

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR
&
THE HONOURABLE MR. JUSTICE GOPINATH P.**

**Monday, the 15th day of April 2024 / 26th Chaithra, 1946
WP(C) NO. 13204 OF 2021(S)**

**IN RE: BRUNO (SUO MOTU) PUBLIC INTEREST LITIGATION
PROCEEDINGS INITIATED BY THE HIGH COURT IN THE MATTER OF
EXECUTIVE AND LEGISLATIVE INACTION OF THE STATE GOVERNMENT
IN THE MATTER OF PROTECTION OF ANIMAL RIGHTS.**

[RE-NAMED AS ABOVE AS PER ORDER DATED 02/07/2021 IN WP(C)]

RESPONDENTS:

- 1. UNION OF INDIA, REPRESENTED BY THE SECRETARY,
MINISTRY OF FISHERIES, ANIMAL HUSBANDRY AND DAIRYING
(DEPARTMENT OF ANIMAL HUSBANDRY AND DAIRYING),
GOVERNMENT OF INDIA, KRISHI BHAVAN, NEW DELHI, PIN-110 001.**
- 2. THE ANIMAL WELFARE BOARD OF INDIA,
REPRESENTED BY ITS CHAIRMAN, NATIONAL INSTITUTE OF
ANIMAL WELFARE CAMPUS P.O., 42K STONE, DELHI-AGRA HIGHWAY,
NH-2, VILLAGE-SEEKRI, HARYANA, PIN-121 004.**
- 3. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY,
THIRUVANANTHAPURAM, PIN-695 036.**
- 4. STATE OF KERALA, REPRESENTED BY THE SECRETARY,
ANIMAL HUSBANDRY DEPARTMENT, THIRUVANANTHAPURAM, PIN-695 036.**
- 5. STATE OF KERALA, REPRESENTED BY THE SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT,
THIRUVANANTHAPURAM, PIN-695 036.**
- 6. THE KERALA STATE ANIMAL WELFARE BOARD,
THIRUVANANTHAPURAM-695 036.**
- 7. THE KERALA VETERINARY AND ANIMAL SCIENCES UNIVERSITY,
POOKODE, LAKKIDI P.O., WAYANAD, PIN-673 576.**

8.STATE POLICE CHIEF, KERALA, THIRUVANANTHAPURAM, PIN-695 010.

ADDL. R9 IMPEADED

9.SRUTHY N.BHAT, ADVOCATE, HIGH COURT OF KERALA, AGED 27 YEARS,
D/O.O.H. NANDAKUMAR BHAT, SANSKRITHI GARDEN, PERANDOOR ROAD,
KALLOOR NORTH, KOCHI-682 026.

IS IMPEADED AS ADDL. R9 AS PER ORDER DATED 14/07/2021
IN IA.1/2021 IN WPC.

ADDL. R10 IMPEADED

10.DAYA ANIMAL WELFARE ORGANISATION (DAYA),

HAVING REGISTERED NUMBER E.R.737/01 WITH ITS REGISTERED
OFFICE AT XXII/459/A, PRAKASH ROAD, VELLOORKUNNAM,
MUVATTUPUZHA, ERNAKULAM-686 673, KERALA,
REPRESENTED BY ITS CO-ORDINATOR AMBILI B.

IS IMPEADED AS ADDL. R10 AS PER ORDER DATED 14/07/2021 IN
IA.2/2021 IN WPC.

ADDL. R11 IMPEADED

11.ANGELS NAIR, GEN. SECRETARY,

ANIMAL LEGAL FORCE INTEGRATION, AGED 54 YEARS,
KAPPILLIL HOUSE, PULLUVAZHY P.O., PERUMBAVOOR,
ERNAKULAM DIST. PIN-683 541.

IS IMPEADED AS ADDL. R11 AS PER ORDER DATED 14/07/2021
IN IA.5/2021 IN WPC.

ADDL. R12 IMPEADED

12.M.N. JAYACHANDRAN, AGED 63 YEARS, S/O.K. NARAYANAN NAIR,

RESIDING AT MUNDAMATTOM HOUSE, THODUPUZHA P.O.,
IDUKKI-685 584.

IS IMPEADED AS ADDL. R12 PER ORDER DATED 19/07/2021
IN IA.3/2021 IN WPC.

ADDL. R13 IMPEADED

13. P. SARAGANDHARAN, THUMBIL, EZHUPUNNA SOUTH P.O., CHERTHALA.
IS IMPEADED AS ADDL. R13 AS PER ORDER DATED 19/07/2021
IN IA.7/2021 IN WPC.

ADDL. R14 IMPEADED

14. THE THRIKKAKARA MUNICIPALITY,
REPRESENTED BY ITS SECRETARY.
IS SUO MOTU IMPEADED AS ADDL. R14 AS PER ORDER
DATED 23/07/2021 IN WPC.

ADDL. R15 IMPEADED

15. THE STATE KUDUMBASREE MISSION,
REPRESENTED BY THE EXECUTIVE DIRECTOR.
IS SUO MOTU IMPEADED AS ADDL. R15 AS PER ORDER
DATED 02/08/2021 IN WPC.

