



Animal Welfare Board of India
Ministry of Environment and Forests, Govt. of India

Report on the Welfare & Veterinary Status
Captive Elephants (*Elephas maximus*) at Punnathur Kotta
Guruvayur Devaswom Board, Thrissur, Kerala



One of the 59 temple elephants at Punnathur Kotta, Guruvayur
August 2014

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Elephants of the Guruvayur Devaswom Board, Thrissur, Kerala– AWBI, MoEF Inspection conducted on the 26, 27, 28th August 2014 at Punnathur Kotta

Preface

In a directive dated 13.08.2014 (**Refer Annexure 1a & b**), the Animal Welfare Board of India (AWBI), Ministry of Environment of Forests, New Delhi, sent their representatives comprising of two members to evaluate the welfare status of the captive elephants housed in Punnathur Kotta, Guruvayur Devaswom, in Thrissur District, Kerala.

The AWBI and the Ministry of Environments & Forests (MoEF) has been receiving many complaints via letters, emails and articles (**Refer Annexure 2a, b & c**) with regard to the upkeep and housing of elephants at the Punnathur Kotta. The decision was made to conduct an investigation into their elephant keeping practices with reference to the relevant Acts, Rules, Circulars and Directives, issued from time to time by the MoEF and the State Forest Department.

The inspection protocol was as follows:

- ✓ Each elephant individually examined as per the Elephant Body Condition Index
- ✓ Check of all parameters of elephant maintenance- ownership, housing, feeding, welfare
- ✓ Information on upkeep elicited from Mahouts

The current investigation was carried out over a period of 3 days, in the month of August, using field observations and detailed examination of veterinary records, Ownership Certificates, work register, diet charts, interviews with staff and mahouts, records of offences committed by the establishment, details of elephant donations and donors, and collection of dung samples to evaluate the living conditions, physiological, behavioral and health profile of the elephants at Punnathur Kotta.

The elephant keeping conditions and their management at Punnathur Kota has been under the scanner of late. Not less than 3 official committees have investigated and submitted reports on the same. Investigations conducted were by Senior Advocate Govindh K. Bharathan, appointed as Amicus Curiae by the Hon'ble High Court of Kerala. A second report was submitted by the District Collector and a third committee was constituted, headed by the well-known writer, Sugatha Kumari after 'The Mathrubhumi Weekly', in its May 5, 2013 issue, had published 30 pictures of wounded elephants at the festival. The pictures, disturbing close-ups of the chained legs of the elephants, exposed swollen pus-filled injuries. The committee was constituted after these pictures were brought to the attention of the Chief Minister by Sugatha Kumari.

Acknowledgements

Kerala Forest Department

We are deeply indebted to Mr. G. Harikumar IFS, Chief Wildlife Warden, Kerala, Shri A.R. Sasi Kumar, DFO Thrissur, Shri Surjith M.K., Range Forest Officer, Shri M.P. Mani, Deputy Range Forest Officer, Erumapetty Forest Station, Wadakkanchery Range, Thrissur Division, Shri M. Ganesh Kumar, Beat Forest Officer, Erumapetty Forest Station, Shri P.V. Nidheesh, Beat Forest Officer, Erumapetty Forest Station, for extending all support and co-operation to the visiting team.

Shri O.P. Kaler, Chief Wildlife Conservator for Captive Elephants, Bio-Diversity Cell was gracious enough to have a telephonic discussion on the matter.

Elephant Expert Committee Members of GDB

Without the support, information and guidance by Dr. Muralidharan Nair, Dr. K.C. Panickar, Dr. Vivek K., Dr. Devanam Namboodiri and Dr. P.B. Giridas, it would not have been possible to compile this report. We were unable to meet Dr. T.S. Rajeev, committee member.

Managing Committee Members of Guruvayur Devaswom Board

Shri T.V. Chandramohan Ex-MLA & Chairman and Shri A. Suresan, Advocate, were kind enough to interact with the visiting team.

Administrative Staff of Punnathur Kotta, GDB

We owe a debt of gratitude to Shri K. Muraleedharan, Administrator, Guruvayur Devaswom Board, Shri P. Krishnankutty, Deputy Administrator, Dr. Pavithran, Veterinary Officer, Shri S. Sasidharan, Live Stock Supervisor & Head of Mahouts at Punnathur Kotta, Shri Jayanthan T., Assistant Manager Livestock, Shri Radhakrishnan and Shri Kannan, Assistant Livestock Supervisors, Shri Prasad and Shri Sabu, Veterinary Livestock Inspectors and Ms. Suvantha Kumari for sharing many insights and information with us regarding their wards at Punnathur Kotta. Without their support, it would have been impossible to understand the functioning of this world renowned Elephant Sanctuary.

Others

Our grateful thanks to Dr. Jacob Cheeran, reputed elephant veterinarian and Dr. V. Sunil Kumar CVO, Palakkad for their inputs and guidance.

We wish to express our sincere thanks to Mr. Vinod Davy for lending his professional photography skills and expertise to this report. We thank Mr. Prathyush Rao and Dr. Hari Krishnan of Wildlife SOS for helping with the collection and organizing of veterinary data. We thank Ms. Shilpa Mahubani from Compassion Unlimited Plus Action (CUPA) Bangalore for helping with the design.

Executive Summary

Currently, the Guruvayur Devaswom Board has 59 elephants in their possession. This is significant since it represents more than 13% of the captive elephant population in Kerala. As per the approximate estimates of field veterinarians in the state, the total numbers of captive elephants have been severely decimated in Kerala by the number of mortalities due to wrong management and stress based diseases. The death of the 20th captive elephant was recorded in the State in a period of 9 months from January to September 2014.

59 elephants are restricted to approximately 11 acres of land which is shared by 700-1000 visitors, 200 staff members, 3-4 water bodies, office buildings and the Punnathur Kotta Palace, declared as a Heritage property. The facility is spread over 18.42 acres. A portion of the property which was acquired later is not fully utilized due to some technical problems of funding institutions.

The current captive population of 59 elephants is dominated by 54 adult males inclusive of 4 in the category of elderly or geriatric. 5 are female elephants, 52 are tuskers and 2 are 'makhnas' or tuskless males.

The shelter for the elephants consists of only 8 sheds for 8 elephants, the rest are chained with full exposure to the vagaries of weather. Since there is no concept of free movement or grazing, the elephants are tied to the same spot for 23-24 hours a day. Two elephants are walked to the temple premises on tarred roads about 2 kms away, and this is done in rotation on a daily basis, reportedly.

There is a complete lack of bathing facilities for 59 elephants. Elephants are bathed with hose pipes and in one stagnant, algae filled water body. There are 3 such water ponds which seem to have been contaminated by sewage inflow. The source of water is tube wells.

Head bobbing, 'stereotypies' and efforts to free themselves from the shackles were observed in most of the elephants.

The elephants are fed a monotonous diet of 2 items – green grass and Caryota palm leaves. For one month in a year they are on a reconditioning diet, the details of which are elaborated in the report. Though elephants as a wild species have a recorded diet of more than 72 items, the Guruvayur Temple elephants are maintained on this 2-fodder diet for 11 months of the year.

Ownership certificates were observed to have many irregularities and documents were noticed to be incomplete and ambiguous. The papers relating to the acquisition and source of the animals are unsatisfactory. Prima facie, they seem to have been wild caught to satisfy the demand for tuskers in Kerala, which are used openly for commercial and trading purposes.

The environment is unhygienic and a challenge for the authorities in terms of dung and food waste disposal which is generated by 59 elephants housed in a factory farm situation. The elephants, public and staff generate about 3-5 tons of waste per day.

There have been offences booked against the management for abuse, unhygienic conditions and deaths due to unnatural factors like physical violence on the elephants by their mahouts.

Health of the elephants is severely compromised. The health records validate diseases and infirmities caused by unnatural housing, continuous chaining and lack of immunity due to chronic conditions of stress and possibly sub optimal immunity levels.

The mahouts are permanent and the assistants (if any) are temporary in post. They work on an eight hour schedule. Their stresses are high due to exposure to temple festivals and 'poorams'. They are addicted to substance abuse and are dissatisfied with their remuneration and exposure to constant life threatening situations. They professed helplessness and bitterness in the face of management decisions to expose them to high risk at temple festivals.

Only one full time veterinarian was observed at the time of inspection who had no previous knowledge of elephant-specific treatment. A veterinarian, member of the Elephant Expert Committee, was observed to be treating the elephants, as a volunteer.

Specific Observations & Recommendations

Punnathur Kotta is in need of urgent overhaul. Interim recommendations were forwarded to the Guruvayur Devaswom Board on 4.9.2014 by the AWBI. **(Refer Annexure 8a).**

The Guruvayur Devaswom Board vide letter dated 21.10.2014 confirmed that they had initiated walks for the elephants. **(Refer Annexure 8b).**

1. The current land area has to be extended or decentralized. As per CZA guidelines, an elephant in captivity not housed in the free range forest camp system has to have a minimum of 1.2 acres of individual useable space. Therefore, we assume that 59 elephants need a minimum of 90 acres, apart from housing for staff, water bodies, fodder storage areas, office, dispensary, and walking paths. Hence, an estate of about 150-180 acres is necessary if the GDB wants to keep them all in one location. The current land space is unacceptable for the numbers confined there currently.
2. It is our recommendation that the housing facilities for the animals be corrected to conform to that detailed in Rule 4 of the Kerala Captive Elephants (Management & Maintenance) Rules 2003. Additionally, extreme care must be taken for the upkeep of these facilities to eradicate the chances of communicable diseases. A large part of maintenance is concerned with effective waste disposal. The dung should be immediately removed. After washing, the area must be allowed to dry before returning the elephants to that place.
3. Two hours of walking in a day on natural substrate is the most fundamental welfare requirement for all elephants at Punnathur Kotta. Visitor timings should be suitably altered in order to facilitate one hour of walking during morning and evening, for all the elephants at the facility. Exercise and adequate movement for an elephant is essential to its wellbeing. An elephant in the wild walks and feeds for 14-16 hours a day in natural surroundings.
4. The elephants' diet at Guruvayur needs to be reviewed. The elephants in the wild feed on more than 70 items of grass, seeds, fruits, bark of trees, leaves, roots etc. This provides them with valuable minerals and salts necessary for their wellbeing. To restrict them to Caryota palm and green grass for 11 months and then give them a conditioning diet for one month to prime them for the festival season is a cruel method of justifying their nutritional requirements. Elephants, as all mammals, crave variety in their diet. To ignore this aspect of food variability and seasonal availability is to cut out one more welfare aspect from their conscripted lives. Irrespective of the fact that the elephants get rest and nutrition for one month of the year it is still inadequate and insufficient for their nutrition and wellbeing for 11 months.
5. Senior elephants (65 years and above) should be retired and not used for any religious or festival duties. We suggest that the retired elephants be transferred to the Forest Department to house them in the Kerala Elephant Rescue Centre at Kappukad.

6. Female elephants should be placed together for fulfilling their inherent biological need for social and chain free interaction in a special solar fenced enclosure.
7. Elephants in musth should be segregated and housed in individual specially constructed enclosures, so as to give maximum comfort to the animal. This will not only eliminate the threat they pose to humans and other elephants, but also protect them from causing self-harm out of frustration and rage. Displaying or exhibiting musth bulls should be strictly banned. Mahouts should be protected from direct handling of such elephants.
8. Intensive chaining by both hind and forelimbs needs to be changed urgently. Kraals measuring 1.2 acres need to be made available for these elephants. (Chaining is done on both hind legs and in some cases, by one foreleg as well. This severely restricts movement resulting in severe stereotypic behaviour. Majority of the elephants had scars and wound marks and some had deformed lower hind limbs caused by tight chaining for 24 hours and for months at a time).
9. Bathing of elephants, as currently undertaken, is inappropriate and faulty. The concrete surface often gives calluses on the elephant's shoulders and limbs. Hosepipes are neither adequate nor the recommended mode for bathing. A river needs to be identified for recreating the best possible bathing facility under captive conditions. Failing which, the ponds need to be urgently de-contaminated from sewage inflow and made useable for the animals.
10. Elephants exposed to heat and sunlight through the days, weeks and months need to be given immediate relief by provision of shade arrangements and the possibility to access drinking water at will.
11. The GDB needs to register with the Central Zoo Authority (CZA) and the Animal Welfare Board of India. Since the elephants are used for processions and festivals, the GDB needs the Performing Animals Registration. Both statutory bodies are governed by the Ministry of Environment & Forests (MoEF). The Asian Elephant (*Elephas maximus*) is a Schedule 1 animal listed as vulnerable, requiring full protection as per the Wildlife Protection Act (WLPA).
12. The present crisis of dung and garbage removal systems needs to be resolved urgently. It is currently dysfunctional and many options, though under consideration, are neither feasible nor practical. However, having so many elephants in one restricted location is strictly not advisable since it impacts on the welfare of the animals in a significant way. Hygiene and sanitation are two parameters which are violated and affect the health of the elephants and the mahouts.
13. Mahouts need to be strictly monitored since they are believed to be engaged in many malpractices. Above all, they need to be insulated from political influences which are, reportedly, the single most important reason for their indiscipline or disinterest. They need regular professional counselling to control their alcohol dependency.

14. The welfare of the Mahouts should include insurances for health and life. They must be disallowed from changing their charge (take different elephants under their care instead of the one they are assigned to) during festival time. Every mahout must be assisted by a 'kavadi' or helper.
15. Elephants owned by the GDB should be gradually phased out from appearing in public festivals and processions. Participating in processions and 'poorams' is a definitive violation of the WLPA Amended 2002. As a Schedule 1 animal, it cannot be used in any commercial transaction. Cultural practices cannot be considered greater than the laws of the land, whereby the exploitation of India's Heritage animal is condoned. For the Guruvayur Devaswom Board owned elephants, this is indeed a great sacrilege. It is well known that the elephant 'culture' has less to do with religion and more to do with commerce and trade. **(Refer Annexure 5)**
16. Mahouts who exhibit streaks of violence need to be removed from the daily handling of the elephants. Current practice of transferring mahouts holding a negative record to another elephant should be discontinued.
17. It is recommended that the GDB does not expose their elephants and mahouts to commercially driven exhibitions. The stressful 'pooram' festivities cause severe distress to both the elephants and their mahouts. The latter can control them only through brutal methods, some of which may not be visible to the eye. **(Refer to Annexure 9)**
18. Documents need clarity and transparency. Both GDB and the State Forest department need to trace the source of the elephant and track the route to its acquisition from initial owner to donor. It is clear from the documentation of the elephants that most of the Ownerships are faulty and the paperwork is incomplete or illogical. It has been presented under a veil of ambiguity, so that the concerned elephant cannot be traced to its logical source.
19. The maintenance of records by the authorities is inadequate, incomplete and unsatisfactory. All records and registers should be drawn and maintained in strict compliance to the laws relating to elephant-keeping.
20. Many of the elephants are wild caught as is clear from certain signs that are inherent and also recorded in their identification marks.
21. Keeping male elephants with tusks in captivity, with no opportunity to breed is a cruel deprivation to conservation efforts in the country. It is a well-known fact that captive elephants cannot breed due to high stress, inadequate spaces and their intensive industrial use for commercial gain.

