

VERDICTUM.IN

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

Wednesday, the 29th day of March 2023 / 8th Chaithra, 1945
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,
KALoor 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.**

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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

VERDICTUM.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.

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

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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).

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).

ADDL. R41 & R42 IMPEADED

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

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

ADDL. R41 & R42 ARE IMPEADED AS PER ORDER DATED 29/03/2023
IN IA.8/2023 IN WPC 13204/2021.

ADDL. R43 IMPEADED

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

ADDL. R43 IS IMPEADED AS PER ORDER DATED 29/03/2023 IN
IA.9/2023 IN WPC 13204/2021.

ADDL. R44 IMPEADED

44. SANTHAPARA GRAMA PANCHAYAT, REPRESENTED BY ITS PRESIDENT,
OFFICE OF THE SANTHANPARA GRAMA PANCHAYAT, SANTHANPARA P.O.,
IDUKKI DISTRICT, PIN-685 619.

ADDL. R44 IS IMPEADED AS PER ORDER DATED 29/03/2023 IN
IA.11/2023 IN WPC 13204/2021.

ADDL.R45 IMPEADED

45. DEAN KURIAKOSE, AGED 42 YEARS, S/O A.M. KURIAKOSE,
ANANICKAL HOUSE, PAINGOTTOOR P.O., KULAPPURAM,
MUVATTUPUZHA, ERNAKULAM DISTRICT, PIN-686 671.

ADDL. R45 IS IMPEADED AS PER ORDER DATED 29/03/2023 IN
IA.13/2023 IN WPC 13204/2021.

This Suo Motu writ petition again coming on for orders upon perusing the petition and this Court's order dated 23.3.2023 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.PRASANATH S.R. & BHANU THILAK, Advocates for Addl.R18, 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,M/S.BHANU THILAK & S.R.PRASANATH,Advocates for Addl. R34, 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.CHANDRASEKHAR & P.M. SATHEESH, Advocates for R41 & R42, M/S. SABU GEORGE, P.B. KRISHNAN, P.B. SUBRAMANYAN, MANU VYASAN PETER & DILIP THOMAS, Advocates for R43, SRI.JOICE GEORGE, Advocate for R44, SRI.ARUN THOMAS, Advocate for R45 and of SRI.NAGARAJ NARAYANAN,SPECIAL GOVERNMENT PLEADER & SRI.S.RAMESH BABU (SENIOR ADVOCATE) & SRI.T.C.SURESH MENON, AMICI CURIAE, the Court passed the following:

P.T.O.

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

W.P.(C).NO.13204 OF 2021

Dated this the 29th day of March, 2023

O R D E R

A.K. Jayasankaran Nambiar, J.

Pursuant to our last order dated 23.3.2023, when the case was taken up today, several persons including the office bearers of the Chinnakanal and Santhampara Panchayaths as also Members of Parliament elected from the said constituencies got themselves impleaded in these proceedings. Concerns were voiced regarding the safety of the people in the various localities where the elephant in question forages for food. The stand of the government is that a huge contingent of personnel from the forest and wildlife department has been deployed to keep vigil in the areas where the elephant is known to frequent, and *kumki* elephants have also been deployed to assist them. It is stated that the current efforts at preventing the elephant from encroaching into human settlements has been possible only because the *kumki* elephants have shown themselves to be more dominant than the wild elephant in question.

2. On a consideration of the submissions of learned counsel and after interacting with the officers of the forest department (The Chief Conservator of Forests (High Range Circle) and the Veterinary specialist), we find that although several instances have been cited of property damage caused by the wild elephant in the aforesaid areas, it is quite apparent that the animal has not caused any damage to human life in the recent past. Its forays into human settlements in search of food have, however, resulted in a tense atmosphere prevailing among the residents of the area. This is certainly a matter that requires to be addressed immediately for people cannot live under constant fear.