ADDL. R16 IMPEADED

16. DHYAN FOUNDATION, A REGISTERED CHARITABLE TRUST,
REPRESENTED BY ITS TRUSTEE, DR. PRASAN PRABHAKAR,
AGED 48 YEARS, S/O. DR. M. C. PRABHAKAR,
RESIDING AT LAXMI PRASAD, PANAYAPILLY, KOCHI-682 005.
IS IMPEADED AS ADDL. R16 AS PER ORDER DATED 06/08/2021
IN IA.8/2021.

ADDL. R17 IMPEADED

17. ANIMAL RESCUE REHABILITATION & OVERALL WELLNESS (ARROW),
214/IX KADAMANNIL, KUMBAZHA NORTH, MYLAPRA P.O.,
PATHANAMTHITTA-689 671, REPRESENTED BY ITS
MANAGING TRUSTEE.
IS IMPEADED AS ADDL. R17 AS PER ORDER DATED 09/08/2021
IN IA.11/2021.

ADDL. R18 IMPEADED

18. PEOPLE FOR ANIMALS (PFA), REPRESENTED BY ITS SECRETARY,
KARTHIKA, ANAYARA, THIRUVANANTHAPURAM-695 029.
IS IMPEADED AS ADDL. R18 AS PER ORDER DATED 09/08/2021
IN IA.10/2021.

ADDL. R19 IMPEADED

19. PEOPLE FOR ANIMAL WELFARE SERVICE (PAWS)-
THRISSUR CHARITABLE TRUST, RAJ VIHAR, POOTHOLE P.O,
THRISSUR-680 004, REPRESENTED BY ITS SECRETARY.
IS IMPEADED AS ADDL. R19 AS PER ORDER DATED 09/08/2021
IN IA.12/2021.

ADDL. R20 TO R25 IMPEADED

20. MUNICIPAL CORPORATION, THIRUVANANTHAPURAM,
REPRESENTED BY ITS SECRETARY.
21. MUNICIPAL CORPORATION, KOLLAM, REPRESENTED BY ITS SECRETARY.
22. MUNICIPAL CORPORATION, THRISSUR,
REPRESENTED BY ITS SECRETARY.
23. MUNICIPAL CORPORATION, KOCHI, REPRESENTED BY ITS SECRETARY.
24. MUNICIPAL CORPORATION, KOZHIKODE,
REPRESENTED BY ITS SECRETARY.
25. MUNICIPAL CORPORATION, KANNUR, REPRESENTED BY ITS SECRETARY.
ARE SUO MOTU IMPEADED AS ADDL. R20 TO R25 AS PER ORDER
DATED 09/08/2021 IN WPC.13204/2021.

ADDL. R26 IMPEADED

26. MADRAS ANIMAL RESCUE SOCIETY 4/339, SANGARAPURAM,
FIRST STREET, PALAVAKKAM, CHENNAI - 600041,
REPRESENTED BY ITS SECRETARY AND TRUSTEE,
VIVEK K. VISWANATH S/O K.V. ACHUTHAN, AGED 29 YEARS,
HAVING PERMANENT ADDRESS AT KARUNELLIPARAMBIL HOUSE,
KAIPARAMBU P.O., THRISSUR - 680546 AND NOW RESIDING AT
GODAVARI HOSTEL, IIT MADRAS, CHENNAI -600036.
IS IMPEADED AS ADDL R26 AS PER ORDER DATED 10.09.2021 IN IA 13/21
IN WP(C) 13204/2021.

ADDL. R27 IMPEADED

27.SMT.RANJINI HARIDAS, AGED 39 YEARS, D/O.HARIDAS,
'HARISREE', PONNETH SOUTH TEMPLE ROAD,
CHILAVANNOR-682 020, TRUSTEE, HUMANITY FOR ANIMALS,
REG. NO.E 323/2015, ERNAKULAM.
ADDL. R27 IS IMPEADED AS PER ORDER DATED 08/10/2021
IN IA.18/2021 IN WPC.

ADDL. R28 IMPEADED

28.GAURI MAULEKHI, AGED 44 YEARS, W/O.DUSHYANT MAULEKHI,
RESIDING AT 40/153, CR PARK, NEW DELHI-110 019.
ADDL. R28 IS IMPEADED AS PER ORDER DATED 08/10/2021 IN
IA.22/2021 IN WPC.

ADDL. R29 IMPEADED

29.SANGITA IYER, AGED 59 YEARS, D/O.MR.K. ANANTHARAMAN,
PERMANENTLY RESIDING IN TORONTO ,CANADA, PRESIDENT,
VOICE FOR ASIAN ELEPHANTS SOCIETY, TORONTO, CANADA,
REPRESENTED BY HER POWER OF ATTORNEY SATISH MURTHI,
2ND FLOOR, BETA PLAZA, DR.KRISHNASWAMY ROAD,
COCHIN-682 035.
IS IMPEADED AS ADDL. R29 AS PER ORDER DATED 29/10/2021
IN IA.24/2021 IN WPC.