22. Trimming of ivory needs stricter monitoring, neither possible nor practical under the present circumstances. Ivory has been the reason for the decimation of elephants, world-wide. The tusks of elephants at GDB are regularly trimmed. This gives rise to potentially unacceptable situations, given the lack of security to guard this valuable ivory stocks, held by both by the Forest Department of Kerala and the Temple authorities. It is assumed that these tusks find their way into the ivory black market. Kerala has been proclaimed as the hub of illegal ivory trade. **(Refer Annexure 3)**
23. Elephant donations from donors should be completely discouraged. Gift, donation, transfer, lease of elephants should be recognized as an illegal act and the Chief Wildlife Warden (CWW) should block all permissions to facilitate this.
24. The GDB needs to seriously look into Human Resources Development (HRD) matters and take professional support. As reported, the full time Veterinarian earns Rs.25000/- and is accountable for 59 elephants under his care. The two Livestock (LS) Inspectors earn about Rs.11000/- each, after many years of service. There is widespread resentment and dissatisfaction. Since it is difficult and unadvisable to get rid of experienced manpower, there must be effort from GDB to enhance current salary scales. It was reported that qualified and competent professionals do not want to join the Elephant Facility of the GDB. Hence, quality care is missing for the elephants, who are the victims of ill-health and abuse. Reportedly, there are 7-8 elephants suffering from Tuberculosis at Punnathur Kotta.
25. The Devaswam Committee in-charge of the well-being of the elephants is comprised only of the members of the Devaswam Board. This composition may have inclination towards bias which can be offset by the inclusion of one member from the Animal Welfare Board of India and one official from the State Forest Department, to contribute to welfare decisions made for the elephants' overall well-being.
26. CCTV cameras should be installed around the Punnathur Kotta Campus as a deterrent towards any misbehaviour or violence towards the elephants.
27. Annual inspection team mandated by the Animal Welfare Board of India need to visit Punnathur Kotta and evaluate the progress on the recommendations for better welfare conditions.
28. Old, sick and handicapped elephants should be handed over to the Rescue Center of the State Forest Department for lifetime care.

Administration of Punnathur Kotta

The Administrator & Secretary of Punnathur Kotta is the Chief Executive Officer of the Guruvayur Devaswom Board & Secretary of the Managing Committee. He is also the administrative head of the elephant facility. He reports to the Guruvayur Devaswom Managing Committee members, headed by the Chairman. Amongst other temple matters, management of the elephants is also an agenda point. The Administrator conveys the wishes of the MC members to the Guruvayur Devaswom Commissioner, who in turn reports to the Hon'ble Minister for Devaswoms.

The Administrator conveyed that the development of the facility is according to the Government's wishes and consent. The Managing Committee is empowered to give approval for expenditures not exceeding Rs. 5 lakhs. The GD has many holdings of private properties donated by devotees and their corpus is in excess of Rs. 800 Crores.

Background & Use of Elephants in Rituals

In 1975, the Guruvayur Devaswom purchased 10 acres of ground in Punnathur Kotta, 3 kms north of the main temple. The grounds have a beautiful ancient palace and temple. Before this, the elephants were housed in a compound to the south of the main temple.

The new place was named Anakkotta (Elephant Fort). The elephants housed in these premises have been donated by devotees as ritual offerings to the Lord Guruvayurappa.

Visiting Hours are from 8.00 AM to 6.00 PM. Entry fees are for adults (5/-) and children (1/-), camera (25/-) and video camera (1000/-).

There are elephants like Adithyan, donated by celebrities like the popular star and cinema icon, Ganesh Babu. Adithyan, who has his forelimbs broken due to mahout abuse, also suffers from severe stereotypii. He was donated in 2002 at the age of 6 years. Today, he is permanently handicapped.

Elephant Jr. Lakshmanan was donated by Chief Minister Jayalalitha of Tamil Nadu in 1979 at the age of 22 years. Being a makhna, he is not rented out for poorams and processions.

Elephant Keerthy was donated at 10 years of age by the famous actor Suresh Gopi, in 2002. He suffers from severe stereotypic behavior, a mental condition brought about by intensive confinement and malpractices in management.

The annual festival Guruvayur Utsavam is held in February-March. This has the infamous elephant race 'Aanayottam'. It is based on a legend that at one time, due to shortage of elephants for the temple festival, some elephants from Trikkanaamathilakam raced on their own to Guruvayur to be at the Lord's service. To commemorate this legend, the elephant race is held at the commencement of the festival. The honor of carrying the Thitambu on its back during the festival goes to the elephant that wins the race. Festivities go on for 10 consecutive days. The elephant race has been the subject of bitter criticism and complaints due to the cruelty meted out to the elephants. **(Refer Annexure 4a)**. The issue of animal racing has been elaborated in the Supreme Court judgment in SLP (C) 11686 of 2007 AWBI vs. A. Nagaraja (paragraph 77). **(Refer Annexure 7)**

Daily ritual of Gajapooja (worship of elephants) and 'Aanayoottu' (feeding of elephants) consisting of rice jaggery, plantains, coconut, takes place at 3 pm, as an offering to Lord Ganesh. Some of the elephants are trained for some daily pooja rituals while others are rented out for participating in temple functions throughout the year.

Annual elephants' procession is held on Dasami day, prior to Guruvayur Ekadasi, to the statue of Elephant Kesavan at Sreevalsam compound. It is to pay homage to the famous dead elephant, who was the mascot of the Temple.

Elephant Management at Punnathur Anakkotta

There are 59 elephants - 5F/54M (inclusive of 2 makhnas or tusk-less males) - housed in the compound. These range in ages from 16 to 74 years. The population is slanted towards male tuskers with only 2 makhnas (tusk less males). One makhna, Jr. Lakshmanan, was donated to the temple at 22 years of age, and the other, Balakrishnan at 38 years of age.

Details of age, sex class of elephants

Elephants from 61- 74 = 4

Elephants from 51 – 59 = 7

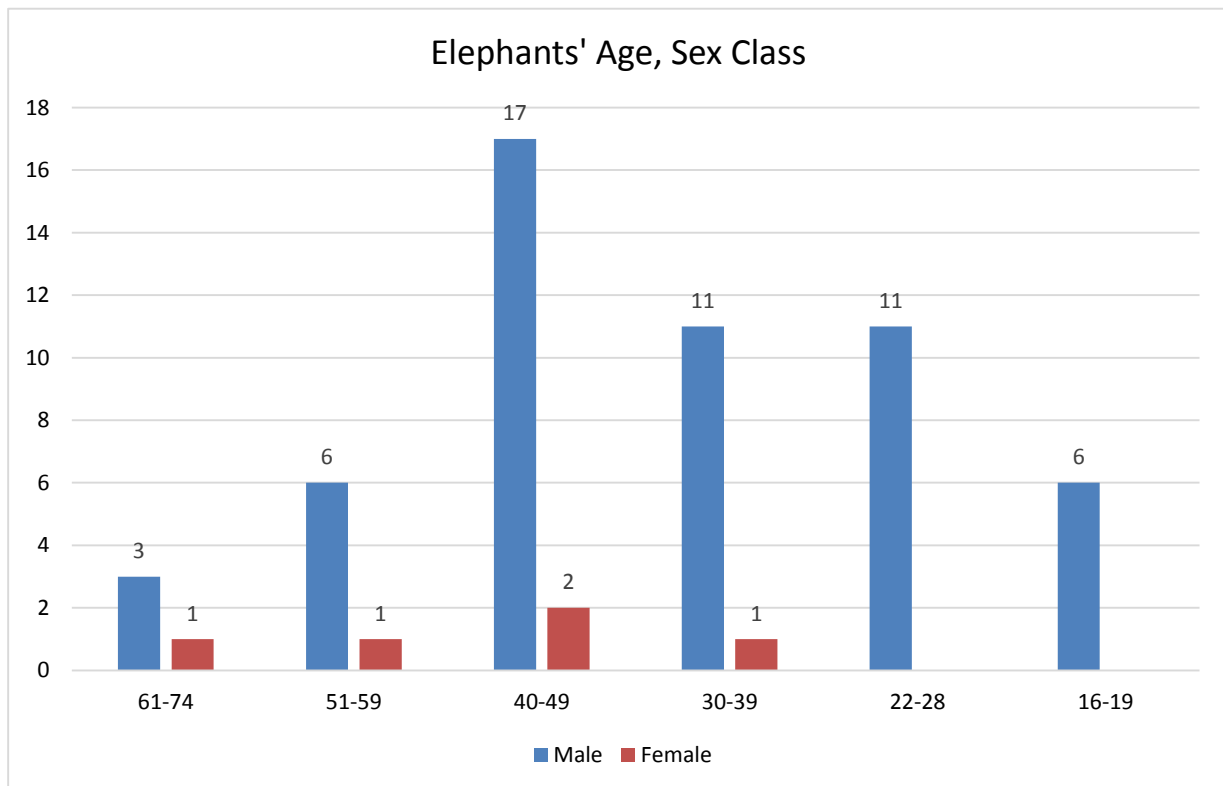
Elephants from 40 - 49 = 19

Elephants from 30 – 39 = 12

Elephants from 22 – 28 = 11

Elephants from 16 – 19 = 6

TOTAL = 59 (5 females and 2 makhnas)



Elephant Routine

Scientists have calculated that the average space used by an elephant in the wild is 125 acres (50 hectares) and suggest that in captivity, an elephant should be given an enclosure of at least 1% of the space that is 1.25 acres or about 5000 metre² (Varman et al. 1995).

In Punnathur Kotta, the elephants are tied for a period of 22-23 hours, chained by one hind and one fore leg. Some elephants are tied by both hind and one fore limb. Their movement, activities and routine depend on their mahouts' timings. Mahout duty hours are from 8 am to 12 noon and from 2 pm to 5 pm. Morning is

spent in cleaning the tethering site, bathing the animal, walking it to the feeding area—approximately 50 meters away – and carrying back the day's load of the Caryota Palm leaves to their tethering sites. Reportedly, the mahouts have alternate occupations in Thrissur and after their morning duties, some of them engage in part time work in town. The elephants are thus tied from 4 pm till 9 am the next day, a minimum of 17 hours or more with minimal walking to bathing site



Secured by heavy chains by their hind and fore limbs, elephants stand like parked cars for 17 hours or more on a normal day



Signage like these are dotted all over the Punnathur Kotta Elephant Facility

Shelters



Adithyan, his forelimbs broken, is tied in one of the eight existing elephant sheds. Slush, mud and piled dung is visible in the left corner

51 elephants are exposed to the elements – rain, wind, and sun – throughout the year. There are 8 shelters for 8 elephants ONLY. The reason stated for not providing them shelter from nature’s elements was that one elephant pulled down his shed and therefore, they need not enjoy such privileges. However, the fact that they have no choice, unlike their wild counterparts to choose their areas for rest or sleep, should be factored into a situation where summer conditions can be extreme.

Shelters, when present, had a metallic roof and earthen floors. The elephants were tied under a space which was approx. 30 ft x 30 ft. There is no provision of water for the elephants in the shed.



Sheds seen in the right background have metal roofing and earthen floor. There is no provision to provide water in the shed

Elephant tied in the open air, occasionally manage to get partial shade from the sun. The excessive chaining and intensive restrictions is the hallmark of the facility. No enrichments, for example water, dust or mud bath, or even interactions amongst themselves are possible. Curiously, even the 5 female elephants in the facility are not given the opportunity to interact with each other. Female elephant, Devi, has a habit of consuming large quantities of mud as a result of which she is kept for 14 hours in a kraal at night. There may be veterinary solutions or changes in management that may help to improve what is termed as a ‘vice’. Sadly, these have not been explored.



As per laws, it is the owner who is liable to provide a stable in a clean and healthy environment with sufficient shade for the elephants during rest. At the Guruvayur camp, a maximum of 8 animals had the luxury of partial shade and shelter from exposure to inclement weather. Even these ‘fortunate’ few did not have the minimum floor area prescribed by law.

The floor of the tethering places was noted to be constantly moist/wet, making it a breeding place for every kind of infection causing bacteria, as well as for mosquitoes. As a result, wounds that would normally take weeks to heal seem to take years. Waste disposal/management was absent or at best, inadequate. The elephants were always tethered to the same spot, where they ate, urinated and defecated.



*Elephant **Peethambaran** spends his life chained under the open skies with a single coconut tree extending shade only when the sun’s rays are at the right angle*



Padmanabhan has been sentenced to life under the skies through the seasons since he has a reputation of pulling down any shed that is built for him

Permanent location for this elephant under the open sun and exposed to the elements



Water & Bathing



Bore wells are the source of water at Punnathur Kotta. Elephants are bathed and watered with the help of garden hoses. Though there are 3 water bodies in the World Heritage Site, they are unusable since contaminated by algae and dung. Each garden hose caters to 5 elephants in a row. The mahouts complained of lack of time to bathe their elephants, since they have to wait for the previous elephants to complete their routine before their wards get a chance.

The elephants are bathed on concrete floors with these rubber hoses. There is lack of soft substrate to shield their shoulders and sides from the hardness of concrete and stone floors and the mahouts expressed a desire to have soft sand to act as a buffer, when the elephants lie down. Injuries and calluses are caused by the current method of bathing.

*19 year old **Damodar Das** spends most of his time trying to free himself from his shackles. Elephant being bathed by a pipe in the background.*



For a facility of this nature, there needs to be flowing water like a river front, since elephants are known to defecate while bathing. There is also no chance of the body being submerged in water which is essential for a good bath for an elephant.



Existing water pond with stagnant water, contaminated by algae, used occasionally for bathing the elephants





Bathing done with piped water in a muddy space... neither a proper water bath nor a mud bath. Probably conducted since there is no space at the designated bathing area with concrete floors.



Exercise

There is no concept of exercise. The only movements that elephants get are from their tethering site to the feed collection area, from where they pick up their rations of Caryota Palms and bring these back to their tethering spot. Thereafter, they are secured with chains and left for the day. Only 50% of elephants get some minimal movements. The other 50% are either in musth, handicapped or too sick to move.



Main walking area in front of the Punnathur Kotta Palace, a tarred area of a few hundred meters



The elephant's footpads are the best indicators of health, activity and foot condition. Smooth footpads like the ones denoted here are indicative of restricted walking. Damaged toenails and the smoothness of the pad reveal that the walking surface is inappropriate and the environment unnatural.

Footpads like these can cause great injury and pain to the animal since it is receptive to being punctured by small stones, nails and glass. Once damaged, the treatment is difficult and time-consuming.

Many elephant deaths have been caused by foot rot and Septicemia.



Overgrown nails, erosion on sole, excessively worn foot pad

Chaining

Without exception, all the elephants at Punnathur Kotta are chained and heavily shackled throughout the day and night. They are usually chained with two feet - alternate hind and fore limb, and, in some cases by both the hind limbs as well. The chains tying their back legs are not more than 3-4 feet and the fore limb is secured with a chain not exceeding 10 feet in length. Their movements are severely restricted and most of the elephants have heavily scarred lower hind limbs, revealing the cycle of wounds, injuries and abrasions caused by intensive chaining. Elephants in pre, post and musth state are subject to extra tight chains. Many of the elephants show deformity in their lower hind limbs. Even with alternating chains, the damage is visible and the elephants are subject to constant discomfort and pain.

