

W.P.Nos.16857, 16859 of 2021

THE HON'BLE CHIEF JUSTICE
and
P.D.AUDIKEVALU, J.

(Order of the Court was made by the Hon'ble Chief Justice)

The matter has appeared today to ascertain the present health and status of Rivaldo, an elephant who had lost a part of his trunk and was in captivity for a long period since he could not fend for himself.

2. Rivaldo has been returned to the wild. It has now been nearly two months that Rivaldo has been in the wild. Video footages of Rivaldo and a short snippet from an *India Today* video have been played out in court. In the video presented by the Forest Department, Rivaldo is seen drinking water, foraging, grazing and even attempting to extract salts from the earth. The obvious deficiency in his trunk comes out as Rivaldo is now given to using his right foot to help create balls out of bundles of grass and balance the same against his trunk to help him to lift the same to his mouth. Even while drinking water, a lot of it spills out, but, according to the forest officials, Rivaldo has not shown any inclination to return to human settlement and is moving in the elephant corridors that have been restored.

3. It is submitted by the petitioner that since Rivaldo lost a part of his trunk in 2010 or thereabouts, and was subsequently again injured in the trunk by a wild tusker in 2013, he has lost the ability to use his trunk to help him eat or drink. The petitioner appeals to the court for Rivaldo to be retained by the forest officials and not be allowed to be sent back into the wild since Rivaldo may not be able to support or sustain himself.

4. Laws of nature may be cruel, but it may still be beyond human intelligence. There is a rule of the survival of the fittest and, though endangered animals are sometimes taken into captivity to protect or feed them, animals are best left in the wild. For all we know, Rivaldo may be the first case in the country of an elephant kept in captivity for a long period of time for its treatment and released back into wild. There is no doubt that Rivaldo would face difficulties in the wild. But one cannot be sure that Rivaldo prefers captivity than being left open in the wild and he may yet make attempts to make forays into human settlements; but he should always be encouraged to go back to the wild unless it is a question of his survival.

5. In the present case, there is no doubt that the petitioner has the best interest of Rivaldo in mind. There is also little doubt that the petitioner has feelings for animals and urges the court to take Rivaldo back into captivity so that Rivaldo may survive longer than he may otherwise in the wild. At the same time, the forest officials' expertise has also to be taken into account as they say that it is better for Rivaldo to acclimatise himself and ultimately learn to live with his deficiencies in the wild. The court has to yield to the greater expertise of the forest officials in such regard. At any rate, it does not appear that the forest officials have no concern for the animal, or are attempting to shirk responsibility, or the view taken is arbitrary.

6. The matter will appear eight weeks hence. It is hoped that Rivaldo gets used to the life in the wild, though there is no doubt that the forest officials will keep a watch over him, as may the petitioner herein, in accordance with law. A further video on how Rivaldo is doing in the wild and managing his affairs should be presented when the matter appears next, focusing on his ability to graze, forage and drink. It would be best if the date or dates of the footage are apparent from the video itself.

7. There is an apprehension expressed by the petitioner that while the attention remains focused on Rivaldo, elephant corridors that had been restored pursuant to orders of this court are being permitted to be encroached once again. The forest officials should ensure that the elephant corridors are left free from human interference.

8. List on 09.12.2021.

(S.B., CJ.) (P.D.A., J.)
23.09.2021

tar

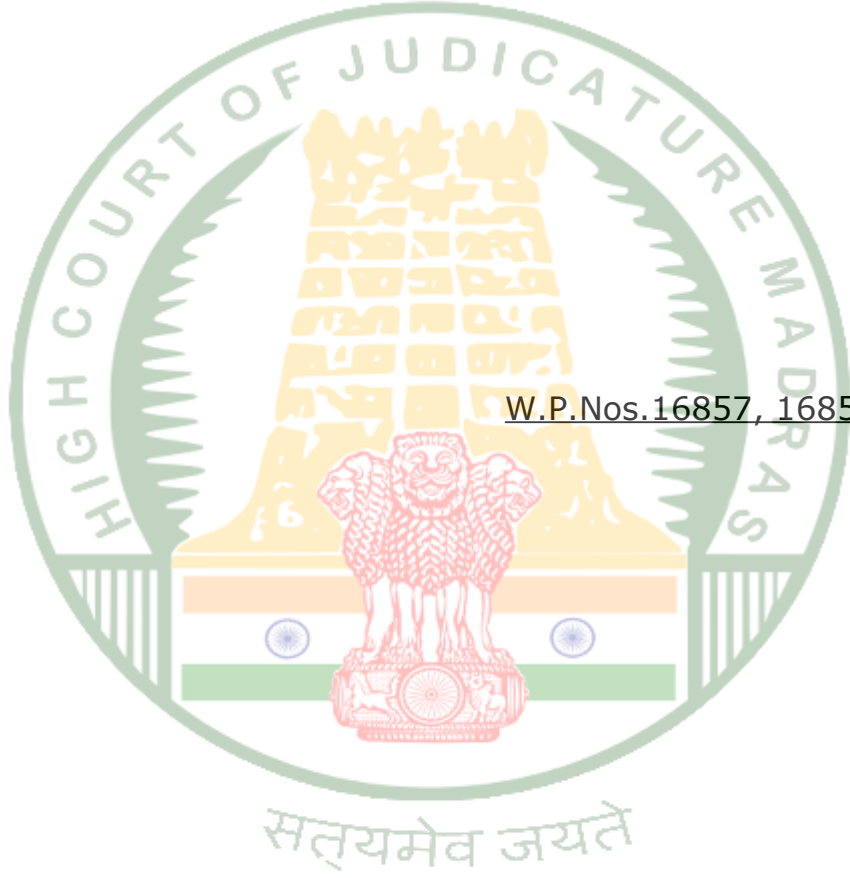


WEB COPY

W.P.Nos.16857, 16859 of 2021

THE HON'BLE CHIEF JUSTICE
and
P.D.AUDIKEVALU, J.

(tar)



W.P.Nos.16857, 16859 of 2021

WEB COPY

23.09.2021