ADDL. R30 IMPEADED

30.DR.ZAHIRA. B., AGED 51 YEARS, W/O.DR.MANZOOR AHAMMED,
CHUNGASSERI MANZIL, PADA NORTH, KARUNAGAPPALLY P.O.,
KOLLAM-690 518.
IS IMPEADED AS ADDL. R30 AS PER ORDER DATED 12/11/2021
IN IA.28/2021 IN WPC.

P.T.O.

ADDL. R31 IMPEADED

31.SANTHOSH. T.S., AGED 46 YEARS, S/O.T.V. SASIDHARAN,
RESIDING AT THIRUNILATHU HOUSE, NETTOOR P.O.,
MARADU, ERNAKULAM-682 040.
IS IMPEADED AS ADDL. R31 AS PER ORDER DATED 30/11/2021
IN IA.26/2021 IN WPC.

ADDL. R32 IMPEADED

32.UNION OF INDIA, REPRESENTED BY THE MINISTRY OF ENVIRONMENT
FOREST AND CLIMATE CHANGE (FOREST AND WILD LIFE DIVISION,
PROJECT ELEPHANT), NEW DELHI-110 003.
IS SUO MOTU IMPEADED AS ADDL. R32 AS PER ORDER
DATED 10/12/2021 IN WPC.

ADDL. R33 IMPEADED

33.PRADEEP P.D., AGED 33 YEARS, S/O.DIVAKARAN,
PUTHUVAL NIKARTH, PALLIPURAM P.O.,
CHERTHALA, 688 541, ALAPPUZHA.
IS IMPEADED AS ADDL. R33 PER ORDER DATED 28/02/2022
IN IA.1/2022 IN WPC.

ADDL. R34 IMPEADED

34.AKSHAY V.PRABHU, S/O.VEDANGA G.PRABHU, AKSHAYA HOSPITAL,
KADAVANTHRA, KOCHI, KERALA-682 020.
IS IMPEADED AS ADDL. R34 PER ORDER DATED 24/06/2022
IN IA.4/2022 IN WPC.

ADDL. R35 IMPEADED

35.KOLLAM DISTRICT PANCHAYATH, KOLLAM DISTRICT, PIN-691 001,
REPRESENTED BY ITS SECRETARY.
IS IMPEADED AS ADDL. R35 VIDE ORDER DATED 23/09/2022
IN IA.7/2022 IN WPC NO.13204/2021 (S).

P.T.O.

ADDL. R36 IMPEADED

36. EDRAAC (ERNAKULAM DISTRICT RESIDENTS' ASSOCIATION'S APEX COUNCIL), REG. NO.ER/735/03, CORPORATION SHOPPING COMPLEX, SUBHASH CHANDRA BOSE ROAD JUNCTION, PONNURUNNI, VYTTILA, COCHIN-19, PIN-682 019.
IS IMPEADED AS ADDL. R36 VIDE ORDER DATED 23/09/2022 IN IA.8/2022 IN WPC NO.13204/2021 (S).

ADDL. R37 IMPEADED

37. THE PUNALUR MUNICIPALITY, REPRESENTED BY ITS SECRETARY.
IS SUO MOTU IMPEADED AS ADDL. R37 AS PER ORDER DATED 30/09/2022 IN IA.9/2022 IN WPC.

ADDL. 38 IMPEADED

38. M/S. SREDHA MOBILE ARTIFICIAL INSEMINATION AND VETERINARY SERVICES, REP. BY ITS MANAGING PARTNER PRIYA PRAKASHAN, D/O.PRAKASHAN, NEERIKODE P.O., ALANGAD, ERNAKULAM-683 511.
ADDL. R38 IS IMPEADED AS PER ORDER DATED 25/11/2022 IN IA.18/2022 IN WPC.

ADDL.39 & 40 IMPEADED

39. SRI. RADHAKRISHNAN, PANANCHERRY HOUSE, PAYYAPPILLY MOOLA, PUTHUR, THRISSUR-680 014
40. SRI. GANESAN, S/O.SRI. RADHAKRISHNAN, PANANCHERRY HOUSE, PAYYAPPILLY MOOLA, PUTHUR, THRISSUR-680 014
ADDL.39 & 40 ARE IMPEADED SUO MOTU AS PER ORDER DATED 09/03/2023 IN WP(C) 13204/2021(S).

P.T.O.

ADDL. R41 IMPEADED

41. JOSE K.MANI, MEMBER OF PARLIAMENT, CHAIRMAN,
KERALA CONGRESS (M), STATE COMMITTEE OFFICE,
NEAR FIRE STATION, KOTTAYAM-686 001.

ADDL. R41 IS IMPEADED AS PER ORDER DATED 29/03/2023
IN IA.5/2023 IN WPC NO.13204/2021.

ADDL. R42 IMPEADED

42. JEEVAN RAJEEV, AGED 30 YEARS, S/O. RAJEEV. A.,
KARTHIKA, PAKKAIL P.O., KOTTAYAM-686 013.

ADDL. R42 IS IMPEADED AS PER ORDER DATED 29/03/2023
IN IA.6/2023 IN WPC NO.13204/2021.

