintenance) Rules, 2003, has enacted the Kerala Captive Elephants (Management and Maintenance) Rules, 2012 ('M & M Rules, 2012' for brevity).

9. The Rules comprise twelve detailed provisions that establish comprehensive standards for every aspect of management of captive elephants. These Rules prescribe mandatory obligations that apply to all persons keeping captive elephants in Kerala. The Guruvayur Devaswom cannot claim any exemption.

10. Rule 3 of M & M Rules, 2012, addresses the housing and enclosure requirements for captive elephants. It says that the owner shall provide a stable (tethering place) in a clean and healthy environment with sufficient shade to keep

elephants during its rest period.

11. Rule 4 of M & M Rules, 2012, addresses the upkeep and veterinary care requirements for captive elephants. The rule mandates the following:

- Every elephant must be under the care of a mahout with at least three years' experience, assisted by a cavady.
- Mahouts must undergo Forest Department training whenever required, and owners must facilitate such training.
- The mahout must ensure the elephant receives a daily bath and promptly report any illness, injury, stress, or pregnancy to the owner, who must immediately obtain veterinary treatment.
- The elephant must undergo regular veterinary examinations, including parasite checks, vaccinations, and preventive treatment as advised by a Veterinary Doctor.
- The owner must arrange an annual medical examination of the mahout to prevent transmission of diseases to the elephant.
- The owner must report contagious diseases (such as anthrax, rinderpest, hemorrhagic septicemia, surra, or similar diseases) to the Chief Wildlife Warden or the nearest Forest Office within 24 hours and comply with the directions issued.
- Population control measures, including sterilization, vasectomy, or tubectomy, may be undertaken only with the prior permission of the Chief Wildlife Warden (or authorised officer) and under the supervision of a competent Veterinary Doctor.
- Elephants showing signs of musth must be examined by a Veterinary

Doctor. Drugs or intoxicants to suppress musth may be administered only on a written veterinary prescription, and the owner must ensure that elephants in musth are securely restrained to prevent danger to the public.

- The use of nylon ropes, spiked or sharp-edged chains or hobbles, and harnesses likely to cause pain or injury is prohibited. Chains and hobbles used must be appropriate to the elephant's age and health.
- Sedatives may be administered only when necessary and strictly on the prescription of a Veterinary Doctor.
- Before issuing a health certificate, the Veterinary Doctor must verify the ownership certificate, microchip certificate, insurance certificate, and elephant data book, and issue the health certificate in the prescribed format.
- Before transporting a captive elephant, a Veterinary Doctor must examine the elephant and issue a Fitness Certificate in the prescribed form.

12. Rule 6 of the M & M Rules, 2012, addresses feeding requirements. The rule stipulates standards for feeding based on the age and size of the elephant. The rule also requires that the fodder provided be "wholesome feed with variety" and that "green fodder shall be supplemented by ration as prescribed by the Veterinary doctor. This would mean that the 200+ kilograms of green fodder is the base diet, and additional supplementary feeds which include grains, legumes, minerals, vitamins, etc must be provided beyond this base amount. The rule requires the owner or contractor or hirer of the elephant to provide sufficient

potable drinking water to the elephant, preferably from a river or any other source of running water. Thus Rule 6 provides that a specific, measurable standard of food that can be verified will have to be provided.

13. Rule 8 of the M & M Rules, 2012, provides for the duties and responsibilities of the owners. Rule 9 deals with Transport Norms.

14. The Ministry of Environment, Forest and Climate Change have issued Exhibit P1 Guidelines for Care and Management of Captive Elephants. The guidelines prescribe comprehensive norms governing every aspect of captive elephant management, including housing, feeding, veterinary care, training, welfare, and record maintenance. They require that each elephant be provided with adequate space, together with suitable shelter, proper drainage, and adequate sanitation. The guidelines prescribe a scientifically planned feeding regime comprising not less than 200 kilograms of green fodder per day, supplemented with a variety of at least 25 species of plants, together with appropriate mineral and vitamin supplements, taking into account the age, health, and physical condition of each elephant. The guidelines also mandate that every captive elephant shall have uninterrupted access to clean drinking water and separate facilities for bathing. They also provide for periodic veterinary examinations, vaccination, parasite control, and timely medical treatment whenever required. Recognising the behavioural and psychological needs of elephants, the guidelines prescribe daily exercise of at least four to six hours, environmental enrichment measures,

