

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

THE HON'BLE CHIEF JUSTICE
and
SENTHILKUMAR RAMAMOORTHY, J.

ORDER

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

Since it appears that the State is still in the throes of election frenzy, let these matters appear a week after the vacation, for a detailed programme as sought by the earlier orders to be indicated.

2. There are two aspects to the present matter. The first is the treatment of the elephants in captivity, particularly in several temples in the State. The second aspect pertains to the desirable prohibition of the wonderful animal being domesticated or used as a beast of burden any further.

3. The petitioner, appearing in person, complains in particular of two elephants by the names of Andal and Lakshmi at the Srirangam Temple. The petitioner also refers to a video that had gone viral a couple of months back showing the merciless beating of an elephant by its mahout or helper. Though such aspect of the matter has been dealt with in an earlier order, the petitioner's grievance that the two elephants at the Srirangam Temple are without mahouts is disturbing.

The State does not admit the position, but it has to be immediately looked into whether the two elephants are interacting with any person who is attending to them, since elephants are known to be attached to individuals and even emotional to some extent.

4. The petitioner also claims that the counter-affidavit filed by the HR & CE Department on April 23, 2021 is completely at variance with the ground realities. There is room for a lot of improvement in the HR & CE Department, not the least in how it deals with temple properties and assets. For the moment, the Court appeals to the relevant authorities to at least ensure that the elephants held in captivity by the various temples are treated in a humane and dignified manner, are provided sufficient food and water and shelter from the heat and not otherwise beaten or mistreated in any manner or form.

5. Mr.M.S.Krishnan, Senior Advocate, seeks to intervene on behalf of an association of elephant-owners. While it is hoped that the number of members of such association would dwindle and wither away in the near future, till such time that the association exists, it may look into how the elephants at the temples may be treated and indicate other aspects of the matter, particularly the parts of the present public interest litigation which may overlap with the matters

pending consideration before the Supreme Court. In such regard, an affidavit may be used by the Tamil Nadu Domesticated Elephant-Owners' Welfare Association.

6. The association is formally added as a respondent, so that it may assist the Court in course of the proceedings.

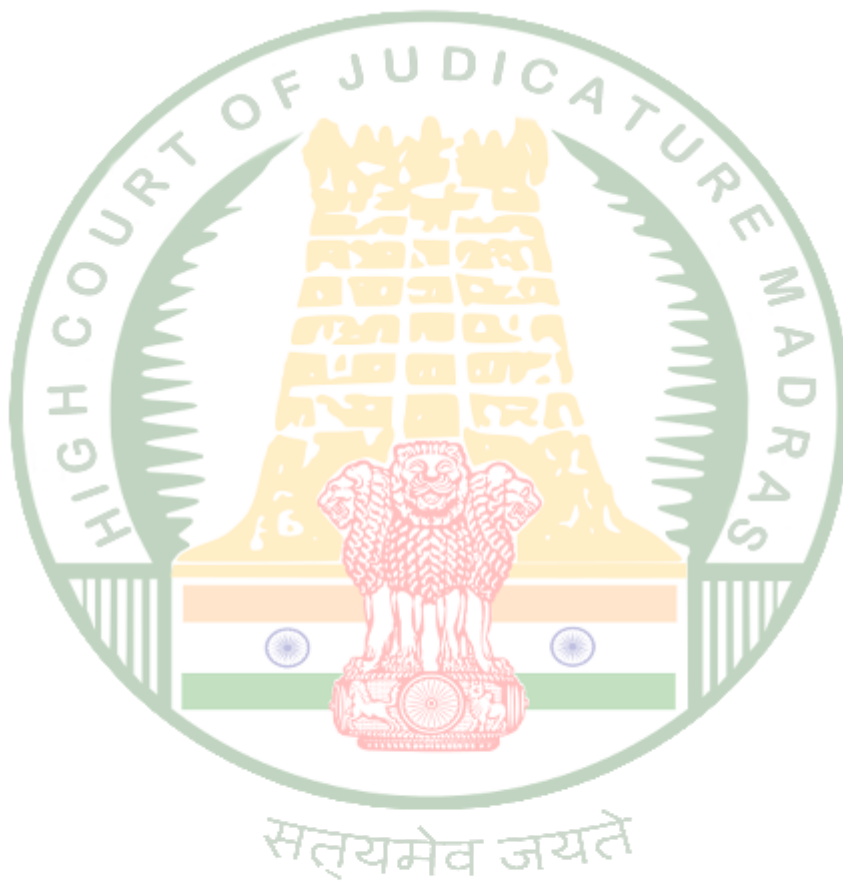
7. It is submitted on behalf of the State that the Forest Department has made certain recommendations after consulting elephant experts and it is for the Government to take action thereon.