ADDL. R43 & R44 IMPEADED

43. DR. K.P. SHIBU, AGED 53 YEARS, S/O. K.S. PAVITHRAN,
KURUNDODATH HOUSE, EROOR SPO., PIN-682 306.

44. DR. ANITHA M.A., AGED 51 YEARS, W/O. DR. K.P. SHIBU,
KURUNDODATH HOUSE, EROOR SPO.

ADDL. R43 & R44 ARE IMPEADED AS PER ORDER
DATED 29/03/2023 IN IA.8/2023 IN WPC 13204/2021.

ADDL. R45 IMPEADED

45. CHINNAKKANAL GRAMA PANCHAYAT, REPRESENTED BY
ITS SECRETARY, CHINNAKKANAL P.O., IDUKKI-685 618

ADDL. R45 IS IMPEADED AS PER ORDER DATED 29/03/2023 IN
IA.9/2023 IN WPC 13204/2021.

P.T.O.

ADDL. R46 IMPEADED

46. SANTHANPARA GRAMA PANCHAYAT, REPRESENTED BY ITS PRESIDENT,
OFFICE OF THE SANTHANPARA GRAMA PANCHAYAT,
SANTHANPARA P.O., IDUKKI DISTRICT, PIN-685 619.
ADDL. R46 IS IMPEADED AS PER ORDER DATED 29/03/2023 IN
IA.11/2023 IN WPC 13204/2021.

ADDL.R47 IMPEADED

47. DEAN KURIAKOSE, AGED 42 YEARS, S/O A.M. KURIAKOSE,
ANANICKAL HOUSE, PAINGOTTOOR P.O., KULAPPURAM,
MUVATTUPUZHA, ERNAKULAM DISTRICT, PIN-686 671.
ADDL. R47 IS IMPEADED AS PER ORDER DATED 29/03/2023 IN
IA.13/2023 IN WPC 13204/2021.

ADDL. R48 IMPEADED

48. KERALA INDEPENDENT FARMERS ASSOCIATION (KIFA),
5/518, NIRANATH BUILDING, THALAYAD P.O., UNNIKULAM,
KOZHIKODE-673 574, REPRESENTED BY ITS CHAIRMAN
SRI.ALEX OZHUKAYIL CHANDY FRANCIS, AGED 41 YEARS,
S/O.CHANDY FRANCIS, OZHUKAYIL HOUSE, KARIYATHUMPARA,
KALLANODE P.O., KOZHIKODE, PIN-673 615.
ADDL. R48 IS IMPEADED AS PER ORDER DATED 05/04/2023
IN IA.16/2023 IN WPC.

ADDL. R49 IMPEADED

49. SUJIMOL K.R., AGED 32 YEARS, D/O.RAJU,
RESIDING AT KINTTAKAL 595 A, SINGUKANDAM, ANGANVADI,
SURANALLY, CHINNAKANAL, IDUKKI, KERALA-685 618.
ADDL. R49 IS IMPEADED AS PER ORDER DATED 05/04/2023
IN IA.17/2023 IN WPC.

P.T.O.

ADDL. R50 & R51 IMPEADED

50. THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS &
HEAD OF FOREST FORCE, FOREST HEAD QUARTERS, VAZHUTHACAUD,
THYCAUD P.O., THIRUVANANTHAPURAM-695 014.
51. THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS (WILDLIFE) &
CHIEF WILDLIFE WARDEN (KERALA), FOREST HEAD QUARTERS,
THYCAUD P.O., THIRUVANANTHAPURAM-695 014.

ADDL. R50 & R51 ARE SUO MOTU IMPEADED AS PER ORDER
DATED 12/04/2023 IN WPC 13204/2021.

ADDL.R52 IMPEADED

52. ATHIRAPILLY GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, VETTELAPPARA,
PERIYARAM, KERALA

ADDL. R52 IS IMPEADED AS PER ORDER DATED 03/05/2023
IN IA 24/23 IN WPC 13204/2021.

ADDL.R53 IMPEADED

53. THE MEMBER SECRETARY,
KERALA STATE LEGAL SERVICES AUTHORITY.

ADDL.R53 IS SUO MOTU IMPEADED AS PER ORDER
DATED 17/05/2023 IN WPC 13204/2021.

ADDL. R54 IMPEADED

54. ANEESH MATHEW, AGED 47 YEARS, S/O. MATHEW, RESIDING AT
VENGALISHERRIL VEEDU, CHINNAKANAL PANCHAYAT,
UDUMBANCHIRA TALUK, MUNNAR PIN :685 618.

ADDL. R54 IS IMPEADED AS PER ORDER DATED 25/05/2023 IN
IA.29/2023 IN WPC.

P.T.O.

ADDL. R55 IMPEADED

55. M/S WALKING EYE FOUNDATION FOR ANIMAL ADVOCACY,
REG. NO,48/2022, REG. OFFICE AT II/263 A, KAIPARAMBU,
THRISSUR DISTRICT, KERALA STATE - 680546,
REPRESENTED BY ITS FOUNDER AND MANAGING TRUSTEE
VIVEK.K.VISWANATH, AGED 31 YEARS, S/O K V ACHUTHAN,
HAVING A PERMANENT ADDRESS AT KURUNELLIPARAMBIL HOUSE,
KAIPARAMBU. P.O, THRISSUR -680 546.
ADDL. R55 IS IMPEADED AS PER ORDER DATED 25/05/2023
IN IA.31/2023 IN WPC.