opportunities for social interaction, and continuous monitoring of behavioural patterns. They also regulate the manner of tethering by prescribing the nature of chains that may be used, limiting the duration of tethering, and restricting the use of the ankush and other implements. The guidelines further prescribe the qualifications and responsibilities of mahouts, emphasising humane handling and proper training in elephant management. They also require the maintenance of comprehensive records, including daily feeding registers, health records, exercise logbooks, and veterinary reports, so as to ensure effective monitoring of the welfare of each captive elephant. With regard to shelter, the guidelines specifically require that captive elephants be provided with thatched roof shelters to protect them from adverse weather conditions. Where roofs are constructed using corrugated iron sheets or asbestos sheets, the guidelines mandate that such roofing shall be covered with suitable cooling materials, such as gunny bags, grass, or cadjan leaves, so as to minimise heat absorption and protect the elephants from excessive temperatures.

15. The main grievance of the petitioner is the gross inadequacy of the space provided for the captive elephants. The entire facility comprises only 11 acres of land, while it presently houses about 35 elephants. The contention of the petitioner is that in view of the Central Zoo Authority guidelines, a minimum area of 1.2 acres will have to be provided to an elephant. Against this requirement, Punnathur Kotta provides only 11 acres, translating to approximately 35 cents of land per elephant. This, according to the petitioner, is substantially below even the

minimum acceptable requirement. According to the petitioner, this lack of space renders the facility incapable of accommodating the existing elephant population in a manner consistent with law and accepted standards of animal welfare. They also contend that such shortage of space has a direct and adverse impact on every aspect of the elephants' health, welfare, and behaviour. The limited space available at Punnathur Kotta deprives them of even the minimum opportunity for sustained movement, resulting in prolonged confinement within an extremely restricted area. It also prevents the elephants from exhibiting normal and instinctive behaviour. They contend that prolonged confinement in an overcrowded environment is widely recognised as a significant cause of psychological distress in elephants. Continuous restriction of movement, constant proximity to other elephants, frequent human presence, and the inability to engage in natural behaviour inevitably result in chronic stress, anxiety, depression, stereotypic behaviour such as repetitive swaying or pacing, and increased aggression. They point out that inadequate exercise and prolonged confinement contribute to obesity, arthritis, foot disorders, muscular degeneration, and skeletal problems caused by repeated stress on the same limited area where the elephants remain tethered or move within a confined radius. They also assert that the elephants remain tethered in substantially the same location for days together. The petitioners urge that unless the number of elephants housed at the facility is brought into conformity with its carrying capacity, or the available area is substantially increased, the minimum standards contemplated under the M & M Rules, 2012, and the recognised welfare guidelines cannot be meaningfully

achieved.

16. The petitioners then contend that Rule 6 of the M & M Rules, 2012, is being violated. According to the petitioner, it is for the respondent to ensure that every elephant receives the prescribed minimum quantity of wholesome feed appropriate to its size and condition, and to provide supplementary feed as prescribed by a Veterinary Doctor. They assert that the elephants at Punnathur Kotta are fed predominantly with Caryota palm leaves and green grass for almost eleven months of the year, while a special conditioning diet is provided only during the month preceding the annual festival season. Such a restricted and repetitive diet falls considerably short of the requirement of providing wholesome and varied nutrition. The elephants in the wild consume a wide variety of vegetation comprising several species of grasses, shrubs, leaves, bark, fruits, and other plant material. The limited diet presently provided at Punnathur Kotta is therefore incapable of meeting the nutritional requirements of these animals on a sustained basis.

17. The next issue highlighted by the petitioner is that elephants at Punnathur Kotta are generally tethered in the same location throughout the day with little opportunity for free movement and that too using iron chains. Such a practice is inconsistent with recognised standards of captive elephant management, which contemplate tethering, where unavoidable, only in a manner that minimises restriction of movement and avoids injury. The continued restraint of elephants by

multiple limbs substantially impairs their ability to walk, rest, change posture, or engage in normal behavioural activities. It is stated that many elephants bore scars, open wounds, and deformities of the lower limbs attributable to prolonged and tight chaining.