3. As for the animal in question, we find that we are dealing with a bull elephant, currently in *Masth*, and moving in the company of his herd comprising of females and calves. Any attempt at capturing the animal at this stage would be dangerous not only to the personnel deployed for the said exercise but also to the animal in question. We have therefore to explore other options for preventing the animal from straying into human settlements. For that we require data, and the opinion of experts thereon, so that we can rely on the same while issuing directions in the matter. In the meanwhile, however, we are quite clear in our minds that the balance of



convenience would lie in protecting the interests of the wild pachyderm against immediate capture and the prospect of a life in captivity. We are persuaded to hold so because we have come across various instances of cruelty to captive elephants in the State, and also seen the deplorable state in which elephants are held captive in various locations across the State. Adding another wild elephant to that list of hapless 'converts' would run counter to our fundamental duty to protect wildlife and have compassion for living creatures, as envisaged under Art.51A (g) of our Constitution.

4. The people residing in the vicinity no doubt have a threat perception but that is not something that cannot be quelled by deploying the state machinery to protect their homesteads for the time being. We have to balance the rival interests of the people of the locality as well as the animal concerned while searching for a lasting solution to the problem itself. In that process, we would also need to look into the circumstances under which the settlers came to be rehabilitated in areas that we are told were already recognised as elephant corridors at the time of their rehabilitation. To punish an animal for its aggression based solely on a layman's perception of its motives, and nothing more, would not amount to rendering justice to the animal in any sense of the term. On the contrary, the State would

be in breach of its constitutional duty to protect its wildlife. The interests of the people in the locality also will not be safeguarded through targeted and irreversible action against just one elephant when a herd of elephants is stated to be foraging in the area.

5. We are of the view that the interests of justice would require us to avoid resort to quick-fix knee-jerk actions and ascertain the views of the experts as to what steps would best bring about a balance between the conflicting interests of humans and animals in given situations, as also what steps could be put in place to avoid such situations in the future. Concrete steps have thereafter to be taken by the state executive to implement the measures suggested by the experts. The state executive may also have to think of putting in place restrictions as regards the nature of activities that can be carried out by residents in localities that border forest areas of the state as also in those localities that fall in the path of identified elephant corridors in the state. As a first step towards attainment of these objectives, we deem it appropriate to constitute a Committee of Experts (CoE) to advise this court in matters of Human-Elephant conflict situations arising in the State. The CoE shall comprise of the following persons:

- (i) Sri. Arun R.S - Chief Conservator of Forests (High Range

- Circle), Kottayam.
- (ii) Sri. Pramod H - Chief Conservator of Forests & Field Director, Project Tiger, Kottayam
 - (iii) Dr. NVK Ashraf - Chief Veterinarian & Vice-President, Wildlife Trust of India
 - (iv) Dr. P.S. Easa - Chairman of Care Earth Trust, Chennai and former Director of Kerala Forest Research Institute.
 - (v) Sri. Ramesh Babu - learned Senior Counsel, and the Amicus Curiae appointed by this court, who shall function as the convener of the Committee.

6. For finding a solution to the present situation, the CoE shall immediately, and at any rate within the next three days, convene to consider the data available with the Forest and Wildlife department of the State as regards the nature and habits of the wild elephant that goes by the name of 'Arikkomban'. The consideration and analysis of the data shall be for the purpose of advising this court as to whether or not there are options, other than the capture and holding in continued captivity of the elephant, that could be explored to avoid situations where the elephant in question causes disturbances in human settlements. The CoE shall keep in mind that the ultimate object of the exercise is to strike a balance between the conflicting interests of the residents of the localities concerned and the animal in question and towards this end they may also take into consideration the views of the people in the localities concerned or their representatives. Their report on the above matter may be placed before us by the next date of

posting ie. 5.4.2023.

In the meanwhile, and pending receipt of the report of the CoE, the personnel and *kumki* elephants currently deployed by the State Forest & Wildlife department shall continue to be deployed for the purposes of safeguarding the persons in the human settlements from the elephant concerned. We hasten to add that in the event of a situation arising where the elephant concerned poses a threat even to the lives of the personnel deployed to prevent it from entering the said settlements, then it shall be open to them to tranquilise the elephant in question and immobilizing it for the limited purpose of fastening a radio collar on it that will help the said personnel keep track of the animal and monitor its movements till the next date of posting when we will have the report of the expert committee to guide us on the next course of action.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

Sd/-
GOPINATH P.
JUDGE

prp/29/3/23