

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 5<sup>th</sup> day of April 2023 / 15th 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.

**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.

**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).

**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 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.

**ADDL. R46 IMPEADED**

46. SANTHAPARA 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. R48 IS IMPEADED AS PER ORDER DATED 05/04/2023  
IN IA.17/2023 IN WPC.

P.T.O



This Suo Motu writ petition again coming on for orders upon perusing the petition and this Court's order dated 29.3.2023 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.PRASANTH 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. UNNIKRIISHNAN 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.PRASANTH,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. 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 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.**

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**W.P.(C).NO.13204 OF 2021**  
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**Dated this the 5<sup>th</sup> day of April, 2023**

**ORDER**

**Gopinath P., J.**

Read orders dated 23.03.2023 and 29.03.2023. These orders were passed on account of the situation that arose from the reports of a wild tusker [who goes by the moniker 'Arikkomban'] trespassing into human settlements. The Chief Wildlife Warden, Kerala had issued an order on 21.02.2023 [produced as Ext.R18(a) along with the affidavit of the 18<sup>th</sup> respondent] authorising the tranquillization and capture of the aforesaid elephant. The said order gave three options to the officers who were tasked with the capture. These options were (i) to tranquillise and radio collar the animal to monitor its movements; (ii) to tranquillize and capture the elephant and shift it to an elephant camp functioning under the Forest Department; and (iii) to tranquillize, capture and relocate the animal to another habitat.

2. On 23.03.2023, we had issued an order preventing the capture of the animal for the reasons indicated in that order.

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Thereafter, through the order dated 29.03.2023, we had constituted an Expert Committee consisting of -

- (i) Sri. Arun R.S - Chief Conservator of Forests (High Range Circle), Kottayam.
- (ii) Sri. Pramod P.P. - 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.

3. The said Committee has today submitted a report which, *inter alia*, indicates the following:

- (i) The area in issue falls within the territorial limits of the Chinnakkanal and Santhanpara Panchayaths in Udumbanchola Taluk in Idukki District. It is reported that this area is known as the 'Anayirankal area' . The report indicates that the area was an elephant habitat that had some traditional settlements of the tribal Muthuvan community, who peacefully co-existed and continue to co-exist with the wild animals in the area. The report indicates that subsequent unscientific resettlements in the area have given rise to human-animal conflict. The report also indicates that over time, the conflicts have escalated to other areas which are mentioned in

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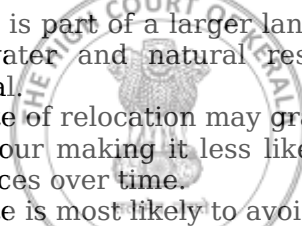
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paragraph (2) of the report.

(ii) The Committee met on 30.03.2023, 31.03.2023, 02.04.2023 and 03.04.2023 and conducted site visits to the affected areas.

(iii) The Committee is unanimous in its opinion that the wild tusker must be captured, radio-collared and relocated to the Muthuvarachal/Orukomban falling within the Parambikulam Tiger Reserve.

(iv) The basis of the selection of the site is mentioned as having taken note of the following factors:

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- “(a) That it is part of a larger landscape with plentiful food and water and natural resources required for its survival.
  - (b) The site of relocation may gradually shape the animal's behaviour making it less likely to seek anthropogenic resources over time.
  - (c) The site is most likely to avoid human-wildlife conflict.”

4. The report of the Committee suggests that the members of the Committee were also alert of the fact that the animal in question is presently in 'Musth'. The Committee, however, is of the opinion that even though the animal is in Musth, tranquillizing it, radio-collaring it and translocating it to the Parambikulam Tiger Reserve will not cause any harm to the animal.

5. Having considered the report of the Committee and having

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heard the counsel appearing for the various parties in this writ petition including parties who sought to get themselves impleaded in the writ petition as also the learned Additional Advocate General appearing for the State of Kerala, we are of the opinion that the Committee has considered all the relevant aspects and has come to the conclusion that the best possible way to deal with the present situation is only to capture, radio-collar and translocate the animal to the Parambikulam Tiger Reserve. We are convinced that this is the best option, despite the submission of the learned Additional Advocate General that it is for the Chief Wildlife Warden to take a final decision as to whether the elephant has to be translocated or kept in captivity.

6. It was the peculiar circumstances in this case that warranted the appointment of a Committee of Experts to take a decision since the order passed by the Chief Wildlife Warden [Ext.R18(a)] was itself ambiguous, and not clear on which of the various options suggested by him was to be exercised. Now that the Expert Committee comprising, *inter alia*, of Dr. P.S. Easa, Chairman of Care Earth Trust, Chennai and former Director of the Kerala Forest Research Institute and Dr. NVK Ashraf, Chief Veterinarian and Vice President, Wildlife Trust of India both of whom are known Experts in the field, has given its opinion in the matter, we deem it

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apposite to defer to their opinion on the issue.