18. The petitioner states that both the Kerala Captive Elephants (Management and Maintenance) Rules, 2012 and the Guidelines for Care and Management of Captive Elephants, 2008 require that every captive elephant be provided with an appropriate shelter having a thatched roof or roofing adequately insulated against heat. It is, however, stated that such a facility is not provided to all elephants and some of the elephants are tethered under trees and are exposed to rain, direct sunlight, and other vagaries of the weather throughout the year.

19. It is further urged that the drainage system within the facility is inadequate. The petitioner points out that the tethering areas remain persistently wet, thereby preventing the proper healing of wounds and abrasions sustained by the elephants. The requirement under Rule 3 that the premises be maintained in a clean and hygienic condition necessarily includes the provision of an efficient drainage system capable of preventing waterlogging and the accumulation of stagnant water around the tethering areas.

20. Serious concerns have also been raised regarding the bathing facilities available at the camp. It is alleged that there is no proper bathing facility and that elephants are bathed using hose pipes drawing water from a stagnant water body.

The use of stagnant water for bathing captive elephants not only raises issues relating to hygiene but also increases the risk of the spread of infectious and parasitic diseases.

21. In the counter-affidavit filed by the 1st respondent, it is stated that the 1st respondent is strictly abiding by the provisions of the M & M Rules, 2012. It is also stated that the dietary requirements of the elephants and all statutory requirements are being complied with by the respondent. It is stated that the elephants at the Kotta are provided nutritious food and that their health is being monitored regularly by the expert committee. The respondent has rejected the contention that there is a statutory requirement of 1.5 acres of land for each elephant. They state that there are 38 elephant sheds and that the elephants are housed in the sheds and are adequately protected from exposure to heat and rain. They have denied that the elephants are tied in the same spot throughout the day. They have also taken the stand that bathing facilities in the form of ponds, shower baths and water jets are provided to the elephants. They have denied that iron ankushes are used for elephants. It is stated that, at Guruvayur, the elephant goads used are made of an alloy and are not as sharp as an ankush. It is stated that there are no injuries to the elephants and that unfit elephants are not taken out of Punnathur Kotta. It is also stated that transportation of the elephants is carried out strictly in accordance with the provisions of the M & M Rules, 2012. They have denied that the elephants are chained in a manner restricting their movement. They have also contended that feeding registers are properly maintained and that

sufficient veterinary care is provided to the elephants at present. The Expert Committee appointed for the purpose is examining all the observations contained in Ext.P3 and ensuring compliance with the statutory requirements. They have stated that there are no violations of the provisions of the Wildlife (Protection) Act, 1972, the Prevention of Cruelty to Animals Act, 1960, or the guidelines issued by the Central Zoo Authority. It is stated that every elephant capable of movement is given regular walking exercise and is taken to the place where the fodder leaves are kept. Each elephant is made to collect its required quantity of leaves and walk back to its respective tethering place, where it consumes the fodder as per its requirement. It is stated that sufficient length is provided to the chain to ensure free movement of the elephants.

22. In this context, it would be relevant to note that on 13.08.2014, the Animal Welfare Board of India, Ministry of Environment and Forests, New Delhi had sent a two-member team to evaluate the welfare status of the captive elephants of the 1st respondent at Punnathur Kotta. They had submitted Ext. P3 report detailing the welfare and veterinary status of the elephants at Punnathur Kotta. In the report, the Committee constituted by the Animal Welfare Board of India made several recommendations aimed at improving the welfare and management of the captive elephants housed at Punnathur Kotta. One of the principal recommendations was that the existing land available for housing the elephants is grossly inadequate and that the facility should either be substantially expanded or decentralised so as to provide the elephants with adequate space. The Committee

also emphasised that every elephant should be provided with at least two hours of walking exercise every day on a natural substrate, observing that such exercise constitutes one of the most fundamental requirements for ensuring the physical and psychological well-being of captive elephants. The Committee further highlighted the need to review and improve the dietary regime of the elephants so as to ensure that they receive a balanced and nutritionally adequate diet. The report also recommends that elephants above 65 years of age should be retired from temple and festival duties and transferred to the custody of the Forest Department for rehabilitation at an elephant rescue or rehabilitation centre. It further stresses the necessity of segregating elephants during the period of musth in the interest of the safety of both the elephants and their handlers. The Committee has also deprecated the practice of intensive chaining, particularly the chaining of elephants by both the hind limbs and forelimbs. It records that a majority of the elephants examined bore scars and wound marks, while some had developed deformities of the lower limbs attributable to prolonged and improper chaining. The report highlights the need to provide proper bathing facilities, continuous access to clean drinking water, and adequate shaded areas to enable the elephants to rest comfortably. The Committee has also recommended that Punnathur Kotta be registered with the Central Zoo Authority and that the necessary registration under the Performing Animals (Registration) Rules be obtained. Finally, the report highlights the need for strict supervision and monitoring of the mahouts entrusted with the care and management of the