With 54 male elephants, about 50 % would be in a constant stage of pre, post or musth stage. It is recommended that at least 5-8 musth enclosures be constructed for the safety of the mahouts and the elephants, wherein the elephants are left chain free and can have access to food and water through specially constructed vents.

Iron chains, cutting into the skin and perforating the tissues, can result in septicemia and chronic infection. Often, due to the aggression of the elephants, chains embed themselves into the flesh and have to be surgically removed, after sedating the animal.

Lack of application to minimizing the chaining problem thereby alleviating the distress caused to the animals and enhancing the safety standards of the mahouts has been a grave lacuna in the management of the Elephant Sanctuary at Punnathur Kotta.



Unreasonably short chain



Elephant trying to unshackle himself... many elephants observed trying to free themselves from chains



22 year old **Gajendra** has some peculiar stereotypii with his trunk which reflects his inability to cope with his present incarceration

Elephant enduring long hours of immobility is a common sight at the facility





Malformed lower hind limbs caused by tight chains and standing in the same position for long hours





It is common for the elephants to be chained by both hind legs



Manpower

59 elephants have 176 mahouts, of whom 130 are permanent and 46 are given daily wages. Reportedly, many mahouts are political appointees. They enjoy some protection and are given charge of ‘celebrity’ elephants that enjoy high hiring charges during the festival season. There is cause for grave concern that frequent change of mahouts is giving rise to much hardship for the elephants. **(Refer Annexure 2c)**

There is a pool of experienced administrative staff (Managers, VLIs, etc.) of GDB who know each elephant intimately. There is a surge of dissatisfaction that their salaries are not in tandem with the requisite norms and that they deserve more due to their experience in the field.

Mahouts have been blamed for elephants running amok, as was the case with elephant Shankarnarayan, who could not take the stress and mismanagement of the Trissur Pooram festival in April 2014. For his disobedience, he was beaten by a ‘valiakol’ an instrument that can inflict grievous injuries. **(Refer Annexure 2d)**

*Inset; close up of tail broken possibly due to injury
caused by violent beating*

*Elephant **Shankarnarayan** with his mahouts*



Waste Disposal

This is a nightmare for the GDB administration since the 59 elephants generate 8-10 tons of waste per day! This comprises of elephant dung, food waste and litter from 700-1000 visitors per day. Though they are in discussion with many professional agencies for a scientific disposal system, nothing has worked out so far. The Budget for animal dung and waste disposal had been pegged at Rs. 60 lakhs annually (2013-14) and at Rs.65 lakhs (2014-15). However, the current system is proving very unsatisfactory.

Dung, food waste, and slush during the rainy season contributes to the unhygienic conditions



Daily visitors contribute to garbage, as is seen from plastic bottle in the water trough



Uncleared dung and leftover food waste is often piled close to the elephants tethering site to be cleared by the disposal agency. In case of delay, the piles accumulate and if it rains the environment becomes unhygienic and prone to infections for both man and animal.



Feed & Fodder

The elephants are fed 5% of their body weight in a combination of 30% green grass and 70 % Caryota Palm leaves. Hence if an elephant weighs 5000 kgs, it would be fed a combination of 175 kgs of palm leaves and 75 kgs of green grass. However, no green grass was observed during the 3 day inspection visits.



Loads of Caryota palm leaves for distribution to individual elephants for morning and night feeding

The three older elephants, above 60 years viz.

Padmanabhan - 74 years
Ramankutty - 63 years
Narayankutty - 63 years
and

Kesavan - 45 years
Appu 45 - years
Gopikrishnan - 47 years
Kannan - 52 years

are fed a combination of
5 kg cooked rice with
5 litres of milk and
5 kg pressed rice.



*74 year old elephant **Padmanabhan** is permanently chained in the open, exposed to the elements*

Retirement: An elephant's age of retirement is set at 65 years. Padmanabhan, the most popular elephant, is 74 years old. He is still exhibited year round and paraded during festivals. 5 other elephants are close to the age of retirement but the Board shows no sign of arranging an alternate facility for them.

Funded by devotees, this is the 3p.m. ‘Anayoota’ daily programme priced at Rs. 10,000 per session per day. This is a special conditioning diet, in addition to their daily fodder of palm leaves and grass. Kesavan, Gopikrishnan and Kannan, all under 65 years of age, are high earners in the festival season.



Kitchen at the Punnathur Kotta where rice is cooked for feeding the 7 elephants listed above

For one month in a year, all the elephants are put into a restorative conditioning mode with seven items of food, tonics, mineral mix, salt, turmeric, ‘chavanprash’ and ‘ashtachurnam’.

Elephants in ‘pre-musth’ and ‘musth’ stage are fed, in addition to their normal diet, a combination of 15 kgs of pressed rice and small plantains and for some elephants, 3 kgs of dates as supplements.



Obesity is the hallmark of all the older female elephants.

Insufficient exercise, boredom, unvarying diet, all contribute to the animals physiological health

During festival season, the owner or the agent who has hired the elephant for exhibition purposes is responsible for ensuring timely supply of wholesome food. At the facility, fodder did not change seasonally. No succulent feed was provided to the elephants during hot climate, as found upon questioning the Mahouts.

Drinking water was not accessible at all times, nor was there a running source of water. The elephants bathed and drank from the same two muddy, green stagnant pools of water on the premises. The health hazards from ingesting stagnant and algae covered water is multifold.



Elephants collecting their day's supply of Caryota palms from the central feeding station which is their only opportunity to walk from their tethering site and back

Veterinary Resource

When visited by the team, veterinary assistance was being provided on a voluntary basis, by a young member of the Elephant Expert Committee for the GDB, who is also an employee of the State Animal Husbandry Department. Apart from him, a newly appointed Veterinary Officer (Retd.) is in charge of the welfare and treatment of the 59 elephants. The officer professed his ignorance in treating elephants. In addition, there are Veterinary Livestock Supervisors and Ground Staff who, reportedly, oversee and monitor treatment. Due to the lack of a government post/s in GDB Elephant Facility, due facilities and resources are not given to the technical staff. Hence experienced veterinarians are reluctant to stay for extended periods.

Space Resource

This space is an extension to the Punnathur Kotta and as such has been lying unused and untended.

This could be currently used as an extension space for exercising the elephants. Additionally, a solar fenced enclosure could be maintained for the five female elephants so that they could be in a chain-free environment for a few hours in the day.

Though the area is said to have some financial issues linked to it, it can immediately serve the purpose of providing much needed walking space for the animals.

Some suitably designed shade structures can be constructed so that the elephants are protected from the afternoon sun.

Congestion of the area with too many elephants or concrete structures will render it unviable. Space compliance with current norms for one elephant should be strictly adhered to.



Mahouts



There are a total of 176 elephant handlers of which 130 are permanent staff and 46 are on daily wages. This averages to approximately 3 mahouts per elephant. However, while many elephants have only one mahout, elephants that are rented out for festivals have 3 mahouts especially on festival days. There are surplus mahouts in case of absenteeism amongst staff.

The mahouts need proper facilities for their rest areas, which at present is in a dilapidated condition. They are all covered under a group insurance scheme. However, considering that they have to work with the male elephants in often very stressful situations and control a 5 -6 ton wild animal that can become a killer in seconds, they consider their profession to be extremely hazardous, to say the least. They expressed an interest to have them and their families covered, in case of death while on duty, to be significantly enhanced from what they consider a paltry sum of Rs. 3 lakhs currently.

Observations on the mahout conditions was that though there are senior mahouts with many years of experience with elephants, they lack the space and time to exercise their wards, do not have proper bathing facilities or any flowing river to submerge and wash the animals, and have to cope in an environment with garbage and dung strewn around.

The mahouts work from 8 am to 12 noon and from 2 pm to 5 pm - total of 8 hours per day. Reportedly, many mahouts finish their chores of cleaning, feeding and bathing their elephants, after which they chain the elephants and leave for Thrissur for part-time work or business endeavors. It is also reported that mahouts of the 'celebrity' elephants are often political appointees, and these mahouts are frequently changed due to political and committee pressures. This is detrimental for the elephants, because each time a new mahout takes over, the elephant is subjected to the barbaric practice of 'Ketti Adikkal' (tying and untying) or 'breaking the spirit' routine, that involves violent and intensive methods of subjugation to create a fear psychosis to bring the animals under control, especially during the festival season and also post-musth. Though GDB officials denied the existence of this practice, we were told that it is resorted to for the festival going male elephants of Punnathur Kotta.

There is also a widespread concern that feed amounts are manipulated by the mahouts and there needs to be intensive monitoring of tenders, supplies, over-invoicing and actual deliveries of fodder to the elephants.

Senior mahouts complained about the newer and younger mahout community and their lack of commitment, understanding and affection towards the elephants. Additionally, it is becoming increasingly difficult to get the mahout with the right qualities and hence one has to rely on substandard manpower. The profession of 'mahoutry' is now considered dangerous and life threatening and unfortunately, most of the mahouts have a history of substance abuse especially alcohol. With the advent of the modern world and its many attractions, it is extremely difficult, if not impossible to get new and good recruits. Most do not want to be associated with a hazardous lifestyle when there are alternate, safer and better paying professions and jobs.

A disturbing trend was noticed that some of the elephants had a habit of throwing sticks, stones and whatever was within their reach, specifically at the mahouts. Many elephants would also throw at the visitors but some would target only their handlers. This revealed a deep problem of repressed anger and desire to hurt their mahouts whom they view as opponents. Elephants are known to use this method to show their displeasure and hatred of their mahouts as well at the encroachment of their privacy by visitors, ranging from 700-1000 per day, who are allowed to roam around from morning till late evening in the facility.

In conclusion, laws relating to engagement of Mahouts are completely disregarded. Every elephant has a Mahout but no 'kavadis' or helpers. The full-time Mahouts are not at the camp at all times, appearing only during the feeding time.

Mahouts have formed groups, based on political interests. This is causing conflicts and manipulations. The Mahouts with more clout usurp the position of caretaker of the elephant in demand for hire (for commercial gains in season) which unsettles the elephant concerned, as they need time & interaction before accepting commands from new Mahouts. To control the animals not accustomed to them, the Mahouts resort to physical force.

Where the welfare of the Mahouts is concerned, even that is lacking. They are underpaid, understaffed and thus overworked. None of the Mahouts are provided medical or life insurance as per the Guidelines for Care and Management of Captive Elephants.

Instruments

No mahouts go unarmed near any elephant. The ankush is the most common, accompanied by wooden sticks, both short and long. Most of the elephants have been trained to obey the ‘freeze’ position, which is indicated by the placement of the long wooden stick with a brass knob at the end, behind the ears of the animal. The elephants are expected to retain this position as long as the mahouts want, in some cases, up to an hour or so. Deviation from this command may result in severe beating for the animal. The ‘Valiakol’ is another instrument for inflicting fear and terror in the elephant, since it can inflict damage by the mahout from several meters away from the animal.





Various kinds of sharp-tipped iron instruments are used as goads and control mechanisms for the elephant.

These are traditional implements and may vary in their length and sharpness. The hook can inflict intense pain and sometimes irreversible injuries.

Veterinary Observations and Findings

Overall Assessment on welfare of elephants

The overall assessment of the 59 elephants was carried out in conformity with the IUCN checklist ‘Asian Elephant Body Condition Index’, ‘Elephant Physical Examination Record’ and ‘Elephant Medical History’. The most commonly encountered conditions were foot ailments and abscess/fibroma on various parts of the body. Among lab reports submitted by the Devaswom, testing the elephants (32 of 59) for Tuberculosis, 7 showed positive for the disease.

Detailed health assessment reports for 59 elephants:

Sl No	Elephant's name	Sex	Age	Annual Incidence of Musth	History of Impaction	History of foot problems	Physical Examination & Observations
1	Achuthan	M	43	Yes	Yes	Yes	Temple going
2	Adithyan	M	18	No	No	Yes	Right forelimb has a false joint; unable to walk properly; Left and right ears pierced
3	Akshayakrishnan	M	24	No	No	Yes	Right ear pierced
4	Anandanarayanan	M	24	No	No	No	Temple going; overgrown nails; hyperkeratosis at right ankle
5	Appu	M	45	Yes	Yes	Yes	Mahout not present; sunburn on left hip; severe chain injuries in the hind limbs
6	Ayyappankutty	M	16	No	Yes	Yes	Scar on temporal regions; overgrown nails; crooked tail; scar on the left rump
7	Balakrishnan	Makhna	38	Yes	Yes	No	Temple going
8	Balram	M	28	No	No	No	Mahout not present
9	Balu	M	40	Yes	Yes	No	Lesion on the trunk
10	Chandrasekharan	M	42	Yes	Yes	Yes	Tied since 30.7.14 attacks other elephants; ears pierced; left tusk absent; scars on the right thoracic region; overgrown nails

Sl No	Elephant's name	Sex	Age	Annual Incidence of Musth	History of Impaction	History of foot problems	Physical Examination & Observations
11	Chenthamarakshan	M	27	No	No	Yes	
12	Damodardas	M	19	Yes	No	Yes	Overgrown nails
13	Devadas	M	39	Yes	Yes	Yes	Edema of perineal region
14	Devi ¹	F	49	NA	Yes	Yes	
15	Gajendra	M	22	Yes	No	Yes	Deformed forelimbs
16	Gokul	M	22	Yes	No	Yes	Temple going; right tusk has an exposed pulp; tusks asymmetrical; overgrown nails
17	Gopalakrishnan	M	52	Yes	Yes	Yes	History of colic since May 2014; healed abscess at the heel region where the animal is chained; overgrown nails
18	Gopikannan	M	39	Yes	Yes	Yes	Overgrown nails; cracks in the interdigital space; scar on the inner left limb and on the left lateral aspect of the forelimbs
19	Gopikrishnan	M	47	No	Yes	Yes	Temple & festival going; tied since 22.8.14 till day of inspection; teeth worn out
20	Indrasen	M	42	Yes	Yes	Yes	Mahout not present; overgrown nails
21	Jr. Achuthan	M	30	Yes	No	Yes	Unapproachable; aggressive
22	Jr. Kesavan	M	28	Yes	No	Yes	Stereotypic behavior; overgrown nails
23	Jr. Lakshmanan	M ^{akhna}	57	No	Yes	Yes	No Mahout
24	Jr. Madhavan	M	40	No	Yes	Yes	Temple going; overgrown nails