ADDL. R56 IMPEADED

56. THE EMPLOYEES PROVIDENT FUND ORGANIZATION,
REGIONAL OFFICE AT THIRUVANANTHAPURAM,
REPRESENTED BY THE REGIONAL PROVIDENT FUND COMMISSIONER.
ADDL. R56 IS SUO MOTU IMPEADED AS PER ORDER
DATED 21/06/2023 IN WPC NO.13204/2021.

ADDL. R57 TO R60 IMPEADED

57. PAL RAJ, AGED 52 YEARS, S/O. OORU MOOPAN,
DOOR. NO. 150, CHEMBAKA THOZHU KUDI,
SINKUKANDAM P.O, CHINNAKANAL, IDUKKI - 685 618.
58. MUTHUKUMAR, AGED 51 YEARS, S/O. OORU MOOPAN,
DOOR NO. 54, PACHAPULKUDI, SINKUKANDOM P.O,
SURYANELLI - IDUKKI - 685 618.
59. CHANDRAN T, AGED 50 YEARS, S/O. OORU MOOPAN,
DOOR NO. 87, TANK KUDI, SINKUKANDOM P.O,
CHINNAKANAL - IDUKKI - 685 618.
60. YASHODARAN K, AGED 48 YEARS, S/O. OORU MOOPAN,
DOOR NO. 225, 301 COLONY, SINKUKANDAM P.O,
CHINNAKANAL, IDUKKI - 685 618.
ADDL. R57 TO R60 ARE IMPEADED AS PER ORDER
DATED 27/06/2023 IN IA. 37/2023 IN WP(C) 13204/2021.

ADDL. R61 IMPEADED

61. PEOPLE FOR ANIMAL WELFARE, SM HOSPITAL,
THANA P.O., KANNUR - 670 012,
REPRESENTED BY ITS PRESIDENT DR. SUSHMA PRABHU
ADDL. R61 IS IMPEADED AS PER ORDER DATED 27/06/2023
IN IA. 39/2023 IN WP(C) 13204/2021.

ADDL. R62 IMPEADED

62. THE KERALA STATE ELECTRICITY BOARD, VYDYUTHI BHAVANAM,
PATTOM, THIRUVANANTHAPURAM, REPRESENTED BY ITS
CHAIRMAN AND MANAGING DIRECTOR
ADDL. R62 IS SUO MOTU IMPEADED AS PER ORDER
DATED 27/06/2023 IN WP(C) 13204/2021.

ADDL. R63 IMPEADED

63. THE KERALA HYDEL TOURISM, VYDYUTHI BHAVAN, PATTOM,
THIRUVANANTHAPURAM, REPRESENTED BY ITS DIRECTOR.
ADDL. R63 IS SUO MOTU IMPEADED AS PER ORDER
DATED 14/07/2023 IN WP(C) 13204/2021.

ADDL. R64 IMPEADED

64. THE AIRPORT AUTHORITY OF INDIA,
TRIVANDRUM INTERNATIONAL AIRPORT CHACKAI SIDE,
THIRUVANANTHAPURAM-695 008, REPRESENTED BY AIRPORT MANAGER.
ADDL. R64 IS SUO MOTU IMPEADED AS PER ORDER
DATED 31/07/2023 IN WPC NO.13204/2021

ADDL. R65 IMPEADED

65. SHRI.V. K. VENKITACHALAM, AGED 73 YEARS,
S/O LATE V. N KRISHNA IYER, RESIDING AT PATTAMALI MADOM,
T.C. 35/571, THIRUVAMBADI P.O. , PIN- 680 022
ADDL. R65 IS IMPEADED AS PER ORDER DATED
09/02/2024 IN I.A 48/2023 IN WPC NO.13204/2021.

ADDL. R66 IMPEADED

66. THE PRINCIPAL SECRETARY, REVENUE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM-695 001.

ADDL.R66 IS SUO MOTU IMPEADED AS PER ORDER DATED 01/03/2024 IN WP(C).