elephants so as to ensure humane handling and compliance with the applicable statutory and welfare standards. Another recommendation was for the installation of CCTV cameras around the Punnathur Kotta campus as a deterrent against any misbehaviour or violence towards the animals. It was also recommended that the Forest Authorities and members of the AWBI should visit Punnathur Kotta regularly, evaluate the progress and provide recommendations to ensure welfare conditions. The report also refers to violations of central and state guidelines, including the use of "Ankush", employing elephants unfit for work, transporting elephants in vehicles unsuitable for elephant transport, confining elephants to one spot, tethering elephants 24 hours a day, 7 days a week, using chains and ropes that are unreasonably short, failure to provide adequate drinking water and shelter, and failure to provide adequate veterinary care. It is stated by the Board experts that such actions would amount to violations of Chapter III, Section 11 of the Prevention of Cruelty to Animals Act, 1960, the Project Elephant Guidelines for Care and Management of Captive Elephants, 2008, and the guidelines issued by the Central Zoo Authority.

23. By order dated 25.05.2023, this Court appointed an Advocate Commissioner to conduct inspections at Punnathur Kotta of Guruvayur Devaswom, and the said Advocate Commissioner conducted an inspection on 04.06.2023. In the said report, the Advocate Commissioner provided details regarding the veterinary surgeons employed by the Guruvayur Devaswom, the food provided to elephants, the number of water bodies available at Punnathur Kotta for the needs

of elephants, and the walkway available at Punnathur Kotta for providing walking exercise to elephants.

24. A Special Team was constituted by this Court as per interim order dated 15.02.2024, with a mandate to inspect Punnathur Kotta and ascertain the welfare and veterinary status of elephants of the Guruvayur Devaswom, with specific reference to the provisions of the Wildlife (Protection) Act, 1972, Kerala Captive Elephants (Management and Maintenance) Rules, 2012, Prevention of Cruelty to Animals Act, 1960, and Ext.P1 Guidelines for Care and Management of Captive Elephants dated 08.01.2008.

25. Two separate reports were submitted by the members of the Special Team. In the report submitted by Sri. T. Ajay Kumar, Member of the Special Team and Evaluation and Monitoring Assistant, it is stated that there were about 39 elephants of varying ages housed at Punnathur Kotta at the time of inspection. The officer, an expert in the field of wildlife management, expressed the opinion that the exhibition of captive elephants maintained by the Guruvayur Devaswom for temple rituals and their long-term housing at Punnathur Kotta, without obtaining the requisite recognition, is contrary to the provisions of the Wildlife (Protection) Act, 1972. The officer further observed that the exhibition of captive elephants without adhering to the scientific standards applicable to zoological institutions and without providing educational signage does not satisfy the objectives underlying the National Zoo Policy, 1998. With regard to the housing conditions, the report

recommends that the tethering areas should consist of kacha (earthen) flooring with an even mud surface, and that continuous dampness at the tethering sites should be avoided through proper management practices such as periodic shifting of the tethering locations, regular cleaning, and the use of suitable substrates that retain less moisture. The report also makes detailed recommendations regarding the tethering of elephants. It recommends that iron chains should, as far as possible, be replaced by cotton ropes, except in the case of elephants in musth. Even where chains or ropes are used, they should be covered with fire hoses, leather tubes, or other suitable cushioning materials to prevent injury, and the leg used for tethering should be alternated periodically. The practice of continuously tethering elephants throughout their stay at Punnathur Kotta was specifically recommended for review. The report further suggests that the duration of chaining during the resting period could be substantially reduced by adopting alternative management measures such as the construction of suitable holding enclosures, trench systems, steel cable fencing, solar fencing, or rail fencing. The expert also noted that the veterinary care available at Punnathur Kotta was being provided by only one Veterinary Surgeon assisted by three Livestock Inspectors. While taking note of the constitution of an Expert Committee to oversee elephant welfare, the report recommends that the Committee should conduct inspections more frequently in order to ensure continuous monitoring of the health and welfare of the elephants. The report further recommends the installation of larger drinking water troughs with automatic refilling arrangements so as to ensure uninterrupted access