¹ Highlighted names indicate female elephants

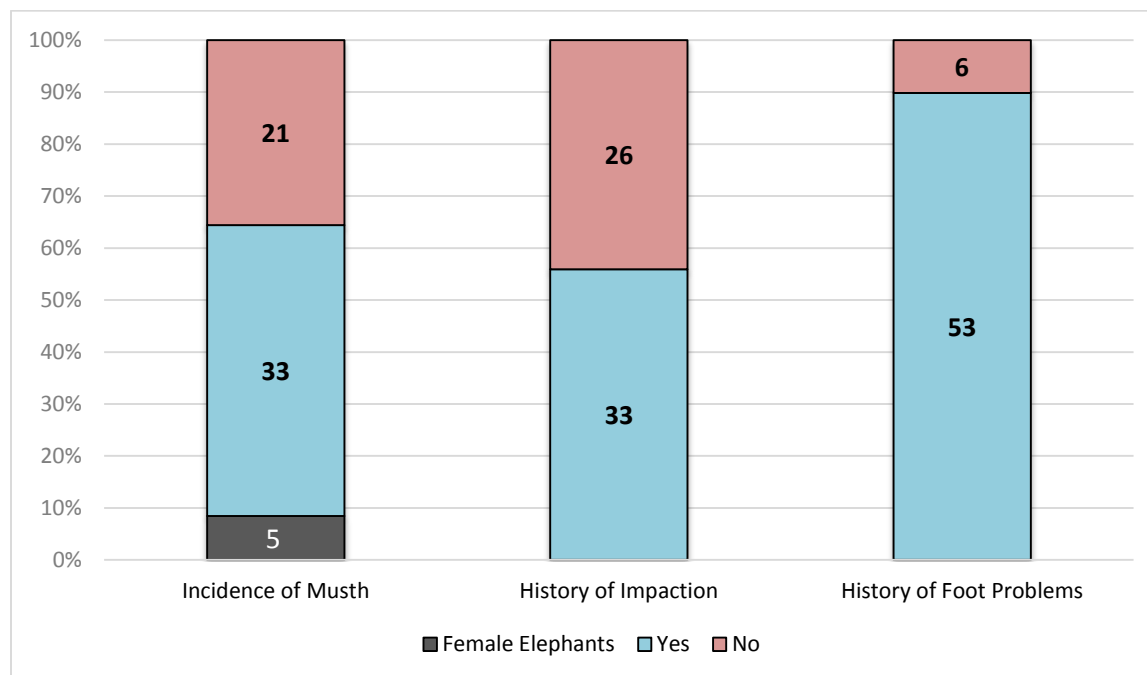
SI No	Elephant's name	Sex	Age	Annual Incidence of Musth	History of Impaction	History of foot problems	Physical Examination & Observations
25	Jr. Vishnu	M	38	No	Yes	No	Eyes not visible; right forelimb has an old skin lesion
26	Kannan	M	52	Yes	Yes	Yes	
27	Keerthy	M	24	No	No	Yes	Mahout not present; overgrown nails; extra-long tusks
28	Kesavan (Valliya)	M	45	No	Yes	Yes	Mahout not present
29	Kesavankutty	M	48	No	Yes	Yes	Mahout not present; aggressive
30	Krishna	M	28	Yes	No	Yes	Mahout not present; overgrown nails
31	Krishnan	M	51	No	Yes	Yes	Healed fracture in the forelimb; abscess at the right elbow; overgrown nails; abscess at the left and right pelvic region; blind
32	Krishnanarayanan	M	24	Yes	No	Yes	Temple going; overgrown nails
33	Lakshminarayanan	M	16	Yes	No	Yes	Temple going; unapproachable; stereotypic behavior; ear tops pierced
34	Lakshmikrishna	F	42	NA	Yes	Yes	Ear tops pierced; left tusk absent; left forelimb has a cracked nail, undergoing treatment
35	Madhavankutty	M	54	Yes	Yes	Yes	Attacks other vehicles and elephants; nails overgrown; tusk overgrown
36	Mukundan	M	34	Yes	No	Yes	Tail cut; abscess at the left elbow

Sl No	Elephant's name	Sex	Age	Annual Incidence of Musth	History of Impaction	History of foot problems	Physical Examination & Observations
37	Murali	M	37	No	No	Yes	Tied since 2.5 months; attacks other elephants; dental caries;
38	Nandan	M	42	Yes	Yes	Yes	Height - 306 cm; overgrown nails
39	Nandhini	F	54	NA	Yes	Yes	Mahout not present; overgrown nails
40	Narayanankutty	M	63	Yes	Yes	Yes	
41	Navaneethkrishnan	M	31	Yes	No	Yes	Tied since 1.5 months
42	Padmanabhan	M	74	Yes	No	Yes	Lesions in the ears
43	Peethambaran	M	18	Yes	No	Yes	
44	Radhakrishnan	M	59	Yes	Yes	Yes	Chained since 6.6.14 scar at right temporal region; overgrown nails
45	Rajasekharan	M	48	No	Yes	Yes	Both ears pierced; left tooth absent; left tusk absent and area infected with a foul odour
46	RamanKutty	M	63	No	Yes	Yes	Throws objects at visitors
47	Ramu	M	48	No	Yes	Yes	Mahout not present; wound at the temporal region; Both ears pierced; left tusk missing; overgrown nails; wound at left knee; healed wounds from chaining
48	Ravikrishnan	M	36	Yes	No	Yes	Throwing things at the visitors
49	Reshmi	F	38	NA	No	Yes	Overgrown nails
50	Sankaranarayanan	M	41	Yes	Yes	Yes	Crooked & cracked nails
51	Sathyanarayanan	M	49	No	Yes	Yes	Watery discharge from right ear; cracked nails

Sl No	Elephant's name	Sex	Age	Annual Incidence of Musth	History of Impaction	History of foot problems	Physical Examination & Observations
52	Seshadri	M	22	No	No	Yes	Overgrown nails in the hind limbs
53	Sidharthan	M	35	No	No	Yes	Mahout not present
54	Sreedharan	M	43	Yes	Yes	Yes	Mahout not present; throws things at the visitors
55	Sreekrishnan	M	16	Yes	No	Yes	Both ears pierced; overgrown nails
56	Thara	F	61	NA	Yes	Yes	Right eye cloudy
57	Vinayakan	M	46	Yes	Yes	Yes	Temple going; overgrown nails; cracked nails
58	Vineethkrishnan	M	36	Yes	No	Yes	Throws things at visitors; nails overgrown; hind limbs have cracked fractured nails
59	Vishnu	M	49	Yes	No	No	

The health assessment sheets of the 59 elephants examined are available on request

Chart revealing the extent of veterinary issues affecting the elephants at Punnathur Kotta



➤ **39% of the 54 adult male elephants do not come in to Musth.**

Musth in adult male elephants is an indication of its internal health. 39% of the adult tuskers do not experience annual incidence of musth. This, in itself is a very serious sign of the bad health conditions of the male elephant population.

➤ **56% of the elephants have a history of colon impaction.**

This is a clear indication of the faulty feeding regimen, wherein Caryota palm fronds form the major component of the diet. Grass is provided as a supplement and is not a regular component in the elephants' diet.

➤ **90% of the elephants suffer from foot problems.**

90% suffer or have suffered varying degrees of foot problems, starting with chain injuries to foot rot. This is a clear indication of the unhygienic management practices being followed in the camp.



Sidharthan - Excessive growth/ granuloma formation at ankle where chains are tied.

Veterinary and Health Care

It is reiterated that the animals are treated as mere objects and not as sentient, intelligent creatures. Standard of care is non-existent for the elephants here. The short-comings are listed below:

- (i) Not all elephants get their daily baths. The elephants in musth are not moved from their tethering place until after the period of musth, which lasts for a minimum of 40 days.
- (ii) No expeditious veterinary care is available for the animals. The Board has claimed that they employ two full time veterinarians, whom the Inspectors met once during the three-day inspection. They have no proof of this. Further the claim is denied by most Mahouts. Therefore, the wounded, injured or sick elephants suffer their illnesses for painfully long, but otherwise treatable time.
- (iii) Routine medical examinations mandated by law are not conducted.
- (iv) Elephants are not walked daily. This lack of exercise has also direly affected their physical and mental health.
- (v) The bulls in musth remain tethered in close quarters to each other, causing them to strain to reach at the other to fight. Several times, the Veterinarian witnessed the bull picking up heavy objects in his vicinity and hurling them at anybody in his sight-narrowly missing injuring or killing people. Despite this dangerous behaviour, the elephants are not segregated and remain on display for public viewing.
- (vi) Tethering methods are extremely questionable at the Devaswom. Heavy chains do not commensurate with the age and health of the elephants. Nylon ropes are used, as is evident from the burns and cuts on the legs.
- (vii) Natural behavioural needs are not met as there is insufficient interaction between the animal and its Mahout. They are not free to express any natural action or behaviour due to the long hours spent chained and tethered.



Severely eroded sole/ slipper. Excessive growth of sole, trimming required. Caused by constant contact to damp floor

Krishnanarayanan – wounds caused by constant chaining





Horizontal cracks



Radhakrishnan – flank abscess caused by, possibly, lying on inappropriate flooring



Rajashakaran – severe chain injuries and unhealthy foot condition resulting from long hours on muddy, wet floors



Vineethkrishnan – Vertical cracks in nails which are fractured and overgrown, dribbling of urine



Damp floor



Ramu's wound/abscesses at left temporal region, left hip and left knee joint. Injuries could be due to improper transportation



Right forelimb has a false joint and the animal can't walk properly, walks by abducting the limb. No treatment record.

Cloudy right eye. No record of treatment.





Ramu having pronounced pelvic bone resulting in a sunken zone between the ilium and the vertebral column.

Rajashékara. Painful ankush injuries on ear. Ears pierced denoting wild caught.



Torn edges on left ear margin



Missing and infected tusks/tushes

Records

Every owner is liable to make and maintain certain records and registers with respect to his or her elephant. These records need to be produced before Government authorized officers and inspectors when called for. During inspection, it was noted that there was complete lack of registers and records were badly maintained. The following records and registers are mandatory-

- *Vaccination records*: When present, vaccination records for some of the elephants were outdated and incomplete. For the rest, there were no vaccination records maintained.
- *Disease & treatment record*: Not a single treatment record was available.
- *Movement register*: No separate movement register had been made for any of the elephants. Certificate of transportation, fitness certificate for travel issued by Vets were not on record.
- *Feeding register*: No separate feeding registers were maintained. There is no way of monitoring individual elephant's intake quantity and quality. Feeding is not monitored by Veterinarians, thereby encouraging overfeeding to the elephants that are popular or are in demand for hire and inadequate feeding to the unemployed elephants. Not only is the feeding unregulated, it is also insufficient nutritionally.
- *Work register*: No work registers were maintained. All elephants are used as exhibits. Hiring of elephants was not on record.

The GDB has compiled a file for every elephant. This contains the ownership certificate (validity undetermined), and a few loose sheets with handwritten information - details of the elephant, feed supplied seasonally (not quantity, only type of feed), and microchip details.

The credibility of these documents is questionable due to the fact that there are discrepancies in the certificates and that the dimly little information available has been handwritten.

Non-Compliance with welfare guidelines for elephant care

Central and State guidelines & laws clearly define acts that tantamount to cruelty to elephants. In accordance with these definitions, the following violations were noted which constitute cruelty as per the Central and State laws listed below:

- Use of iron ankush for controlling ill-trained elephant/s – **Violation of Chapter III Section 11(1) (a) of the Prevention of Cruelty to Animals (PCA) Act 1960**
- Injuries suggesting the animal is subjected to unnecessary pain or suffering – **Violation of Chapter III Section 11(1) (g) of the PCA Act 1960 (Some of the rules framed under the PCA 1960 seek to regulate such activities as may constitute cruelty to all animals including elephants. The Prevention of Cruelty to Draught and Pack Animal Rules, 1965 prohibits the use of any spiked stick or sharp equipment for driving or riding an elephant.)**
- Employing elephants that are unfit to be worked, such as elephants in musth, elephants suffering from infirmities/diseases/sores – **Violation of Project Elephant Guidelines for Care and Management of Captive Elephants 2008 under Acts which are tantamount to cruelty to elephants - Section (b)**
- Conveying/carrying elephants in vehicles unsuitable for elephant transport – **Violation of Project Elephant Guidelines for Care and Management of Captive Elephants 2008 under Acts which are tantamount to cruelty to elephants - Section (r)**
- Confining elephants to one spot, the space allotted to each does not meet the specifications in Rule 4 – **Violation of Project Elephant Guidelines for Care and Management of Captive Elephants 2008 under Housing of Elephants (a)**
- Tethering the elephants 24 hours 7 days a week. Unchaining them only for purpose of bath, unless that individual elephant is temperamental or in musth-in which case, it is tethered for the entire duration of his musth season, i.e. ranging from 40 days to 6 months – **Violation of Chapter III Section 11(1)(f) of the PCA Act 1960**
- Use of chains and ropes that are unreasonably short, disallowing movement to the animal – **Violation of Chapter III Section 11(1)(f) of the PCA Act 1960**
- Failed to provide adequate drinking water and shelter. Absence of feeding register makes it impossible to discern if the elephants receive sufficient feed – **Violation of Chapter III Section 11(1)(h) of the PCA Act 1960**

- No provision of adequate veterinary care. Constantly ill elephants are ignored – **Violation of Chapter III Section 11(1)(b) of the PCA Act 1960**
- Eroded foot pads indicating that the elephants are marched on hot tar roads for long stretches of time. The floor of their tethering areas is always wet, deterring healing process of all injuries and infirmities – **Violation of Project Elephant Guidelines for Care and Management of Captive Elephants 2008 under Acts which are tantamount to cruelty to elephants - Section (r)**
- Use of elephants for religious and entertainment purposes causing them injuries, over-stress, strain, other trauma – **Violation of Project Elephant Guidelines for Care and Management of Captive Elephants 2008 under Acts which are tantamount to cruelty to elephants - Section (g)**
- Forcefully suppressed from exhibiting any form of natural behaviour essential for cognitive health and physiological well-being – **Violation of CZA guidelines of Zoos in India – Legislation, Policy, Guidelines and Strategy 2014 – Chapter 7(m)(ii) Section 5**

Elephant Deaths at Punnathur Kotta

From 2008 to 2014, in a span of 6 years, there have been 8 deaths of male elephants ranging from 68 years to 17 years of age.

There have been 4 deaths each in the category of above 50 and below 50 years of age. Causes for deaths are reflections of the management, upkeep and housing of the elephants in the facility. The causes range from:

1. Chronic foot rot and septicemia
2. Toxemia
3. Peritonitis torsion
4. Impaction of colon and rupture of intestine
5. Chronic purulent bronchopneumonia
6. Septicemia due to suppurative lesions in carpal joint caused by mahout violence
7. Tuberculosis
8. Lightning hit (**Refer Annexure 10**)
9. Cardiac arrest

Most of these diseases are caused by chronic stress, lack of exercise, violence on them by the mahouts, improper feeding, and constant exposure to damp and unhygienic surroundings, improper foot care and exercise and lack of protection from the elements.

The older elephants seem particularly susceptible to fatal lung infections, tuberculosis and foot rot. Special care should be taken of the elderly elephants in the facility, since stress related issues can lead to high mortality when the immunity is depressed and coping skills have decreased. Unrestricted entry of crowds can also facilitate spread diseases from man to animal or vice versa, especially infections like Tuberculosis

Out of 59 elephants, 7 have tested positive in Guruvayur for Tuberculosis. In the whole of Kerala's captive elephant population, 16% are infected, of which 30% belong to temples. In the 20 elephants that died from January to September 2014 in the State of Kerala, 9 were positive, as seen after post mortem. However, the deaths were not caused by the disease but related by way of stress, depressed immunity, exhaustion etc.