This Suo Motu writ petition again coming on for orders upon perusing the petition, this Court's order dated 12/04/2024 and upon hearing the arguments of DEPUTY SOLICITOR GENERAL OF INDIA & SRI.JAISHANKAR V.NAIR, CENTRAL GOVERNMENT COUNSEL for R1, SMT.M.U.VIJAYALAKSHMI, STANDING COUNSEL for R2, SRI.ASOK M.CHERIAN, ADDITIONAL ADVOCATE GENERAL for R3 to R6, SMT.AYSHA YOUSEFF & SRI.MANU GOVIND, Advocates for R7, SRI.SHAJI.T.A., DIRECTOR GENERAL OF PROSECUTION & P.NARAYANAN, ADDL.PUBLIC PROSECUTOR for R8, Advocate SMT.SRUTHY N.BHAT (PARTY IN PERSON) as Addl.R9, M/S.ADITHYA RAJEEV & NIHARIKA HEMA RAJ, Advocates for R10, SRI.ANGELS NAIR PARTY IN PERSON AS Addl.R11, M/S.GANGA A.SANKAR, REJIVUE, THANUJA ROSHAN, CHACKOCHEN VITHAYATHIL, VISHNU RAJAGOPAL, VISWAJITH.C.K. & GISHA G.RAJ, M.R.HARIRAJ Advocates for Addl.R12, M/S. B.S.SWATHI KUMAR, ANITHA RAVINDRAN & HARISANKAR N UNNI, Advocates for Addl. R13, SRI.S. JAMAL, Advocate for Addl. R14, M/S. K.V.PRAKASH, D.G. VIPIN, KAROL MATHEWS SEBASTIAN ALANCHERRY, Advocates for Addl.R15, M/S.ASWIN GOPAKUMAR, KANDAMPULLY VIKRAM & NIKITHA SUSAN PAULSON for Addl. R16, M/S.KRISHNA PRASAD. S, SINDHU S.KAMATH & ROHINI NAIR, Advocates for Addl.R17, M/S.PRASANTH S.R. & BHANU THILAK, Advocates for Addl.R18, ADDL.R34 & ADDL.R65, SRI.BRIJESH MOHAN, Advocate for Addl.R19, SRI. NANDAKUMARA MENON SENIOR ADVOCATE ALONG WITH SRI.P.K.MANOJ KUMAR ADVOCATE FOR Addl.R20, SRI.M.K.CHANDRAMOHAN DAS & SRI.S. SREEKUMAR, ADVOCATE FOR Addl.R21 , SRI.SANTHOSH.P.PODUVAL ADVOCATE FOR Addl.R22, SRI.K.JANARDHANA SHENOY, SC for Addl.R23 and of SRI.V.KRISHNA MENON ADVOCATE FOR ADDL.R.24, SMT.MEENA JOHN, ADVOCATE FOR ADDL R.25, M/S. S.R.K. PRATHAP, JISSMON A.KURIAKOSE, Advocates for R26, SMT.RANJINI HARIDAS (PARTY IN-PERSON) for Addl. R27, M/S. P.R.

VENKATESH & KEERTHIVAS. G., Advocates for Addl. R28, M/S.UMA DEVI. M., Advocate for Addl.R29, M/S. RAJESH VIJAYAN & SIKHA S.NAIR, Advocates for Addl. R30, M/S. C.A. MAJEED, K.H. ASIF, MOLTY MAJEED, P.B. UNNIKRISHNAN NAIR & MATHEW VARGHESE, Advocates for Addl. R31, SRI.JAISHANKAR V.NAIR, CENTRAL GOVERNMENT COUNSEL for Addl. R32,M/S.ADITYA THEJUS KRISHNAN & FERHA AZEEZ,Advocates for Addl.R33, SRI.MANOJ RAMASWAMY, Advocate for Addl. R35 & R37 SMT.SREEJA SOHAN, SRI.ATUL SOHAN Advocates for Addl. R36, SRI.ANIL SIVARAMAN, Advocate for Addl. R38,SRI.G.SREEKUMAR (CHELUR),for Addl.R39 & R40, M/S. AUGUSTINE JOSEPH, TONY AUGUSTINE & AISWARYA E.J. VETTIKOMBIL, Advocates for Addl. R41, M/S.NEERAJ NARAYAN & HARIKRISHNAN. R., Advocates for Addl. R42, M/S.CHANDRASEKHAR & P.M. SATHEESH, Advocates for R43 & R44, M/S. SABU GEORGE, P.B. KRISHNAN, P.B. SUBRAMANYAN, MANU VYASAN PETER & DILIP THOMAS, Advocates for R45, SRI.JOICE GEORGE, Advocate for R46, SRI.ARUN THOMAS, Advocate for R47, M/S.ALEX M.SCARIA, SARITHA THOMAS, ALEN J.CHERUVIL, SAHL ABDUL KADER & SANJITH KUMAR. R., Advocates for R48, M/S.PAUL P.ABRAHAM & TOBIAS TOGI MATHEW, Advocates for R49, SMT. I.SHEELA DEVI,BINESH K N, Advocates for Addl. R52, M/S. SANDESH RAJA, DENU JOSEPH, ASWIN T.SURESH & MUHISEENA V.Z, Advocates for R54, M/S.GAYATHRI MURALEEDHARAN, RAMAKRISHNAN M.N.& ARATHY P. for Addl.R55, Adv. SREERAJ. M.D for ADDL. R57 TO R60, M/S. SRUTHY.N BHAT & NIKITA.J MENDEZ, Advocates for ADDL.R61, SMT. LATHA ANAND, Advocate for ADDL.R63, SRI.V. SANTHARAM, Advocate for Addl. R64, GOVERNMENT PLEADER for ADDL.R66,SRI.NAGARAJ NARAYANAN, SPECIAL GOVERNMENT PLEADER and of SRI.S.RAMESH BABU (SENIOR ADVOCATE) & SRI.T.C.SURESH MENON, AMICI CURIAE, the Court passed the following:

P.T.0

Dr. A.K. JAYASANKARAN NAMBIAR, J.
&
GOPINATH P., J.

W.P (C) No. 13204 OF 2021

DATED THIS THE 15th DAY OF APRIL, 2024

ORDER

Gopinath, J.