to potable water throughout the day. Finally, it stresses that the dietary regime followed at Punnathur Kotta should be brought into strict conformity with the requirements of Rule 6 of the M & M Rules, 2012, so as to ensure that every elephant receives adequate and nutritionally balanced food in accordance with the statutory mandate. With regard to the elephants housed at Punnathur Kotta that are not being utilised for temple rituals, as well as those that have become eligible for retirement under the M & M Rules, 2012, the expert recommended that their transfer to a nearby elephant camp or rehabilitation centre managed by the Department of Forest and Wildlife, Government of Kerala, may be considered, subject to the availability of superior facilities for their upkeep, healthcare, and long-term welfare. The report proceeds on the premise that aged, infirm, and non-working elephants require specialised care in an environment better suited to their physical and behavioural needs. Apart from the above, the officer also made several other recommendations intended to improve the overall management, welfare, housing, healthcare, and rehabilitation of the captive elephants maintained at Punnathur Kotta.

26. In the report submitted by the Joint Committee comprising Dr. Dharmendra Kumar Gupta, Scientist-F of the Project Elephant Division under the Ministry of Environment, Forest and Climate Change, Dr. Sujit Kumar Dutta, Joint Commissioner, Department of Animal Husbandry and Dairying, and Sri. Pramod G. Krishnan, Additional Principal Chief Conservator of Forest (Vigilance), Kerala, the following suggestions were made:

- 1) The space is insufficient for keeping 39 elephants at the current location. The elephant populations should be reduced at the current location and the administration should immediately arrange the space for relocation.
- 2) The space should be provided for each elephant as per the CZA guidelines and necessary veterinary infrastructure should be built as suggested by the earlier committee.
- 3) Regular health checkups, including biochemical parameters like Hemoglobin and protein estimation should be carried out at every three months intervals. The test may be regularly conducted at the Veterinary College or the Regional Disease Diagnostic Laboratory under the Animal Husbandry Department, Government of Kerala.
- 4) The elephants should be tested for TB and Herpes every six-month intervals.
- 5) Arrangement for the positive re-enforcement should be made to reduce stress on the elephants.
- 6) Foot treatment, nail trimming etc. should be regularly carried out.
- 7) The Mahouts should be available 24 hrs and should be trained for handling the elephants scientifically and humanely. The use of Ankush shall be completely stopped.
- 8) Suggestions of the veterinarians should be followed in letter and spirit. The vets should maintain treatment and advice records in writing at the registers for all elephants.
- 9) The records for feed allotment and feed receipt by the Mahouts should be maintained at the supplier and also at the Mahout level. Every day feeding of elephants should be monitored by the Vets or Livestock Supervisors.
- 10) No new elephants should be allowed to be kept in the Devaswom at the present location.
- 11) The iron chains be removed and replaced with cotton rope for tying. The iron

chain may be used only for the musth period.

- 12) The Visitors and Elephants areas should be separated with proper strong fencing.

27. The Chief Wildlife Warden and Principal Chief Conservator of Forests, who is the 5th respondent, has also filed a counter affidavit before this Court. It is stated therein that the Forest Department of the State of Kerala is in agreement with the recommendations contained in Annexure-R8(a) Report, except insofar as the rehabilitation procedure suggested in paragraph 19 of the report is concerned. According to the 5th respondent, Rule 4 of the M & M Rules, 2012, read with the other applicable statutory provisions, casts the responsibility for the proper upkeep, maintenance, and welfare of a captive elephant, even after its retirement or incapacitation, upon its owner or lawful custodian. It is, therefore, contended that the primary obligation to provide continued care to such elephants remains with the owner and cannot ordinarily be shifted to the Forest Department. It is further stated that where the owner or custodian fails to provide proper upkeep to the elephant in the manner contemplated under the Rules or as suggested in the expert report, the elephant may be shifted to an elephant rehabilitation centre or elephant camp maintained by the Kerala Forest Department. However, such transfer would be subject to the condition that the entire expenditure incurred towards the rehabilitation, upkeep, maintenance, and veterinary care of the elephant shall be borne by its owner. It is further stated that the estimated annual expenditure for the maintenance of each elephant shall be remitted by the owner to the Forest

Department in advance before such rehabilitation is undertaken.