Details of the use of elephants for work by GDB Management

A detailed analysis of the work register of the elephants at Punnathur Kotta revealed the following details. In the period from January 1st to 30th April 2014, a total of 120 festival days -

38 elephants out of a total of 59 owned by the GDB were rented or hired out for festivals to different locations. This reflects that more than 64% of the animals are used commercially.

The oldest elephant used is Guruvayur Padmanabhan aged 74 years and the youngest are Sreekrishnan, Ayyappankutty and Lakshminarayanan – all aged 16 years.

The GDB put out elephant Gopikrishnan (aged 52 years) to work for the maximum of 77 days in the 120 days period that was scrutinized. This reflects that this elephant worked for more than 64% of the festival days.

The most popular elephants, like Padmanabhan, are worked continually for 18-20 hours in festival season and earn up to 7 lakhs for a day's work. Padmanabhan was put to work for a period of 55 days, reflecting that he spent more than 45 % of these 4 months working, at 74 years of age.

The lowest count of working days was for Krishna (28 years) who was only used for 2 days. Work includes being loaded and unloaded into trucks, chained in alien environment, subject to stress and noise of musical instruments, surge and pressures from chaotic crowds, tolerating and submitting to the mahouts intensive use of goads, 'ankush' and chains in order to control the elephant in such types of work places, being adorned with coverings and cloth, and tolerating the heat and humidity. There are no set timings for food, water and bath. All welfare conditions are subjugated to the appointment schedules where the elephant has to make an appearance for commercial return.

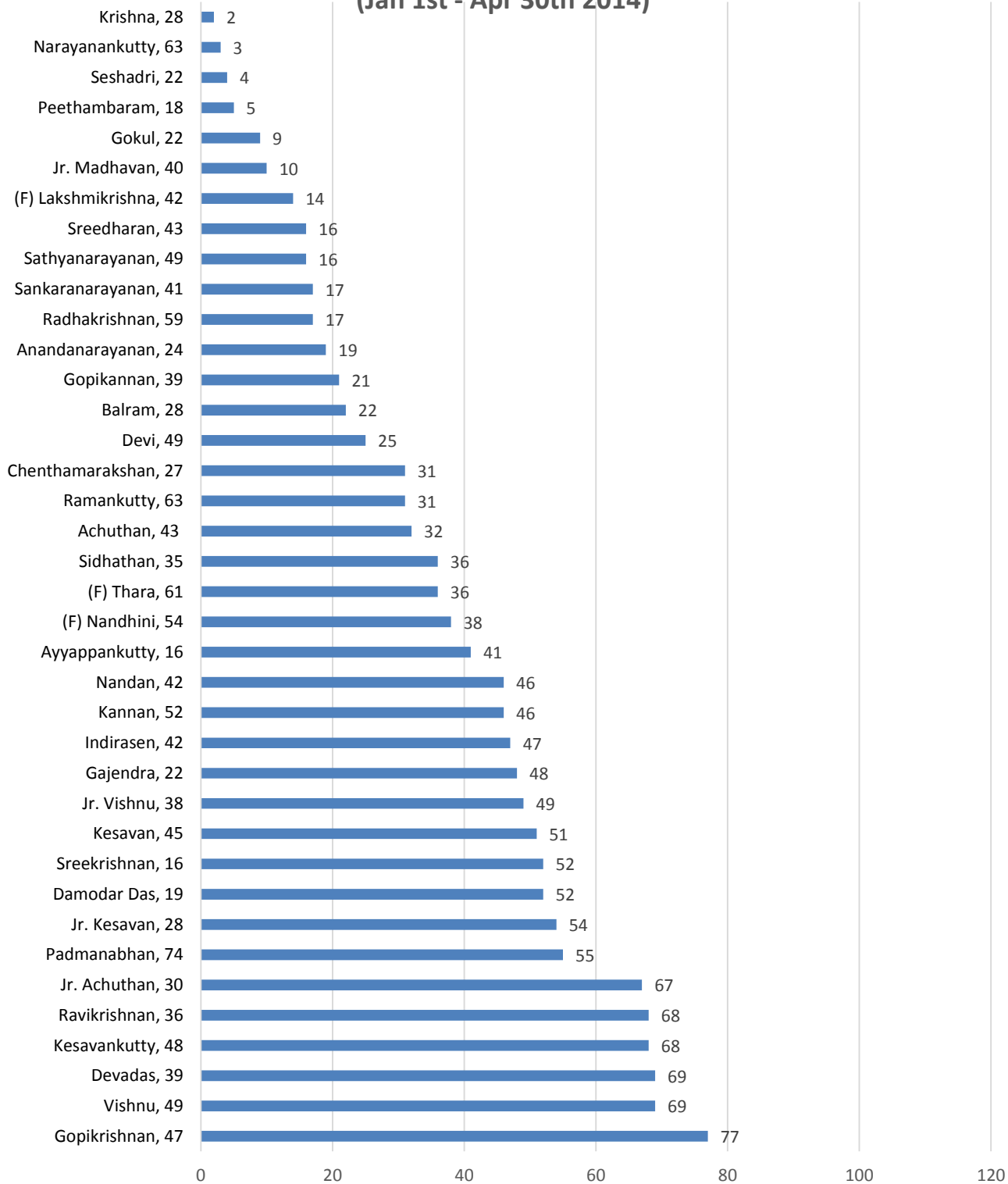
Between 38 elephants used for these four months, they tallied up to a figure of 1363 working days, averaging more than 35 working days per elephant.

The analysis of the commercial usage of elephants is reflected here only for 4 months of the first half of 2014. We were informed that the formal festival season in Kerala begins from September 1st to April 30th each year, a period of 8 months. This reflects 50 % of their work life. They have a 4 month rest period at the elephant facility at Punnathur Kotta.

The scale of load, including rider's material, for each elephant is prescribed by law. This is evidently not followed, neither is it done with care as is clear from the wounds seen on some elephants, caused by wrong, heavy saddling.

The elephants are exhibited to public for up to 10 hours a day, with no breaks. During festival season, the elephants hired out to temples and private persons are worked between 16-18 hours every day. Refer to the graph on the next page.

Elephant, Age and Working Days in a 120-day Festival Period (Jan 1st - Apr 30th 2014)



Transportation

Norms and standards for transportation of elephants are disregarded. Certificates and permissions required for allowing transportation were not available on request.

No water is carried by the caretakers when transporting the elephant, regardless of the duration of the journey.

Tragically, the elephants hired are committed to 4 different events on the same day. For this, they are made to travel from one point to another, with no intervals of rest, food or water. Veterinary care is unavailable in most of these areas, which is disastrous in case of emergencies such as collapsing due to exhaustion/dehydration.

The Board also does not own any reflectors, despite housing 59 elephants. Thus when travelling at night, the elephants risk injury, many times even death, in road accidents.

There is no record to show the vehicles utilized for transportation, in spite of the GDB claiming the use of customized trucks for elephant transport.

Details of the elephants NOT used for work by GDB Management

21 elephants (35% +) were not used due to

Presumably musth state – 9

Makhnas (tuskless) and therefore not viable for hiring – 2

Unviable Female – 1

Severe stereotypy – 1

Victims of severe torture and subsequently handicapped – 4

Termed ‘rogue’ in temperament – 2

Unviable since one tusk broken or damaged – 2

The four elephants who have been victims of torture include



Adithyan aged 18 years whose forelimbs have been dislocated due to violence and beatings. He was donated in 2002 at the age of 6 years by famous actor Ganesh Babu.



***Mukundan** aged 34 years whose hind legs have been fractured. He stands on 3 legs, tied for 24 hours. He was donated in 1986 at the age of 6 years.*

Due to severe torture by application of iron objects the left hind leg has internal and external injuries.

No amount of veterinary care can restore the use of his leg.

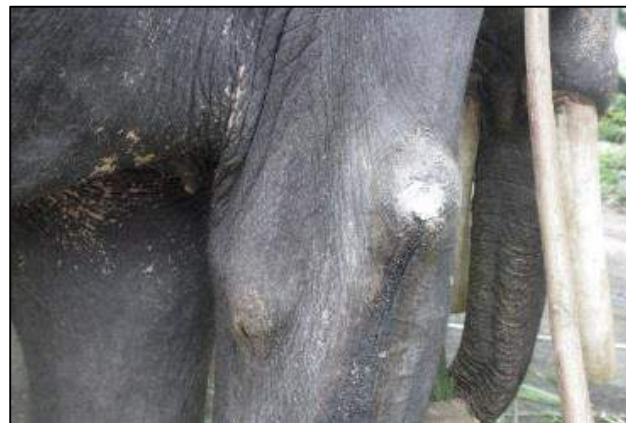


Appu aged 45 years who ran amok in a festival, was reportedly tranquilized and then wrongly treated as a result of which his skin is severely burnt and is permanently under a shed. Appu passed away recently.



Tethering injuries; tail cut and tail-hair plucked – clear evidence of gross abuse

Krishnan aged 51 years is blind in both eyes with forelimbs dislocated, due to mahout violence. Donated in 1981 at the age of 18 years



The other two elephants, **Rajshekharan** aged 48 years and **Navneethkrishnan** aged 31 years are termed as 'rogues', tied 24x7 and suffer from foot rot chain wounds and abrasions.



48-year old **Rajshekharan** was donated in 1979 at the age of 13 years.

Male elephants donated as sub and young adults find it torturous to adjust to the working and climatic conditions of Kerala. Most of these elephants are illegal transfers from Bihar and the North East. Many end up as 'Rogue' elephants and lead tragic lives.

NavneethKrishnan aged 31 years was donated in 2003 at the age of 20 years



This further reflects on the quality of manpower, care and understanding of the animals. It is a well-known fact that elephants are not born as rogues but made into such by the quality of care they receive, the environment they are exposed to and the negative forces used on them for making them work or tolerate unnatural environment and behavior. Like humans, some elephants can crack under pressure and some can carry on for longer periods of sustained abuse.

Keerthy aged 24 years, was donated by a famous film star, Suresh Gopi. Today he stands alone, rocking himself continuously, like an automaton programmed mechanically. Only exhaustion makes him stop the rocking, swaying and swirling motion, chained as he is by both legs for 23-24 hours. Stereotypy is born out of acute stress due to boredom, inactivity and immobility. Though many other elephants displayed stereotypy, Keerthy's is the most acute and needs immediate and professional help.



Elephant **Ramu** (48) and **Chandrashekharan** (42) have only one tusk each. Therefore they are unviable for festival use. The other tusk is broken and one can presume it also may have been due to an act of roughness or accident during captivity. It is not a natural phenomenon.



Ramu was donated in 1981 at the age of 15 years.



Chandrashekharan was donated in 1979 at the age of 7 years.

Frequent assignments in temple festivals entail embarking and disembarking from lorries. The elephants are susceptible to serious injuries and accidents often occur. (Refer Annexure 4b)

Injury and damage to tusks is common.



Two elephants – **Junior Lakshmanan** aged 57 (above) and **Balakrishnan**, aged 38 (below) are ‘makhnas’. These naturally tuskless elephants have been accepted by the GDB for unknown reasons. Makhna elephants have no value in the commercial and festival scene.



Smooth footpad indicates lack of exercise on appropriate surfaces and improper chaining resulting in leg abscesses and foot deformity

Revenue earned by the elephants owned by GDB

In 2006, hiring charges for one tusker in Kerala, if reasonably well maintained with good height and weight, was for Rs. 15,000/- per day. The price of the elephant would range from 10-15 lakhs per animal.

In 2014, the hiring rate has increased to Rs.75, 000/- per day and the cost of a bull elephant with tusks is approximately 1.25 crores.

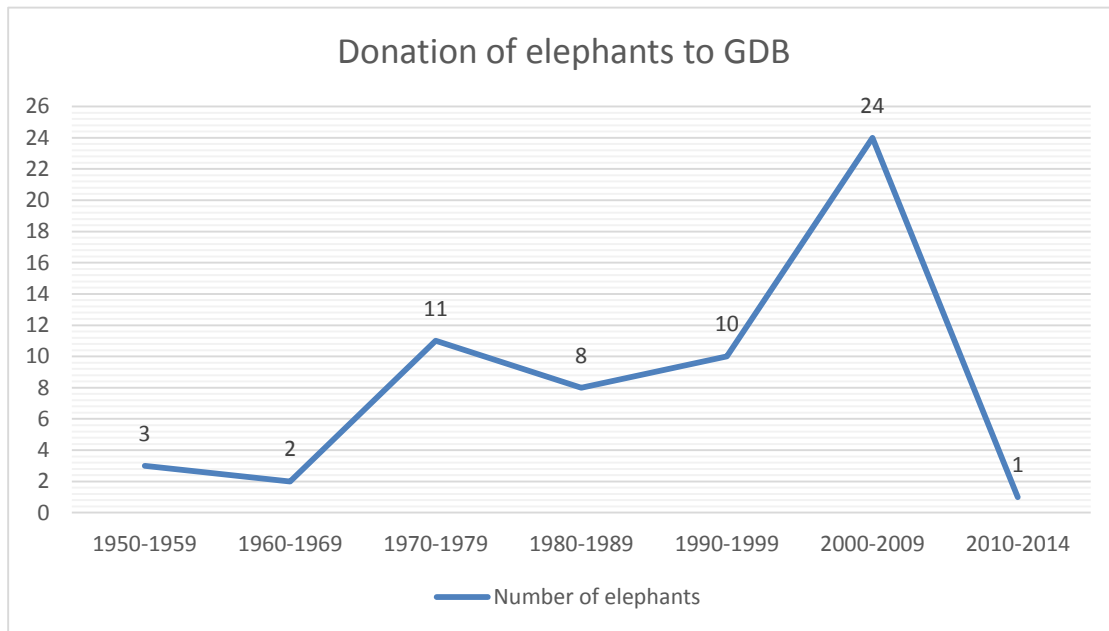
The budgeted estimate of expenditure for 2014-15 for specifically, Punnathur Kotta is Rs. 13,33,65,000. The budgeted estimate of income for the same period for Punnathur Kotta is Rs. 3,71,50,000. Overall the entire Guruvayur Devaswom estimated receipts for the year 2014-15 is Rs. 294,52,77,000 and the estimated expense for the same period is Rs. 287,90,39,000. Therefore the Guruvayur Devaswom estimated income over expenditure for the year 2014-2015 is approximately Rs. 6,62,38,000.

Financials of Punnathur Kotta	
Budgeted estimate of expenditure for 2014-15	Rs. 13,33,65,000
Budgeted estimate of income for 2014-15	Rs. 3,71,50,000
Net Profit/Loss	-9,62,15,000
Financials of Guruvayur Devaswom (inclusive of Punnathur Kotta)	
Estimated receipts for 2014-15	Rs. 294,52,77,000
Estimated expense for 2014-15	Rs. 287,90,39,000
Net Profit/Loss	6,62,38,000

The table above reveals the excess of income over expenditure made by all the Guruvayur Devaswom Board's institutions including Punnathur Kotta. All the elephants capable of work participate in functions that contribute to an annual earnings of Rs. 3,71,50,000.00 for the GDB Board. It is not difficult to understand why GDB encourages the hiring and use of their elephants, in spite of adverse and bitter criticism. **(Refer to Annexure 6)**

Donation of elephants to GDB by devotees

1950 to 59 –	03
1960 to 69 –	02
1970 to 79 –	11
1980 to 89 –	08
1990 to 99 –	10
2000 to 09 –	24
2010 to 14 –	01
TOTAL –	59



The current numbers denote a huge surge of elephant donations during 2000-2009. However, this does not take into account the 8 deaths that took place in the last 6 years. The donations seem to coincide with the Amendment of the WLPA that notified that all elephants have to re-register with the CWW of state and that elephants not complying with Section 42 of the said Act could be confiscated.

