

W.P.Nos.3656, 3660, 3662 and 3663 of 2021

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

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

A report has now been filed by the Principal Chief Conservator of Forests and Chief Wildlife Warden, Chennai indicating the state of the captive elephants in the State.

2. It is recorded that the Hindu Religious and Charitable Endowments Department has also filed a previous report.

3. The petitioner seeks to point out several anomalies and makes out a case that there is sufficient land owned by the Hindu Religious and Charitable Endowments Department or by the temples under such Department's control for large pockets of natural habitats for elephants to be developed, so that the captive elephants may be housed at such places and taken to the temples only for the performance of rituals at appropriate times.

4. Several other persons interested, including NGOs, have been heard without being impleaded. There appears to be a lot of concern and the court may not have sufficient data to arrive at a conclusion that the captive elephants are treated cruelly, except that the captive elephants are not always given the exposure to the natural habitat that they ought to have.

5. The petitioner has made several complaints pertaining to individual elephants, how they are treated and the problem of every elephant not being assigned a mahout. According to the petitioner, the bonding that develops between an elephant and mahout is lifelong and, oftentimes, when mahouts are changed or the erstwhile mahout is discontinued, the elephant concerned may react adversely.

6. It is necessary for the officials in the Forest Department to obtain expert advice as to what the daily routines of captive elephants should be and coordinate with the Hindu Religious and Charitable Endowments Department or those responsible for running the temples where these elephants may be, to ensure a more ethical treatment of the large animals, even if it is accepted that elephants that have for

long been in captivity cannot be released into the wild. It is also time to stop any further elephant being domesticated or taken into captivity, except in case of injury or like disability, and that, too, only by forest officials in special enclosures maintained within forest areas.

7. Mr.Harsha Raj, appearing for the State and the official respondents, shows a keen interest in the big animal. Mr.Harsha Raj should use his good offices to convene meetings to resuscitate the District Level Committees and make such committees and their members interested in looking after the welfare of the elephants within their territorial jurisdictions. The temple authorities may also explore possibilities of better treatment of the animals, particularly as there are several reports which indicate that these elephants are chained and kept standing for hours together.

8. It is possible that in the larger interest of the elephants, the hearing of the matter can, at least on one occasion, be alfresco and in a less formal atmosphere, so that more persons may have a say and hearing may even be in the presence of the animals, whether at a temple or elsewhere.

9. The Principal Chief Conservator of Forests should, in particular, take the initiative of ensuring the welfare of all captive elephants in the State, whether by conducting awareness programmes or reviving the regular functioning of the District Level Committees and for such purpose, if necessary, the doors of the Judicial Academies in Chennai, Coimbatore and Madurai may be opened.

10. The Principal Chief Conservator should file a further report when the matter appears next. The report should also indicate the availability of mahouts, particularly in respect of the two elephants in Srirangam; one elephant in Srivilliputtur; and, two elephants in Thirukkurungudi.

11. List the matter on August 25, 2021. Tag and list W.P. (MD) No.7010 of 2015 along with these matters on the adjourned date.

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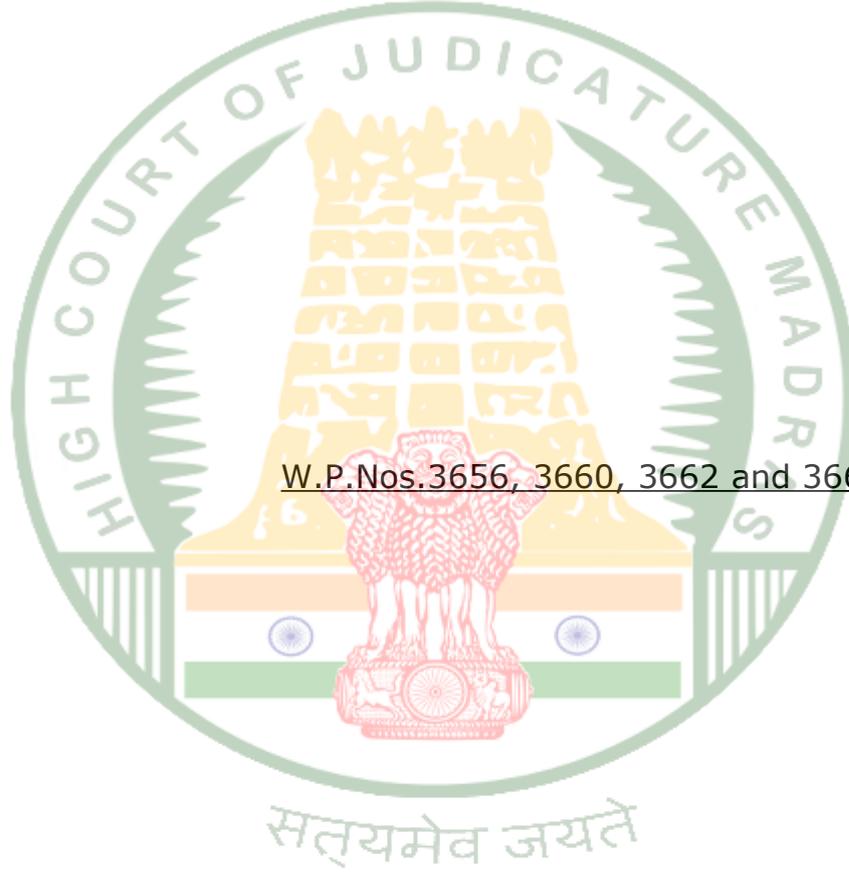
(S.B., CJ.) (P.D.A., J.)  
05.08.2021

sasi

W.P.Nos.3656 of 2021 etc.

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

(sasi)



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