28. A counter-affidavit has been filed by respondent Nos. 8 and 9, the CZA and Union of India, wherein they have stated that, as per the inspection conducted and evidence collected by respondent No. 8, it is evident that the facility is functioning akin to a 'zoo'. This is because the facility is providing care to elephants that are not being used in temple rituals. There is also a notice board put up at the entrance of the facility granting permission for entry to pilgrims and visitors for educational, cultural and scientific purposes, and, on inspection, it was observed that the facility was housing 39 elephants, of which 9 elephants are not being used for temple rituals but are under long-term care, as per Rule 2(j) of the Recognition of Zoo Rules, 2009, read with the Guidelines for Establishment and Scientific Management of Zoos in India.

29. To the affidavit filed by the 9th respondent, a counter-affidavit has been filed by the 1st respondent.

30. Sri. T.K. Vipindas, learned Standing Counsel appearing for the Guruvayur Devaswom, submitted that the Devaswom welcomes most of the recommendations made by the experts and has already initiated steps to implement them. However, he raised a serious objection to the contention that Punnathur Kotta should be classified as a zoo. According to the learned Standing Counsel, almost all the elephants housed at Punnathur Kotta are, at one point of time or another, utilised for temple rituals and religious purposes, and therefore the

facility cannot be equated with a zoological park. Insofar as the feeding of the elephants is concerned, it was submitted that the recommendations of the experts have been accepted and that the feeding regime is presently being implemented in accordance with the Kerala Captive Elephants (Management and Maintenance) Rules, 2012 and the applicable guidelines. With regard to the use of the ankush, the learned Standing Counsel submitted that necessary directions have already been issued to ensure that the same is not misused. It was further submitted that officials from one of the largest private elephant sanctuaries in the country had recently visited Punnathur Kotta and had agreed to furnish recommendations for improving the existing facilities, including suggestions relating to tethering practices, feeding, and overall elephant management. The learned Standing Counsel also submitted that the Devaswom has no objection to periodic inspections being conducted by the competent authorities. It was further submitted that the Chief Veterinary Officer, who is also the Head of the Elephant Squad at the District Veterinary Centre, Paravattani, Thrissur, together with the District Animal Husbandry Officer, Civil Station, Thrissur, would conduct monthly inspections of Punnathur Kotta and submit reports, which would thereafter be forwarded to the Chief Wildlife Warden. These inspections, it was submitted, would be in addition to the inspections already being carried out by the Expert Committee. With regard to the issue of inadequate space, the learned Standing Counsel submitted that earnest efforts are being taken to acquire additional land so as to provide more space for the elephants housed at Punnathur Kotta. He accordingly sought a short

adjournment to place on record the corrective measures already undertaken by the Devaswom as well as the proposals formulated for acquisition of additional land and for carrying out structural improvements to the existing elephant camp.

31. Sri M.R. Hariraj, the learned Senior Counsel appearing for the petitioner submitted that, at this stage, this Court may confine itself to issuing immediate directions to remedy the most pressing deficiencies affecting the welfare of the elephants, particularly the unscientific tethering practices presently followed at Punnathur Kotta. According to the learned Senior Counsel, the recommendations made by the expert bodies are based on accepted scientific principles, and there is no justification for postponing their implementation. It was further submitted that, insofar as the feeding of the elephants is concerned, the Devaswom should be directed to strictly comply with Circular No. 01 of 2019 issued by the 5th respondent, which prescribes a scientific feeding schedule and lays down standards regarding nutrition and maintenance. The learned Senior Counsel also pointed out that the said Circular provides for periodic inspections by officers of the Forest Department and submitted that such inspections are indispensable to ensure that the Devaswom and the persons entrusted with the care of the elephants discharge their statutory obligations in accordance with the Act, the Rules, and the applicable guidelines. The learned Senior Counsel further submitted that the immediate installation of an adequate number of CCTV cameras covering the entire premises, including the tethering areas, is essential both to prevent cruelty by mahouts and handlers and to ensure effective monitoring of compliance with the statutory