8. According to the petitioner, the elephants in captivity should be treated in accordance with the provisions of the Tamil Nadu Captive Elephant (Management and Maintenance) Rules, 2001. Since such provisions have been put in place under the Wild Life Protection Act, 1972, it is necessary that the State, through officials of the Forest Department, in conjunction with officials of the HR & CE Department, reports on the compliance of such rules at every temple site with any captive elephant. Such report should be filed when the matter appears next.

9. List the matter on 08.06.2021.

(S.B., CJ.) (S.K.R., J.)
27.04.2021

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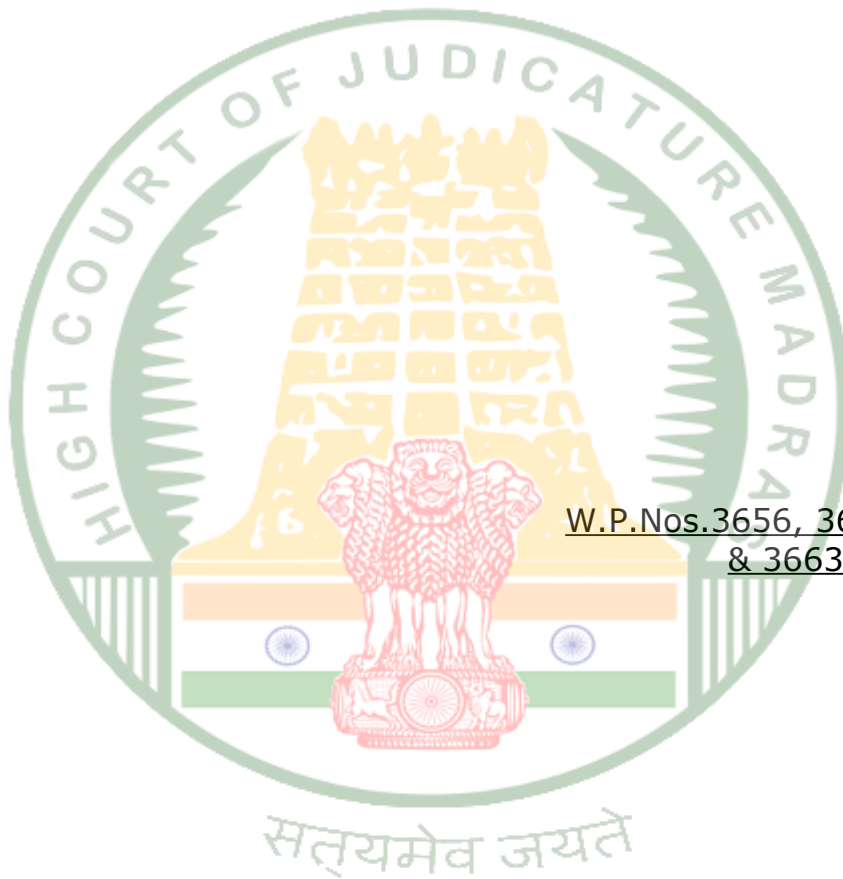
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