This matter was listed today upon an oral submission made by Sri. Asok M. Cherian, learned Additional Advocate General. The matter was taken up via video conferencing.

2. On 12-04-2024 we issued certain directions especially touching upon the conduct of the '*Thrissur Pooram*' and taking note of circular No.1/2024 on 11-04-2024 issued by the Principal Chief Conservator of Forests (Wild Life) & Chief Wild Life Warden, Kerala. The circular was issued based on the instructions issued by us to put in place certain additional restrictions on the parading of captive elephants especially taking note of the present climatic conditions in the State and keeping in mind repeated instances of captive elephants running amok that have been reported by the media. After taking note of the provisions in the circular we had directed that the provisions in the circular shall be strictly implemented by all officers concerned without fail. We had also made it clear that any instances of violations will be treated as violations of orders of this court and suitable action will be taken on that basis. We had further directed that additional

instructions issued regarding the conduct of the '*Thrissur Pooram*' shall also be implemented by all concerned without fail and making it clear that violations of those instructions will also invite action against the officials concerned. To ensure that no injured elephant or other elephants which are incapable of being paraded are so paraded in the '*Thrissur Pooram*' we had further directed that fitness certificates in respect of each of the captive elephants proposed to be paraded in connection with '*Thrissur Pooram*' shall be made available before this court by 5 p.m on 16-04-2024 and further that no captive elephants whose fitness certificate is not so produced before this court by 5 p.m on 16-04-2024 will be permitted to be paraded in the '*Thrissur Pooram*' this year.

3. When this matter is taken up for consideration today it is the submission of the learned Additional Advocate General that considering the impracticalities of certain stipulations in the earlier circular namely circular No.1/2024 of Principal Chief Conservator of Forests (Wild Life) & Chief Wild Life Warden, Kerala has issued Circular No.2/2024 dated 15-02-2024 modifying certain conditions imposed in circular No.1/2024. He prays that the modified circular be permitted to be implemented in the place of circular No.1/2024.

4. We have heard the learned Additional Advocate General, Sri. Ramesh Babu, learned Senior Advocate, Sri. T.C. Suresh Menon, learned Amici Curiae, Sri. Nagaraj Narayanan, Special Government Pleader, (Forests), Adv. Arun Chandran, Adv. Sandesh Raja. We have also heard Sri. N.K. Subramanian learned Advocate who represented the Thirvambadi and Paramekkavu Devaswoms. We have also heard Sri. Renjith Thampan, learned Senior Advocate who appears for Thechikottu Peramangalam Devaswom. We have also interacted with the Secretary / President of Paramekavu and Thiruvambadi Devaswoms which are the Devaswoms arranging elephants for the Thrissur Pooram. We also interacted with the Secretary of the Elephant Owners' Federation.

5. On the basis of the submissions made before us by the respective counsel and based on our interactions with the stakeholders, we permit the implementation of instructions issued vide circular No.2/2024 subject to the following modifications:-

- (i) In the modification of clause No.18 of Circular No.2/2024 dated 15-04-2024 we direct that a minimum distance of 6 meters shall be maintained between elephants when being paraded and percussion artists/other artists who may be

performing at the time. Taking note of the extreme heat situation in Kerala we also direct that '*Thevetti*' shall also be placed at a minimum 6 meters away from the elephants. Only a bare minimum number of persons who may be authorised by the organisers will be permitted to enter into the open area of 6 meters as above and that too strictly on need to basis and no other person shall be permitted to enter into this area. We clarify that the above directions shall not apply to persons who may have to stand immediately behind the elephants during the '*Kudamattam*' ritual. For ritualistic purposes, a '*Kuthuvilakku*' alone will be permitted in front of the elephant carrying the deity. No '*Theevetti*' shall be used along with the '*Kuthuvilakku*' and the '*Theevetti*' shall be placed only at a distance of 6 meters as directed above.

- (ii) We direct the Principal Chief Conservator (Wild Life) and Chief Wild Life Warden, Kerala to deploy necessary Rapid Response Teams (RRT) to deal with any untoward incidents. Elephant Squads/Volunteers (if any) engaged by

the organizers shall only assist the RRT and will act only upon instructions of the RRT officials. The organizers - (Paramekavu and Thiruvambadi Devaswoms) shall share the details of persons engaged as volunteers/elephant squad with the Assistant Conservator of Forests (Social Forestry), Thrissur by 5.00 P.M on 18-04-2024. Under no circumstances will devices such as a 'capture belt' be used by such Elephant Squads. No other equipment which will cause hurt to the captive elephant or maim it in any manner be used. The Principal Chief Conservator of Forests (Wild Life) & Chief Wild Life Warden, Kerala, Assistant Conservator of Forests (Social Forestry), Thrissur, The District Collector, Thrissur and the Commissioner of Police, Thrissur will ensure strict compliance with these directions.

- (iii) The organizers/mahouts will ensure that the Elephants are under no fatigue and are not exposed to the hot sun for long. They shall ensure that the Elephants are properly fed and watered.

- (iv) The general instruction issued regarding the conduct of the '*Thrissur Pooram*' and associated parading of Elephants will continue to operate.