The numbers seem to reflect that elephant traders feared of further changes in law and tried to market as many elephants as they could before they could be booked for non-compliance.

The donation trend of existing elephants reveal a disturbing design of elephant trade that coincides with proliferation of elephant poorams/festivals in the last decade. This is an environment of commerce, where the elephants are made to participate in a purely commercial activity for gain and profit.

Ownership Certificates

Ownership Papers examined were not up to the mark, in terms of clarity, accuracy, logic or transparency. Random checks were made of 10-15 Ownership Certificates. They revealed the following flaws:

1. Earliest donation of elephant was in 1954. Elephant Padmanabhan currently is 74 years old, having come to temple when he was 14 years old. (DOB: 1940, as per records). This was before the WLPA came into force in 1972.

2. The latest donation was in 2011. Owner of male elephant, Aiyappankutty, aged 16 years, had applied to Kerala CWW for an OC. The elephant is born in Assam and has an OC No. 626 from Assam State dated 27.10.2007. It is microchipped.

a.) It is unclear why Assam CWW had issued an OC on 27.10.2007, since 2003 amendment to the WLPA clearly mentions that no fresh OCs can be issued. The mother document (from Assam or a copy of the same is unavailable from the current owners) is missing.

b.) Source of the animal and the sellers's name to donor (K.Gopinathan) is not mentioned.

c.) The elephant was 13 years old at time of donation to temple and 6-7 years old at the time of granting first OC in Assam. There is no tracked record of where this elephant was in the interim period of 7 years before he came to temple.

3. Elephant Anandanarayanan, was donated to the temple in 2009, at the age of 19. The OC is dated 2009, granted by the CWW (K.P.Ouseph IFS), Kerala. The original OC No. 170/04 dated 22.09.04 does not reveal source of the animal. Thereafter OC No. 465/25.08.07 shows owner name as Geetha.

a.) How and where Ms. Geetha acquired the animal is unknown. Why were the CWWs of all the states complying with requests that were not in consonance with law is difficult to understand.

Elephant Devadas, currently 39 years old, was donated to the temple in 2002, at the age of 28 years. His OC, issued from Kerala is dated 2002, from owner Devdas Namboodiri, who sourced him from Assam in 2002. Significantly, he is a high earner for the temple, grossing 69 days of work in 4 months.

This elephant is a clear case of violation of law. His previous records are unavailable. Whether he was wild caught or captive born is not known. His OC transfers were made swiftly, all in span of few months. How and where owner acquired him is kept suitably unclear.

Offences booked by the Kerala Forest Department against the Guruvayur Devaswom Board (GDB)

Crime No.8/2012 booked on 20.06.12 against the Administrator K. Venugopal and Deputy Administrator of GDB for not keeping elephants in hygienic conditions.

Crime No. 7/2012 booked on 10.06.12 against the Administrator K. Venugopal, Manager Livestock A.K.Unnikrishnan, Mahouts P.D.Bijju, K.T.Radhakrishnan, Unnikothan and P.V.Jairaman for torturing elephant Arjun inside the premises of Punnathur Kotta and causing his eventual death due to grievous wounds and injuries.

The case was booked under Section 2(a), (f), 12(a) of the Kerala captive Elephant Management Rules and Section 2(16) , (ab),(b),(c) of the WLPA.

Mahouts Unnikottan and P.V.Jairaman are currently posted with elephants Aiyapan Kutty and Nandini respectively.

Crime No. 9/2012 dated 20.07.2012 against Administrator K. Venugopal, Manager Livestock A.K. Unnikrishnan, Mahouts Suresh, Krishna Das and P.D. Bijju for torturing elephant Akshaykrishna inside the temple premises. Mahout P.D. Bijju is currently posted with elephant Keerthy.

Crime No.19/2012 booked on 24.08.2012 against Administrator K. Venugopal, Deputy Administrator Livestock P.V. Somasundar, Manager Unnikrishnan and Supervisor Jayanthan for keeping 64 elephants in unhygienic conditions and improper chaining.

Conclusion

Directing an official Central Government investigation of the Guruvayur Temple elephants has been a historic move by the AWBI, since the 'Elephant Sanctuary' at Guruvayur is the subject of intense local and national focus. It also provides a vivid example of the fact that no institution, however prestigious and powerful, can hope to insulate itself when it is on the wrong side of public opinion on a long-standing humane concern. In just a few short years, the Guruvayur Devaswom's elephant keeping model has lost its shine, seen its value downgraded, mishandled tragic incidents involving the brutal assault on the captive elephants and its reputation is being affected by swelling public skepticism of its elephant facility. **(Refer Annexure 2d)**

Relevant Central Acts, Rules, Notifications and Guidelines for zoos/temples include the following:

- Article 51A(g) of the Constitution of India
- The Wild Life (Protection) Amendment Act, 2002 (governs the keeping, acquisition and transport of wildlife)
- Declaration of Wild Life Stock Rules, 2003 (governs the issue of Ownership Certificates)
- The Prevention of Cruelty to Animals (PCA) Act, 1960 (governs management & housing)
- Performing Animals (Registration) Rules, 2001 (since they are exhibited and paraded for temple ceremonies and ticketed for viewing by public by the authorities)
- Performing Animals Rules, 1973 (for permission to display & exhibit animals)
- Transport of Animals (Amendment) Rules, 2001
- Conditions stipulated by the Central Zoo Authority (CZA) for elephants
- The CZA's circular banning elephants in zoos (dated 7 November 2009)
- Recognition of Zoo Rules, 2009 (recognition of all establishments housing more than 50 numbers of a single Endangered Species, with guidelines for elephant keeping)
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Guidelines for transport and preparation for shipment of live wild animals and plants, 1981
- Guidelines for Care and Management of Captive Elephants, issued by the Ministry of Environment and Forests' Project Elephant via letter number 9-5/2003-PE (dated 8 Jan.2008)
- Kerala Captive Elephants (Management and Maintenance) Rules, 2012
- Guidelines of captive-elephant management issued by the Indian government, as outlined by Tamil Nadu's Principal Chief Conservator of Forests (dated 20 September 2012)
- Order dtd. 30.01.1999 Banning Display of Elephants in Musth issued by Sub-Divisional Magistrate, Thrissur
- Order No WL1-837/2007 dt. 28.04.2007 by CCF(WL) reg. Engaging of Elephants for Festivals
- Circular no. 19689/E2/2007/F & WLD dtd. 1.03.2008 reg. Prevention of Cruelty to Animals in Captivity – instructions issued by Principal Secretary (Forest and Wildlife), Kerala



Violations

- Section 11(1) (a), (b), (d), (e), (f) & (h) of the Prevention of Cruelty to Animals Act, 1960
- Causing injuries to an elephant with a weapon appears to violate The PCA Act, 1960, which states that it is cruelty to animals if any person ‘beats, kicks, over-rides, over-drives, over-loads, tortures or otherwise treats any animal so as to subject it to unnecessary pain or suffering or causes, or being the owner permits, any animal to be so treated’. Doing so may also violate a condition for registration in the Performing Animals (Registration) Rules, 2001, which state that ‘the owner shall ensure that any animal is [not] inflicted unnecessary pain or suffering before [or] during or after its training or exhibition’. It also appears to violate the Guidelines for Care and Management of Captive Elephants, according to which, ‘beating, kicking, over-driving, over-loading, torturing or treating any elephant so as to subject to it to unnecessary pain or suffering, or being an owner permitting, any elephant to be so treated’ is tantamount to cruelty to elephants.
- Section 40 of the Wildlife Protection Act, 1972
- Section 42 of the Wild Life (Protection) Amendment Act, 2002, is also violated, as the upkeep of the elephants is highly compromised. Section 42 states, ‘Provided that before issuing the certificate of ownership in respect of any captive animal, the Chief Wild Life Warden shall ensure that the applicant has adequate facilities for housing, maintenance and upkeep of the animal’. The Chief Wildlife Warden of the state can withhold certificate of ownership on grounds of inappropriate upkeep, management and housing conditions.
- Keeping an elephant continuously tethered appears to violate The PCA Act, 1960, which states it is cruelty to animals if any person ‘keeps for an unreasonable time any animal chained or tethered upon an unreasonably short or unreasonably heavy chain or cord’. It also appears to violate the Guidelines for Care and Management of Captive Elephants, according to which, ‘keeping for unreasonable time, an elephant chained or tethered upon an unreasonable short or unreasonably heavy chain or cord’ is tantamount to cruelty to elephants and is prohibited.
- The use of heavy metal chains on the elephant amount to cruelty to elephants as per the Guidelines for Care and Management of Captive Elephants, which state that ‘using heavy chains and hobbles with spikes or sharp edges or barbed wires for tying elephants’ is tantamount to cruelty to elephants. It also violates another guideline that states, ‘No owner shall permit the use of nylon ropes or chains/hobbles with spikes or sharp edges for tying the elephants’. It also appears to violate a condition stipulated by the CZA that states, ‘The elephants should be kept tied only in one leg with chain/ rope covered by leather tubes, the legs for tying may be changed alternately’. Tethering an elephant by more than one leg appears

to violate the same condition. Furthermore, as per the Indian government's guidelines of captive-elephant management, as outlined by Tamil Nadu's Principal Chief Conservator of Forests, 'The elephant should not be tethered with chain and hobbles on 2 or 3 legs simultaneously which will cause arthritis problem to the elephant'.

- Forcing unfit elephants to perform is apparently a violation of The PCA Act, 1960, which states that it is cruelty to animals if any person '(employs in any work or labour or for any purpose any animal which, by reason of its age or any disease) infirmity; wound, sore or other cause, is unfit to be so employed or, being the owner, permits any such unfit animal to be employed'.
- Not providing elephants with the opportunity to exercise for the duration of two hours seems to violate the conditions stipulated by the CZA, which state, 'Daily walk/ exercise for at least two hours in the early morning hours should be given to all the elephants'.
- Punnathur Kotta violates the CZA Recommended Guidelines on 'Elephants Upkeep in Zoos' - Chap. 7(m) (ii) item 5, which clearly mentions the CZA's minimum space requirements for elephants in captivity as 1.2 acres per elephant.
- Forcing an elephant to perform in public festivals and not registered with the Performing Animals' Registration is gross violation of The PCA Act, 1960.
- Not housing elephants in a clean and healthy environment with sufficient shade is in violation of the Kerala Captive Elephants (Management and Maintenance) Rules, 2012. Rules 3, 4, 5 [barring sub-rules 6, 7, 9, 12,], 6, 8, 9, 10 and Rule 12 of the Kerala Captive Elephants (Management & Maintenance) Rules, 2003
- Non-provision of succulent food to the elephant in the hot season and allowing an elephant to work who is above 65 years of age is also in violation of the above rules
- Violation of Section 3 of the PCA Act (the Supreme Court Judgement in SLP (C) 11686 of 2007 AWBI vs A, Nagaraja (para 77))

Annexure 1a - Directive from AWBI

GRAM: JIVABANDHU	Phone : 04424571025 04424571024 Fax : 04424571016
	ANIMAL WELFARE BOARD OF INDIA (Ministry of Environment and Forests, Govt. of India) Post Box No. 8672 13/1, Third Seaward Road, Valmiki Nagar, Thiruvanimiyur, Chennai - 600 041 Email : awbi@md3.vsnl.net.in Website: www.awbi.org
No.9-1/2014-15/PCA/IR	13-08-2014
<p>Ms. Suparna B. Ganguly, Vice President, Compassion Unlimited Plus Action, 257, 1st Cross, H.A.L. II Stage, Indiranagar, Bangalore - 560038, Karnataka. E-mail: suparnaganuly@gmail.com</p> <p>and</p> <p>Dr. Arun, Wildlife SOS, Bengaluru. Madam / Sir,</p>	
Sub: Authorisation letter for inspection of Elephants maintained by Guruvayur Devasom Board at its temple and Annakota- Reg.	
<p>The Animal Welfare Board of India (AWBI) has received complaint that the elephants maintained by Guruvayur Devasom Board at its temple premises and Annakota are subjected to pain and suffering and negligence regarding care and management of the elephants. The complaint also states that provisions of Prevention of Cruelty to Animal Act, 1960 and The Indian Wildlife (Protection) Act, 1972 are violated. A copy of the complaint received and a communication received from IG(WL), MoEF is also enclosed for your reference.</p> <p>In this connection, I am directed to request you to kindly carry out an inspection of the elephants maintained by Guruvayur Devasom Board at its temple premises and Annakota to ascertain their health conditions and compliance with Central/ State Laws immediately and submit a report to the Board at the earliest. A letter of authorization of AWBI to inspect the above elephants is attached for further necessary action.</p> <p>Kindly acknowledge the receipt.</p>	
<p>Yours faithfully,  (S. VINOD KUMAAR) Secretary I/c</p>	
<p>Encl. as above. Copy to: 1) The PCCF, Govt. of Kerala, Vazhuthacaud, Thiruvananthapuram, Kerala for information. E-mail: pccf@keralaforest.org 2) The District Forest Officer, Forest Department, Civil Station., Ayyanthol, Dist: Thrissur, Kerala 680 003 E-mail: dfo-tsr.for@kerala.gov.in 3) The Executive Officer, Devasom Board, P.O. Guruvayoor, 680 101 E-mail: admingd.ker@nic.in, guruvayurdevasom@rediffmail.com, devasom.guruvayur@gmail.com</p>	

Annexure 1b – Directive from AWBI

GRAM: JIVABANDHU



Phone : 04424571025

04424571024

Fax : 04424571016

ANIMAL WELFARE BOARD OF INDIA

(Ministry of Environment and Forests, Govt. of India)

Post Box No. 8672

13/1, Third Seaward Road, Valmiki Nagar, Thiruvanniyur, Chennai - 600 041

Email : awbi@md3.vsnl.net.in Website: www.awbi.org

No.9-1/2014-15/PCA/IR

13-08-2014

TO WHOMSOEVER IT MAY CONCERN

Smt. Suparna Ganguly, Vice-President, Compassionate Unlimited Plus action (CUPA), Bangalore; Dr. Arun, Wildlife SOS and representatives of CUPA are hereby authorized by the Animal Welfare Board of India to conduct a joint inspection of the elephants maintained by the Guruvayur Devasom Board, Guruvayur to assess the mental and physical health, treatment, and fitness of the Elephants as well as to see whether any provisions of PCA Act 1960 and Rules made thereunder and other Central, State laws pertaining to Captive Elephants are violated or not. A detailed inspection report along with the photographs, videos and other information shall be submitted to the Board. A list of points for observation during the inspection is attached herewith as Annexure.

