

CJ & KVAJ:
14.06.2024

SUO MOTU (PIL)

ORDER

The elephants and other wildlife in the State of Karnataka, as a matter of fact in the entire Country, are an asset. They deserve protection and care for their health and life. The authorities have corresponding statutory duty.

2. The Court felt anxious and concerned, upon noticing the report titled "Fell in his prime: Jumbo death leaves all shocked", figured in news daily 'Bangalore Mirror' Thursday, dated 13th June 2024. The news item related to unnatural death of an elephant named Ashwathama who died out of electrocution. The newspaper report quoting the conservationists mentioned that the death was because of sheer negligence on the part of the authorities in taking precautionary measures.

3. The death of this elephant occurred in Mysuru. One more death of the elephant was reported from Chikkamagaluru District and two other deaths, also of elephants were reported from Madikeri District. All who are stated to be on account of electrocution.

3.1 It is further mentioned in the newspaper report thus,

“Between January 2021 and now (June 12, 2024), Karnataka has lost 35 elephants to electrocution. Out of these, 12 cases were recorded in 2021, nine in 2022 and 2023 each, and five deaths have been registered this year.

Overall, 47 cases of unnatural deaths in jumbos have been recorded in the given period, which include deaths by gunshots, electrocution, road and train accidents, and snaring.”

4. Copy of the aforesaid newspaper report is attached herewith.

5. Whether inside the sanctuary or outside the sanctuary, the elephants and other wildlife would need care. Their safety is to be ensured at all costs by keeping the vigil and by taking appropriate measures. The forest and other authorities owe statutory duty in this regard. Their exposure to electrocution or to the other unnatural causes of death have to be prevented.

5.1 The successive and repeated incidents of the death of elephants in the State of Karnataka in different areas due to electrocution or for other unnatural causes is a serious matter to worry. The report reflects that the incidents take place for want of diligence on part of the authorities concerned incharge of ensuring safety measures for the elephants in particular, and the wildlife in general.

6. The incidents reported and noted as above, are taken as representative cases. The elephants and wild life have right to live in safe environment, not to die unnatural death, as they stand under statutory protection.

7. This Court invokes its power under Article 226 of the Constitution to *suo motu* registered Public Interest Petition on the above score.

8. In these proceedings, following shall be arraigned as party-respondents,

- (i) The Union of India
(notice to be served through the Ministry of Environment, Forests and Climate Change, New Delhi).
- (ii) State of Karnataka
(notice to be served through the Chief Secretary to Government of Karnataka, Bengaluru).
- (iii) State of Karnataka
(notice to be served through the Secretary, Department of Forest, Ecology and Environment, Bengaluru).
- (iv) The Principal Chief Conservator of Forests (Wildlife) and Chief Wildlife Warden, Karnataka Forest Department, Bengaluru.
- (v) The Divisional Forest Officer, Mysuru.

9. The above authorities shall respond to the present proceedings by putting forward the facts and figures by filing their reply.

10. The Court calls upon the authorities to apprise the Court about the following aspects as well,

(a) What steps and measures are presently taken for ensuring the safety and protection to the life of elephants and other wildlife assets in the State of Karnataka.

(b) What are the steps proposed to be taken in future, in light of the repeated deaths of the elephants occurring and reported, to prevent such instances of unnatural deaths.

(c) What is the statutory machinery activated by the authorities in this regard.

(d) What is the mechanism adopted and developed for the safety and safeguard of the elephants and other wildlife within the sanctuary area as well as outside the reserved area.

(e) In what way the authorities fix the liability of officers when such kind of deaths of elephants and wildlife occur.

11. The Registrar General is directed to register the *suo motu* public interest petition. Notice shall be issued to the parties returnable on 2nd July 2024.

Learned Senior Advocate Mr. Puttige R. Ramesh is requested to assist the Court as *Amicus Curiae*.

**Sd/-
CHIEF JUSTICE**

**Sd/-
JUDGE**

KPS