7. Sri.Ramesh Babu, the learned senior counsel and Amicus Curiae has brought to our notice that the translocation of the animal will require the active participation of various Government Departments and especially the following Departments:

- (i) Revenue Department
- (ii) Forest Department
- (iii) Police Department
- (iv) Kerala Fire and Rescue Services Department and
- (v) Kerala State Electricity Board

8. The learned Additional Advocate General assures us that the Officials and Departments of the State Government will offer all necessary assistance for the safe translocation of the animal to the Parambikulam Tiger Reserve, as directed by this Court. We therefore direct the District Collector, Idukki, District Collector, Thrissur, and the District Collector, Ernakulam to personally supervise the translocation of the animal while the convoy passes through their respective Districts so that the transportation of the animal is carried out seamlessly and without any hindrance. The District Police Chiefs/Rural District Police Chiefs, through whose jurisdictions the

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convoy will pass, will ensure that sufficient police personnel are deployed and escort is provided to ensure safe passage of the animal to the Parambikulam Tiger Reserve. The Chief Engineer (Distribution) Kerala State Electricity Board, shall, on receipt of a copy of this order, issue necessary instructions to the Officers concerned in the route of the convoy to ensure that on request, the electric supply shall be suspended for the necessary time to ensure that there is no harm caused to the animal on account of overhanging electrical cables.

9. Sri. Arun R.S, the Chief Conservator of Forests (High Range Circle), Kottayam, Sri.Pramod P.P, the Chief Conservator of Forests & Field Director, Project Tiger, Kottayam and Sri.Dr. Arun Sakharia, the Chief Forest Veterinary Officer shall be in overall control of the capture and shifting of the elephant as directed in this order and they shall personally accompany the animal while it is being shifted from Idukki to Parambikulam Tiger Reserve. The animal shall be radio collared using GPS and VHF Technology, which, it is reported, can be procured for the purpose. We also make it clear that during the capture, radio collaring and transport of the elephant, members of the public shall not be permitted to videograph or transmit any images of the elephant being captured, transported or released at the Parambikulam Tiger Reserve. No celebrations or beating of drums or

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bursting of crackers shall be permitted anywhere near the animal after its capture or during its transport. The District Administration of the concerned District shall, if deemed necessary, issue prohibitory orders in this regard in exercise of jurisdiction under Section 144 of the Code of Criminal Procedure.

10. While the above directions are issued in connection with the immediate capture and translocation of the elephant 'Arikkomban' we also feel it necessary to initiate steps towards finding a lasting solution to the perennial problem of human-animal conflict in various districts in the State, especially in Idukki, Palakkad and Wynad. We therefore direct that the Committee of Experts constituted by us through our last order shall consider the proposals put forward by the Officials of the Forest Department in the document titled "Proposal on Conservation of Elephants at Anayirangal, Chinnakanal, Devikulam Range of Munnar Forest Division, Idukki District, Kerala" [hereinafter referred to as 'the Proposal'] that has been placed before us. We have gone through the said document that, among other things, requires the Delineation of the Anayirangal National Park, the Delineation of the Anayirangal Conservation Reserve and the Delineation of the Anayirangal Community Reserve. Having gone through the report, we are *prima facie* of the opinion that the recommendations contained in the report



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have to be considered seriously for they are absolutely necessary to protect the life of human settlers in the area as also the property comprised in such settlements. We are constrained to take this view because the present situation clearly indicates that unless emergent steps are taken, the instances of human-animal conflict will continue in the area. We therefore direct that the Committee of Experts will hold emergent meetings with the Principal Secretary, Revenue, Principal Secretary, Forest and Wildlife Department, District Collector, Idukki and such other officials as the Convener of the Committee deems appropriate to try and implement the suggestions in the said document. The CoE shall also go through the report of the Elephant Task Force, Ministry of Environmental and Forests dated August 31, 2010 that also contains suggestions on the steps to be taken to mitigate human elephant conflict situations. The latter report has been taken note of by the Supreme Court in matters involving maintenance of elephant corridors in the country. The Committee shall thereafter endeavour to file a report before this court as regards the steps that can be taken towards implementation of the proposals aforementioned, and the time frame within which they can be taken.

11. Pending a study by the CoE of the proposals aforementioned, and with a view to mitigate the anxiety and fear of

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the people most affected by the instances of human-animal conflict in Idukki District, we deem it appropriate to constitute a Task Force comprising of the following officials to deal with the problem of human-animal conflict in Idukki District:-

- (i) The Revenue Divisional Officer concerned,
- (ii) The Chief Conservator of Forest (Project Elephant) having jurisdiction over the area,
- (iii) The District Police Chief and
- (iv) The Panchayat President of the Panchayath concerned

12. The District Police Chief, who will be the common factor in the task forces constituted for the different Panchayaths in the region, will be the Convenor of each of the Task Forces constituted for the various Panchayaths in Idukki District, wherein, cases of human-animal conflict occur. The task forces as above shall be constituted within a week, and they shall immediately proceed to formulate measures to prevent elephant incursion into human settlement areas within the territorial limits of the respective Panchayats. In formulating the said measures, they shall consult the local people who are most affected by such instances of human-animal conflict. A report with regard to the constitution of the said Task Forces, and the functioning thereof, shall be submitted before



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this court within three weeks from today by the District Police Chief, Idukki. The Task Forces shall also specifically advert to the question as to whether any accumulation of municipal waste within the areas of the Panchayats in question attracts the animals to human settlement areas, and if so, the measures to be taken to abate the same.

Post on 26.5.2023 along with W.P.(C).No.10551 of 2023.



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

**Sd/-**  
**GOPINATH P.**  
**JUDGE**

prp/5/4/23

**APPENDIX OF WP(C) 13204/2021**

Exhibit.R18(a)

**TRUE COPY OF THE ORDER DATED 21-02-2023 OF PRINCIPAL  
CHIEF FOREST CONSERVATOR AND CHIEF WILDLIFE WARDEN**