The officials of the Forest Department, Police Department and Animal Husbandry Department of Guruvayur/Thrissur, Kerala are requested to extend full co-operation to the inspection team to enable them to discharge their duties during their inspection of the Elephants.

(S. VINOD KUMAAR)
Secretary I/c

Copy to:

Copy to: 1) The PCCF, Govt. of Kerala, Vazhuthacaud, Thiruvananthapuram, Kerala for information. E-mail: pccf@keralaforest.org

2) The District Forest Officer, Forest Department, Civil Station, Ayyanthol, Dist: Thrissur, Kerala 680 003 E-mail: dfo-tsr.for@kerala.gov.in

3) The Executive Officer, Devasom Board, P.O. Guruvayoor, 680 101 E-mail: guruvayurdevasom@rediffmail.com, devasom.guruvayur@gmail.com, admingd.ker@nic.in,

4) The Superintendent of Police, Office of the Superintendent of Police, P.O. Thrissur, Kerala 680 001 E-mail: sptsr@keralapolice.gov.in

Annexure 2a – Public Complaint Email

On Fri, 26/2/10, A* **** <a*****@gmail.com> wrote:

From: A* **** <a*****@gmail.com>

Subject: {FIAPO} action immediate

To: aapn@yahoogroups.com

Cc: fiapo@googlegroups.com

Date: Friday, 26 February, 2010, 7:55 AM

For the attention of all animal lovers

The Kerala Govt is turning a blind eye towards the repeated requests from animal lovers to ban the cruel animal sport 'aanayottam' (elephant race) to be held in Guruvayur today. Elephants are forced to run and prizes will be awarded to the winners.

The AWBI has clarified that the Board has not given any permission for the race and it will be illegal as per the Performing Animals Registration Rules 2001.

I request all to appeal to the Kerala Govt. to immediately stop the race scheduled for the evening in which around 50 elephants are forced to run.

The last paragraph of the news report should be an eye opener for all.

Writhing in pain and frenzied to extricate itself from the woodwork and metal frame of the cabin of the lorry, the tusker has to break free its two massive tusks which broke and fell into pieces on the road.

The bloody pieces are divine trophies at their homes picked and kept by onlookers as the elephant belongs to Guruvayur temple.

THE HINDU

TODAY'S PAPER » NATIONAL » KERALA
February 27, 2010

Guruvayur elephant race held



*Dashing to destination:
Elephant race draws crowd at
Guruvayur on Friday.*

Staff Reporter

Guruvayur: Thirty-three-year-old Gopi Kannan of Guruvayur Devaswom won the elephant race ('aanayottam') here on Friday, which marked the opening of the 10-day festival at Guruvayur Sree Krishna Temple.

Kannan and Achuthan finished second and third. Gopi Kannan won the race for the fourth time. The race was held from Manjula to the Eastern Gopura Nada. The race began at 3 p.m. Though 34 elephants had lined up at the starting point at Manjula, only five actually participated in the race. A team of veterinarians examined the elephants before the race. After the race, the elephants were taken to the temple. Tension prevailed at the venue for sometime when one elephant, Ramankuty, started running even before the race began.

THE  NEW
INDIAN EXPRESS

Sanctuary turns hell for captive jumbos

By U Pradeep | ENS - GURUVAYUR

Published: 10th July 2012 01:03 PM

Uncomfortable and overcrowded shelters with no proper maintenance, lack of genuine guidelines and safety features, young mahouts who are addicted to liquor and absence of experienced staff... These are some of the regular scenes at the Punnathur Elephant Sanctuary, where the Guruvayur temple authorities houses the captive elephants.

As many as 64 elephants are languishing in unhygienic conditions prevailing in the sanctuary, of which at least 5 elephants are in a serious condition owing to alleged cruelty by mahouts.

Arjun, one of the youngest tuskers at the sanctuary, has been fighting for life after being brutally tortured by his mahout. The injury on his foreleg has worsened and, according to the doctors, chances of recovery is remote because the jumbo's bones have become fragile, indicating signs of osteoporosis.

"Most of the staff members at the sanctuary and mahouts are unskilled and addicted to alcohol.

So, they torture the elephants indiscriminately," said Dr Avanapparambu Maheswaran Namboodiripad, the veterinarian in charge of the tuskers' medical care.

Though the Devaswom authorities had attempted to take action against the erring mahouts, they had to keep quiet owing to political pressure.

A team of doctors under the guidance of Maheswaran Namboothiripad, including Dr T C R Nambiar, Dr Giridas and Dr T S Rajeev, are camping at the sanctuary to treat the ailing Arjun.

The mahouts believe that a tortured elephant can be coerced into submission. The animal's plight does not end with the 'initiation'. Elephant- keepers beat the animals at the slightest sign of disobedience. They are typically denied of food and water. Temple officials turn a blind eye to the cruel treatment, the doctors said.

Since the contractor has not been doing his work despite constant warnings from the authorities, the waste dumping system inside the sanctuary has collapsed.

<http://www.newindianexpress.com/states/kerala/article563041.ece>

Annexure 2d – Complaint Letter

To

Inspector General, MoEF, Govt.of India, New Delhi. Copy to

1. Head of Forest, Kerala Forest and Wild life department, Tvm.
2. Chief Wildlife Warden, Kerala Forest and Wild life department, Tvm.
3. Secretary, AWBI Chennai.
4. Secretary, Central Zoo Authority of India, New Delhi.

Sub: - One of the three elephants which ran amuck during this year's Trichur Pooram namely Guruvayur Devaswam Sankaranarayanan. Now stands in three legs due to severe wounds all over its two hind legs due to torture by mahouts.

Sir,

Even though the Guruvayur Devaswam had submitted in the High Court of Kerala during 2008 that they will not parade any one of its elephants between 11 Am and 3 Pm, Guruvayur Devaswam had parade its six elephants for this year's Trichur Pooram which is infamous for parading elephants during that time with the tacit support of the police, revenue and forest officials year by year. This year Guruvayur

Devaswam's Sankaranarayanan was illegally parade for Trichur Pooram on 10th April 2014 from 8 Am to 12.05 Noon. When this elephant was brought back into Paramekkavu Temple without providing sufficient water after the pakalpooram festival, this elephant ran amuck inside the temple from 12.20 noon to 2Pm under scorching sun light. During pakal pooram where 30 elephants were illegally paraded from 8 Am on that date without providing overhead garden net cover from sunlight and without providing cool facility beneath four legs of each elephant by putting wet gunny bags (these two stipulations were laid down by High Court of Kerala whenever elephants are paraded for traditional festivals as mandatory proportion to save the elephants from heat from sunlight). On that date on the Thiruvambadi side one of the elephants named Thiruvambadi Ramabadran with paralised trunk started to move its body towards right side due to stress and body pain due to scorching sunlight, its tusks touched the body of another elephant named Adiyat Ayyappan and both the elephants started to move backward and all other 13 elephants on Thiruvambadi side showed disobedience at around 11.45 Am on that day.

Both Thiruvambadi and Paramekkavu fractions had violated a rule which stipulate that at least 4 meters gap must be provided between belly to belly of each elephants. When the Sankaranarayanan ran amuck inside Paramekakvu Temple, two private elephant squads had quarreled themselves to enter the temple to control the elephant. Due to this quarrel the elephant continued to disobey its mahouts from 12.20 noon to 2 Pm. Eventhough we had given telephonic

complaint to the intelligence wing of Kerala Forest Department, the territorial forest officials had not registered any case against these types of elephant cruelty even after the expiry of 33 days of our complaint. This type of the dereliction of duty on part of forest, police and revenue officials had prompted the mahouts of Guruvayur Devaswam to inflict more pain over the body of elephant Sankaranarayanan by using banned VALIAKOL (a 9 meter iron pole having sharp edge on one side and thickened edge on the other side, which is very useful to provide severe damage in inside the body and outside the body of the elephant by standing at a safe distance of about 8 ½ meters from the body of the elephant).which is evident from the wounds all over the both hind legs of elephant Sankaranarayanan which stands now on three legs at a time in side Guruvayur elephant camp.

The Guruvayur elephant camp keep 60 elephants in a narrow 18 acre plot under unhygienic circumstances without any provision for daily cleaning up of wastages around each elephant and without any provision for each elephant for drinking pure water and without any provision for each elephant to bath in flowing water. As per the stipulations of CZA, each elephant must have a moving space of 1.5 hector in any place where elephants are kept and public are allowed to see them by charging a sum as admission fee. Even though Guruvayur Devaswam collects admission fee from each member of public who enter the elephant camp, the devaswam authority had failed to arrange 180 acres as per CZA stipulations for keeping 60 elephants. We expect that your authoritative office will use this opportunity to conduct a high level enquiry in to this type of cruelty by Guruvayur Devaswam and Trichur Pooram organizers and issue strict orders to arrest all those people who are responsible for this type of elephant torture and initiate legal action against the offenders as early as possible.

V.K.Venkitachalam,
Secretary,
Heritage Animal Task Force,
TC35/571, Kunnath Lane,
Thiruvambadi P.O, Thrissur
680022, Kerala.

12-06-2014

DECCAN Chronicle

Kerala becomes transit hub for ivory

DC | K PRAVEEN KUMAR | September 12, 2014, 05.09 am IST



A heap of confiscated ivory.

Kozhikode: For the last three years, not a single case of elephant poaching has been registered by the Forest Department. However, in 2013, they seized nine tusks and two ivory statues, together weighing 88 kg. In 2012 also there were ivory seizures and this year so far, three cases have been reported. Experts in the field point to Kerala becoming a transit hub of ivory smugglers and suggest that ivory from other states is being smuggled in, especially to the State capital, which is traditionally an ivory carving centre. The only other possibility is that the ivory is locally sourced and the Forest Department has failed to register cases.

“Kerala has had no poaching case reported in the last three years but interestingly, there have been several ivory seizure cases. We suspect ivory is being smuggled in to Kerala from other states to Thiruvananthapuram for carving. It is a big racket. Ivory poached in Odisha, Karanataka, Andhra Pradesh and Tamil Nadu could be finding its way to Kerala”, said Tito Joseph, head of data analysis of Wildlife Protection Society of India (WPSI).

Though several ivory seizures are reported in Kerala, rarely is a case taken to its logical conclusion. The investigation mostly gets restricted to the seizure of the property and also arrest of the agents who handle the property. “Rarely do we get cases that track the source of ivory smuggled to Kerala. The investigation never goes beyond the agents who are used in selling the property. We neither have information about the buyers nor about the original procurers of ivory,” Tito Joseph said.

As per Elephant Poaching statistics available with the Wildlife Protection Society of India, Odisha continues to be the elephant poaching capital of India. When Forest department officials and conservationists have been instrumental in bringing down cases of poaching in other parts of the country, in Odisha it continues unabated. In the last two years 41 elephants were poached in Odisha and this year so far, 11 elephants have been targeted.

THE HINDU

TODAY'S PAPER » NATIONAL » KERALA

March 8, 2009

34 elephants take part in temple race

Racing ahead: An elephant race, which marks the beginning of the annual 10-day festival at the Guruvayur Sreekrishna Temple, in progress on Saturday. —

Staff Reporter

Guruvayur: Gopi Kannan won an elephant race ('aanayottam') held here on Saturday, which marked the opening of the annual 10-day festival at the Guruvayur Sreekrishna Temple. Kesavankutty finished second. The race was held from Manjula to the temple. In all, 34 elephants belonging to the Guruvayur Devaswom took part. A team of veterinarians examined the elephants before the race.



Thousands of people gathered at the temple town to witness the race. Gopi Kannan, 33, was the favourite. The elephant maintained clear lead as it ran from Manjula to the Eastern Gopura Nada.

THE  NEW
INDIAN EXPRESS

Mahout killed, tusker hurt in freak mishap

By Express News Service

Published: 02nd April 2009 07:33 AM

Last Updated: 15th May 2012 09:09 PM

THIRUVANANTHAPURAM: A mahout, Sukumara Kurup, 60, was killed and a tusker, Ayyappan, 43, was seriously injured when both were thrown out of an over-speeding mini-lorry and dragged them together for nearly 200 metres before the vehicle came to a stop at Vamanapuram, near Venjarammoodu, here in the early hours of Wednesday.

Sukumara Kurup got entangled in the ropes that tied the elephant and was reportedly crushed under the elephant as both were dragged along the road. Sukumara Kurup was dead by the time he was brought to the Medical College Hospital here. The elephant was being transported from Anchal, where it was taken for a temple procession, to Venjarammoodu. Ayyappan is owned by Krishnan Potty, a resident of Venjarammoodu.

The driver and the cleaner of the mini-lorry are absconding. The driver is suspected to have been drunk. The elephant was transported flouting rules. Captive Elephants Management and Maintenance Rules specifically states that trucks with a length of less than 12 feet should not be used to carry adult elephants.

The rules also speak about maintaining a constant speed. 'While transporting elephants by truck or train, care shall be taken to maintain constant speed so that jerks and sudden stops are avoided and the effects of shocks and jolts are reduced to the minimum,' the rule says.

At this point it is also not clear whether the owner has taken the mandatory permission from the District Forest Officer for the transport of the elephant as it involved movement from one district to the other, from Kollam to Thiruvananthapuram. Accidents involving elephants are turning out to be common on the roads of the State. It is not even a week since tusker Gopalakrishnan, 40, was laid to rest. The tusker was hit by a lorry on the National Highway near Kollam on March 24. On March 29, a tusker named Kannan broke his tusks while being transported from Guruvayur to Kannur. The incident occurred when the lorry in which Kannan was taken had rammed into the rear of a bus. The tusks of the elephant broke as it pierced through the steel and wooden cabin. Kannan, a three-time winner of the elephant race conducted yearly in Guruvayur, is now being treated at Punnathurkotta.

Annexure 5 – Article on ‘India’s Overworked Elephants’

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Page last updated at 00:01 GMT, Thursday, 4 March 2010

India's overworked elephants



The elephants are paraded during festivals
(Photo: Kiran Janayugam)

The southern state of Kerala is home to the largest captive elephant population in India. But many question the way the animals are treated. The BBC's Soutik Biswas reports.

"Where in the world is the elephant worst treated? The honest and straight answer is Kerala," says one of the state's best-known writers, Paul Zacharia.

Mr Zacharia is alluding to the plight of the state's 700 captive elephants, the largest "domesticated" elephant population in India.

These elephants are owned by some 250 people and a number of temples. They are mainly rented out during the more than 10,000 festivals every year for parades and processions.

The state's most venerated Hindu temple, Guruvayur, alone owns 66 captive elephants, aged from 14 to 70. They live on seven acres of land outside the temple, and are looked after by some 200 keepers or mahouts.

The elephants are also hired by political parties for campaign processions, and by companies for promoting their goods in trade fairs. At one temple festival, the animals are made to run a ritual one kilometre race every year.

Hardship

Renting out elephants is big business in a society where owning the animal is a feudal status symbol - last year, one elephant fetched the Guruvayur temple nearly \$5,000 for a single day's appearance at a festival in Palakkad district.

The animals have to endure long and noisy parades where fire crackers are set off, they must stand close to flames, travel long distances in ramshackle open vehicles and walk on tarred roads in the scorching sun for hours.