requirements and welfare guidelines

32. Having considered the rival submissions and taking note of the statement made by the learned Standing Counsel for the Guruvayur Devaswom that earnest efforts are being undertaken to implement the recommendations of the expert committees, to acquire additional land, and to improve the existing infrastructure, we are of the view that certain immediate directions are required to mitigate the suffering of the elephants pending final adjudication of the issues involved in these proceedings. The larger questions raised in the writ petition, including the contention that Punnathur Kotta requires recognition as a 'zoo' under the provisions of the Wildlife (Protection) Act, 1972, as well as the rival contentions advanced by the official respondents on that issue, can be considered after receiving further inputs and examining the matter in greater detail. At the present stage, our primary concern is to ensure that the welfare of the elephants is adequately safeguarded and that the recommendations made by the various expert bodies are implemented, to the extent possible, without further delay.

33. In that view of the matter, as an interim measure, we issue the following directions, which shall be implemented without fail by the Guruvayur Devaswom Managing Committee ('GDMC' for brevity).

(a) The GDMC shall ensure that the housing facilities provided to the elephants at Punnathur Kotta strictly comply with Rule 3 of the Kerala Captive Elephants (Management and Maintenance) Rules, 2012. The elephants shall be

maintained in a clean, hygienic, and healthy environment. The tethering areas shall consist of level earthen (kacha) flooring, and appropriate measures shall be taken to prevent continuous dampness by periodically changing the tethering locations, carrying out frequent cleaning, and maintaining suitable ground conditions. Elephant refuse and waste shall be removed promptly and regularly.

(b) The GDMC shall strictly comply with Rule 6 of the Kerala Captive Elephants (Management and Maintenance) Rules, 2012 regarding the quality and variety of feed and the provision of adequate drinking water. We also take note of Circular No. 01 of 2019 issued by the 5th respondent prescribing the Model Feeding Schedule for Captive Elephants in Kerala. The said feeding schedule shall be adopted and implemented at Punnathur Kotta. The Model Feeding Schedule appended to Circular No. 01 of 2019 is extracted below for easy reference.

Model Feeding Schedule for Captive Elephants in Kerala

SL No.	Item	Calves Upto 01 year	Juvenile 01-05 yrs	Sub-adult 05- 15 Yrs	Adult >15 Yrs	Remarks
1	Rice	1 Kg	1 Kg	2 Kg	3 Kg	-
2	Wheat	0.5 Kg	0.5 Kg	1 Kg	4 Kg	-
3	Ragi	1 Kg	1 Kg	2 Kg	3 Kg	-
4	Horse gram	0.5 Kg	0.5 Kg	0.5 Kg	0.5 Kg	-
5	Green gram/ Bengal gram	-	0.5 Kg	0.5 Kg	0.5 Kg	-
6	Common salt	-	100 gm	100 gm	100 gm	-
7	Turmeric powder	-	10 gm	10 gm	10 gm	-

8	jaggary	-	150 gm	150 gm	150 gm	-
9	Mineral mixture	-	150 gm	150 gm	150 gm	-
10	Green fodder	Below 1.5m Ht. Not less than 100 kg	1.5 to 1.8 m Ht. Not less than 150 kg.	1.81 to 2.25m Ht. Not less than 200kg.	Above 2.25 m Ht. Not less than 250 kg or 5%of its body weight.	Green fodder includes a mixture of Fodder grass, Green (Country) grass and tree fodder
11	Lactogen	700 gm	-	-	-	This can be reduced to half after 1 ½ years.
12	Glucose	250 gm	-	-	-	-
13	Karipatti	100 gm	-	-	-	-
14	Protein B	100 gm	-	-	-	Not required after 1 year.
15	Watermelon	-	-	-	-	Required only during hot months.
16	Tender Coconut	-	-	-	-	Required for very young calves at the time of rescue.
17	Sugarcane	-	-	-	-	Required only as reward during Kumki training.
Feeding regime	Concentrate	Divide and feed every hour.	6 times	2 to 3 times	2 times	Divide the per day total quantity as per the feeding timings prescribed.
	Fodder	Continues	4 to 5 times	4 to 5 times	3 to 4 times	

c) The GDMC shall ensure that the RO water purification system installed at Punnathur Kotta is maintained in proper working condition and that all elephants are provided with an uninterrupted supply of safe and adequate drinking water in accordance with the statutory requirements.