6. Regarding the issuance of the fitness certificates we are informed that the elephants (nearly 100 in number) will start arriving in Thrissur only in the morning of 18-04-2024 and the verification process for issuance of fitness certificates will be started only on 18-04-2024. Therefore, in modification of the directions issued by us regarding the production of fitness certificates etc. we direct that the process of verification and issuance of fitness certificates regarding captive elephants being brought for the '*Thrissur Pooram*' may be done on 18-04-2024 strictly following the mandate of the Kerala Captive Elephant Management Rules, 2012. The Additional District Magistrate, Thrissur who was present online representing the District Collector, Thrissur (who is stated to be in overall charge of the verification process and issuance of fitness certificates) will permit Adv. T.C. Suresh Menon and Adv. Sandesh Raja to be present at the time of verification and issuance of fitness certificates. All courtesies shall be extended to Sri. T.C. Suresh Menon and Sri. Sandesh Raja who will supervise the verification and issuance of fitness certificates. It is made clear that they will not interfere with

the issuance of fitness certificate and they only need to report to this court regarding the results of their observations.

7. Regarding parading of the elephant - '*Thechikottukavu Ramachandran*', our attention has been drawn to an order issued by the Principal Chief Conservator of Forests (Wild Life) & Chief Wild Life Warden, Kerala on 10-01-2023 permitting the parading of the said elephant subject to certain conditions. Our attention is also drawn to health certificates issued in respect of the said elephant from time to time spanning from 27-01-2024 to 08-04-2024 which indicate that the health condition of the elephant is satisfactory and while its right eye is opaque its left eye has normal vision. This is seriously disputed by Adv. Sandesh Raja. We are informed that the said elephant is not proposed to be used in any procession except for one procession from the '*Neithalakavau Devi Temple*' to the '*Vadakkumnathan Temple*'. We direct that the Principal Chief Conservator of Forests (Wild Life) & Chief Wild Life Warden, Kerala will ensure that permission for parading the said elephant shall be given upon the said officer being personally satisfied that the said elephant is fit to be paraded having due regard to the rituals connected with the said procession (including the time taken) and the practicality of parading the said elephant and taking note of its health

condition. We are informed that in year 2019 the elephant - *'Thechikottukavu Ramachandran'* was used only for a short time and for a particular ritual and thereafter it was replaced by another elephant namely - *'Thechikottukavu Devidasan'*. The officer will also consider whether such limited permission alone needs to be granted this year. The *'Neithalakavau Devaswom'* will submit a detailed proposal regarding the procession from *'Neithalakavau Devi Temple'* to the *'Vadakkumnathan Temple'* to enable the officer to decide the matter. We make it clear that if such permission is given by the Principal Chief Conservator of Forests (Wild Life) & Chief Wild Life Warden, Kerala, the said permission shall also be subject to all the conditions imposed in the earlier order of the Principal Chief Conservator of Forests (Wild Life) & Chief Wild Life Warden dated 10-01-2023 and subject to any additional condition that may be imposed while granting such permission. Taking into conditions of the health condition of the aforesaid elephant, we specifically direct that the distance of 10 meters on all sides which is already incorporated as condition No.(iv) in the order of the Principal Chief Conservator of Forests (Wild Life) & Chief Wild Life Warden dated 10-01-2023 referred to above shall not be permitted to be violated.

8. In our order dated 12-04-2024 on I.A. No.5/2024 we had directed that the elephant by the name 'Panancherry Gajendran' shall not be paraded until further orders from this court. We had further directed that the said elephant shall not be transported outside Alappuzha and that the Assistant Conservator of Forests, Social Forestry Division, Alappuzha will ensure that proper care is given to the said elephant at a place where it is currently tethered. We are now informed that the aforesaid captive elephant which is now tethered at Haripad is currently showing symptoms of 'musth' and practically no shade or facilities are available at the place where it is currently tethered. We therefore direct the Assistant Conservator of Forests, Social Forestry Division, Alappuzha to authorise the shifting of the elephant to its normal tethering point at Thrissur after taking all necessary precautions. The order directing that the said elephant shall not be paraded without obtaining further orders from this court will continue. If for any reason the Assistant Conservator of Forests, Social Forestry Division, Alappuzha is unable to ensure that the elephant is shifted to its normal tethering point by its owner or the person presently in control of the elephant, the Assistant Conservator of Forests, Social Forestry Division, Alappuzha will ensure that the elephant is shifted to a facility of the Forest Department. We make it clear that the cost of

such shifting and maintaining the elephant at any forest facility will be borne by the owner/ present custodian of the elephant and the costs incurred by the Forest Department can be recovered from them by resorting to revenue recovery proceedings. Considering the health condition of the elephant the shifting of the elephant as directed shall be effected forthwith and not later than 5 p.m on 17-04-2024.

The overall responsibility for implementing each of the aforesaid directions shall be on the Principal Chief Conservator of Forests (Wild Life) & Chief Wild Life Warden, Kerala.



Sd/-
Dr. A.K. JAYASANKARAN NAMBIAR
JUDGE

Sd/-
GOPINATH P.
JUDGE

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