(d) The GDMC shall undertake immediate de-weeding and desilting of the water bodies situated within Punnathur Kotta. The existing practice of bathing elephants adjacent to their tethering places using water hoses shall be discontinued, as the same results in persistent dampness of the tethering areas. The GDMC shall ensure that every elephant is provided with an opportunity to bathe in running water at least once every week.

e) The GDMC shall ensure prompt removal and proper disposal of elephant dung and other waste generated within the premises. The contractor engaged for waste management shall remove elephant dung at frequent intervals so as to maintain hygienic conditions throughout the camp.

(f) The GDMC shall strive to ensure that every elephant is provided with an opportunity to walk a distance of 4 to 5 kilometres every day, at least on a rotational basis. The Board shall also take steps to introduce suitable environmental enrichment measures, including mud baths, recreational areas, and opportunities for bathing in running water, so as to improve the physical and psychological welfare of the elephants.

g) Immediate steps shall be taken to replace iron chains with Vakká (*Sterculia Villosa*) or cotton ropes or such other tethering mechanism, except in the case of elephants in musth. Wherever chains or ropes are used, they shall be covered with fire hoses, leather tubes, or other suitable cushioning material. Alternate legs shall be used for tethering, and the practice of prolonged continuous

tethering shall be discontinued. The GDMC shall also examine alternative methods of safely housing elephants during their resting periods, including the use of suitable enclosures, trenches, steel cable fencing, solar fencing, or rail fencing, so as to substantially reduce the duration of chaining.

h) The veterinary facilities available at Punnathur Kotta shall be upgraded without delay by providing essential diagnostic and treatment equipment, including portable X-ray facilities, microscopes, endoscopy accessories, and basic surgical equipment, if the same has not been done till date. The GDMC shall also consider the appointment of additional Veterinary Doctors, if required, to ensure adequate healthcare for the elephants.

(i) The GDMC shall forthwith install CCTV cameras covering all significant areas within Punnathur Kotta, including the tethering locations, with storage capacity for not less than 40 days, so as to ensure transparency in elephant management, prevent cruelty, and facilitate monitoring of compliance with the directions contained in this order.

(j) Circular No. 01 of 2019 issued by the 5th respondent mandates maintenance of all statutory registers prescribed under the Kerala Captive Elephants (Management and Maintenance) Rules, 2012 and further requires periodic inspections by officers not below the rank of a Section Forest Officer once every three months, followed by submission of quarterly reports to the Chief Wildlife Warden through the Conservator of Forests. The GDMC shall strictly comply

with the said Circular in its entirety, including the maintenance of the elephant data book, feeding register, movement register, work register, treatment register, vaccination register, and all other mandatory records, as well as the conduct of periodic inspections and submission of the prescribed quarterly reports.

k) The Chief Veterinary Officer, who is also the Head of the Elephant Squad, District Veterinary Centre, Paravattani, Thrissur, as well as the District Animal Husbandry Officer, Civil Station, Thrissur, who have been deputed by the GDMC to conduct monthly inspections and submit reports, shall forward their monthly report to the Chief Wildlife Warden for consideration along with the quarterly reports.

34. These matters shall be listed after three months. Before such date, the Chief Wildlife Warden shall inspect the Punnathoor Kotta, and file a report detailing the measures taken by the GDMC to implement the directions contained in this order, the recommendations of the expert committees that have been acted upon, the improvements effected in the housing, feeding, veterinary care, sanitation, tethering, and overall welfare of the elephants, and the extent of compliance achieved.

35. In the meanwhile, the GDMC shall take earnest and time-bound steps to acquire additional land so as to provide adequate space for housing the elephants in a manner consistent with the Kerala Captive Elephants (Management and Maintenance) Rules, 2012, and the accepted standards governing the welfare

and management of captive elephants. The GDMC shall also place before this Court, on the next posting date, the progress made in that regard, including the concrete steps taken towards acquisition of additional land and the proposed timeline for completing the process.

Post on 02.09.2026.

Sd/-

**RAJA VIJAYARAGHAVAN V,
JUDGE**

Sd/-

**K.V. JAYAKUMAR,
JUDGE**

APM