They also have to endure drunk, often brutal mahouts. One survey found that half of the keepers had a drinking problem.

The upshot is a unusual and rising man-animal conflict in crowded cities and towns where the elephants go to work.

"Not a day passes without the news of an elephant meeting its death in an accident or getting grievously injured or killing the mahout in sheer desperation or running amok because it simply has had enough," says Mr Zacharia.

Elephants have gone on the run at temple festivals and killed devotees in recent years.

Wildlife authorities say 18 people, mainly mahouts, have been killed by captive elephants in the past five years - 12 of them in the past two years alone.



“ Renting out an elephant is not profitable at all ”

P Sashikumar, elephant owner

'Not enough rest'

Kerala's Elephant Lovers' Association, a group which has been campaigning to have "performances" by captive elephants banned, says officials are under-reporting the problem.

According to figures compiled by the group from media reports and wildlife authorities, captive elephants have killed 212 people - the majority of them mahouts - in the past 12 years in Kerala.

The group also reckons more than 1,000 elephants have died "due to torture" during the same period. There is no way to confirm these high numbers - inquiries with the wildlife department met with no response. Experts believe the truth is somewhere in between.

But all of them - apart from the elephant owners - agree that Kerala's captive elephants are the most overworked in the country.

"Some of the elephants are paraded at three or four places during the day for 12 or more hours. A lot of these festivals happen at night. The animals don't get enough rest, and misbehave mainly because of overwork," says senior wildlife officer KP Ouseph.

Wildlife authorities have warned that "fatal mishaps in public places at an alarming [rate have] become a threat to public life". Two years ago, the Kerala high court acknowledged the need to enforce rules and regulations in the context of the "increased number of incidents of violence by and to elephants" in the state.

They include avoiding bursting crackers close to the animals, transporting them in covered vehicles and keeping them at a distance from the crowds of devotees.

But most experts say that these regulations are flouted with impunity.

Elephant owners like P Sashikumar say that the allegations about the overwork and torture of elephants are "vastly exaggerated".

Mr Sashikumar, who is a member of a group of 230 owners which lobbies the government to make the trade in elephants easier, says they keep and rent out their animals not for money, "but for love".

"Who says renting out elephants is a profitable business? You hardly recover your costs of maintaining an animal.

"It's more of a matter of prestige for us and a family tradition," he says, while readying one of his elephants for a temple festival.

The caparisoned elephants may be the flavour of Kerala's festival season - it runs from December to April - but their treatment is leaving the wildlife authorities and lovers deeply worried.

"Kerala has a reputation of being an elephant-loving society. It's a big lie," says Mr Zacharia.



Some 250 people own elephants in Kerala

Annexure 6 – Estimated income and expenditure 2014-2015 of Punnathur Kotta and Guruvayur Devaswom Board

a) Income

GURUVAYUR DEVASWOM					
BUDGET ESTIMATE 2014-2015					
RECEIPTS					
HEAD OF ACCOUNT	PARTICULARS	ACTUALS 2012-2013	BUDGET ESTIMATE 2013-2014	REVISED ESTIMATE 2013-2014	BUDGET ESTIMATE 2014-2015
14	Receipts from Punnathur kotta				
1	(a) Hire charges of Elephants	11015871.00	15000000.00	11020000.00	20000000.00
	(b) Special Allowance to Mahouts	1864264.00	2000000.00	2100000.00	2500000.00
	(c) Cost of food to Elephants	1191063.00	1300000.00	1225000.00	1500000.00
2	Entrance fee	3997903.00	4500000.00	4100000.00	4500000.00
3	Photography charges	1079476.00	1200000.00	1260000.00	1300000.00
4	Insurance charges	0.00	0.00	0.00	0.00
5	Anayoottu	1416502.00	1600000.00	1375000.00	1600000.00
6	Offerings of Elephants	2100000.00	3000000.00	4000000.00	4500000.00
7	Other receipts	1770.00	100000.00	2000.00	100000.00
8	Parking Fees	508918.00	600000.00	664000.00	700000.00
9	Elephant welfare fund	13500.00	450000.00	25000.00	450000.00
	Total	23183267.00	29750000.00	25771000.00	37150000.00

b) Expenses


GURUVAYUR DEVASWOM					
BUDGET ESTIMATE 2014-2015					
Expenditure					
HEAD OF ACCOUNT	PARTICULARS	ACTUALS 2012-2013	BUDGET ESTIMATE 2013-2014	REVISED ESTIMATE 2013-2014	BUDGET ESTIMATE 2014-2015
69	Expenditure on Punnathurkotta - Elephants				
1	(a) Salary and Allowances	43541238.00	45500000.00	48020000.00	50000000.00
	(b) Special Allowances to Mahouts	402120.00	2500000.00	2200000.00	2500000.00
	(c) Cost of food to Elephants	55175.00	1000000.00	725000.00	1000000.00
2	Purchase				
	(a) Food for livestock	15205674.00	17500000.00	17650000.00	20000000.00
	(b) Medicines for livestock	803183.00	1200000.00	1297000.00	2000000.00
	(c) Stationary and others	815488.00	500000.00	225000.00	500000.00
3	Repair and Maintenance	437124.00	450000.00	464000.00	500000.00
4	Electricity and water supply charges	43430.00	50000.00	43000.00	50000.00
5	Fee, Honorarium etc	1000.00	250000.00	1000.00	250000.00
6	Telephone & Postage	0.00	5000.00	0.00	5000.00
7	Taxes	0.00	10000.00	0.00	10000.00
8	Cleaning & Waste Disposal	3509307.00	3000000.00	6000000.00	6500000.00
9	Expansion & Improvement (including acquisition).	0.00	5000000.00	0.00	5000000.00
10	Others	399513.00	50000.00	0.00	50000.00
	Total	65213252.00	122015000.00	76625000.00	133365000.00


c) Total Income and expenses

GURUVAYUR DEVASWOM
BUDGET ESTIMATE 2014-2015

HEAD OF ACCOUNT	PARTICULARS	ACTUALS 2012-2013	BUDGET ESTIMATE 2013-2014	REVISED ESTIMATE 2013-2014	BUDGET ESTIMATE 2014-2015
	Total Receipts	1998095233.29	2214754000.00	2320450300.00	2945277000.00
	Total Payments	1988036820.28	2127064000.00	2005271500.00	2879039000.00
	Surplus			315178800.00	66238000.00
	Grand Total			2320450300.00	2945277000.00

Sd/-
ADMINISTRATOR
GURUVAYUR DEVASWOM


F. V. Sathian
 Clerk


 31/3/14
 AA

Annexure 7 – Extracts of some paragraphs of the Hon’able Supreme Court Order dated 7.5.2014

The extract of the Hon’ble Supreme Court Judgment given below has been with reference to bulls and racing in ‘Jallikattu’. However certain relevant sections are applicable to captive elephants and elephant racing as well.

Para 77. *We, therefore, hold that AWBI is right in its stand that Jallikattu, Bullock-cart Race and such events per se violate Sections 3, 11(1)(a) and 11(1)(m)(ii) of PCA Act and hence we uphold the notification dated 11.7.2011 issued by the Central Government, consequently, Bulls cannot be used as performing animals, either for the Jallikattu events or Bullock-cart Races in the State of Tamil Nadu, Maharashtra or elsewhere in the country. We, therefore, make the following declarations and directions:*

(1) We declare that the rights guaranteed to the Bulls under Sections 3 and 11 of PCA Act read with Articles 51A (g) & (h) are cannot be taken away or curtailed, except under Sections 11(3) and 28 of PCA Act.

(2) We declare that the five freedoms, referred to earlier be read into Sections 3 and 11 of PCA Act, be protected and safeguarded by the States, Central Government, Union Territories (in short “Governments”), MoEF and AWBI.

(3) AWBI and Governments are directed to take appropriate steps to see that the persons-in-charge or care of animals, take reasonable measures to ensure the well-being of animals.

(4) AWBI and Governments are directed to take steps to prevent the infliction of unnecessary pain or suffering on the animals, since their rights have been statutorily protected under Sections 3 and 11 of PCA Act.

(5) AWBI is also directed to ensure that the provisions of Section 11(1)(m)(ii) scrupulously followed, meaning thereby, that the person-in-charge or care of the animal shall not incite any animal to fight against a human being or another animal.

(6) AWBI and the Governments would also see that even in cases where Section 11(3) is involved, the animals be not put to unnecessary pain and suffering and adequate and scientific methods be adopted to achieve the same.

(7) AWBI and the Governments should take steps to impart education in relation to human treatment of animals in accordance with Section 9(k) inculcating the spirit of Articles 51A(g) & (h) of the Constitution.

(8) Parliament is expected to make proper amendment of the PCA Act to provide an effective deterrent to achieve the object and purpose of the Act and for violation of Section 11, adequate penalties and punishments should be imposed.

(9) Parliament, it is expected, would elevate rights of animals to that of constitutional rights, as done by many of the countries around the world, so as to protect their dignity and honor.

(10) The Governments would see that if the provisions of the PCA Act and the declarations and the directions issued by this Court are not properly and effectively complied with, disciplinary action be taken against the erring officials so that the purpose and object of PCA Act could be achieved.

(11) TNRJ Act is found repugnant to PCA Act, which is a welfare legislation, hence held constitutionally void, being violative of Article 254(1) of the Constitution of India.

(12) AWBI is directed to take effective and speedy steps to implement the provisions of PCA Act in consultation with SPCA and make periodical reports to the Governments and if any violation is noticed, the Governments should take steps to remedy the same, including appropriate follow-up action.”

Earlier from paragraph 26 the Supreme Court held that:

26. PCA Act is a welfare legislation which has to be construed bearing in mind the purpose and object of the Act and the Directive Principles of State Policy. It is trite law that, in the matters of welfare legislation, the provisions of law should be liberally construed in favor of the weak and infirm. Court also should be vigilant to see that benefits conferred by such remedial and welfare legislation are not defeated by subtle devices. Court has got the duty that, in every case, where ingenuity is expanded to avoid welfare legislations, to get behind the smoke-screen and discover the true state of affairs. Court can go behind the form and see the substance of the devise for which it has to pierce the veil and examine whether the guidelines or the regulations are framed so as to achieve some other purpose than the welfare of the animals. Regulations or guidelines, whether statutory or otherwise, if they purport to dilute or defeat the welfare legislation and the constitutional principles, Court should not hesitate to strike them down so as to achieve the ultimate object and purpose of the welfare legislation. Court has also a duty under the doctrine of *parents patriae* to take

care of the rights of animals, since they are unable to take care of themselves as against human beings.

27. *The PCA Act, as already indicated, was enacted to prevent the infliction of unnecessary pain, suffering or cruelty on animals. Section 3 of the Act deals with duties of persons having charge of animals, which is mandatory in nature and hence confer corresponding rights on animals. Rights so conferred on animals are thus the antithesis of a duty and if those rights are violated, law will enforce those rights with legal sanction. Section 3 is extracted hereunder for an easy reference: 3. Duties of persons having charge of animals.- It shall be the duty of every person having the care or charge of any animal to take all reasonable measures to ensure the well-being of such animal and to prevent the infliction upon such animal of unnecessary pain or suffering.*

Again from paragraph 32 the Court held that:

32. *Sections 3 and 11, as already indicated, therefore, confer no right on the organizers of Jallikattu or bullock-cart race, but only duties, responsibilities and obligations, but confer corresponding rights on animals. Sections 3, 11(1)(a) & (o) and other related provisions have to be understood and read along with Article 51A(g) of the Constitution which cast fundamental duties on every citizen to have “compassion for living creatures”. Parliament, by incorporating Article 51A (g), has again reiterated and reemphasized the fundamental duties on human beings towards every living creature, which evidently takes in bulls as well. All living creatures have inherent dignity and a right to live peacefully and right to protect their well-being which encompasses protection from beating, kicking, over-driving, over-loading, tortures, pain and suffering etc. Human life, we often say, is not like animal existence, a view having anthropocentric bias, forgetting the fact that animals have also got intrinsic worth and value. Section 3 of the PCA Act has acknowledged those rights and the said section along with Section 11 cast a duty on persons having charge or care of animals to take reasonable measures to ensure well-being of the animals and to prevent infliction of unnecessary pain and suffering.*
33. *All animals are not anatomically designed to be performing animals. Bulls are basically Draught and Pack animals. They are live-stock used for farming and agriculture purposes, like ploughing, transportation etc. Bulls, it may be noted, have been recognized as Draught and Pack animals in the Prevention of Cruelty to Draught and Pack Animals Rules, 1965. Draught means an animal used for pulling heavy loads. Rules define large bullock to mean a bullock the weight of which exceeds 350 Kgs. Bullocks have a large abdomen and thorax and the entire body has a resemblance to a barrel shape, which limits ability to run.*

Bulls have also limitations on flexing joints and the rigid heavily built body and limited flexion of joints do not favor running faster. Due to that body constitution, the

Prevention of Cruelty to Animals (Transportation of Animals on Foot) Rules, 2001, especially Rule 11 says that no person shall use a whip or a stick in order to force the animal to walk or to hasten the pace of their walk. Bulls, it may be noted, are cloven footed (two digits) animals and two digits in each leg can comfortably bear weight only when they are walking, not running. Horse, on the other hand, is a solid hooved plant-eating quadruped with a flowing mane and tail, domesticated for riding and as a draught animal. Horse power, we call it as an imperial unit of power, equal to 550 foot-pounds per second. Horse's anatomy enables it to make use of speed and can be usefully used for horse racing etc., unlike Bulls.

34. *Bulls, therefore, in our view, cannot be a performing animal, anatomically not designed for that, but are forced to perform, inflicting pain and suffering, in total violation of Sections 3 and Section 11(1) of PCA Act. Chapter V of the PCA Act deals with the performing animals. Section 22 of the PCA Act places restriction on exhibition and training of performing animals, which reads as under:*

"22. Restriction on exhibition and training of performing animals: No person shall exhibit or train (i) any performing animal unless he is registered in accordance with the provisions of this Chapter; (ii) as a performing animal, any animal which the Central Government may, by notification in the official gazette, specify as an animal which shall not be exhibited or trained as a performing animal."

35. *The words 'exhibit' and 'train' are defined in Section 21 of the PCA Act, which is as follows:*

"21. "Exhibit" and "train" defined: In this Chapter, "exhibit" means exhibit or any entertainment to which the public are admitted through sale of tickets, and "train" means train for the purpose of any such exhibition, and the expressions "exhibitor" and "trainer" have respectively the corresponding meanings."

36. *Section 23 of the PCA Act deals with the procedure for registration. Section 24 of the PCA Act deals with the powers of the court to prohibit or restrict exhibition and training of performing animals. Section 25 of the PCA Act confers powers on any authorized person to enter into the premises to examine as to whether the statutory requirements are properly complied with. Section 26 of the PCA Act deals with the offences and Section 27 of the PCA Act deals with exemptions. Performing Animals Rules, 1973 define 'performing animal' to mean any animal which is used at, or for the purpose of any entertainment to which public are admitted through sale of tickets. Jallikattu, Bullock-cart races, it was contended, are conducted without sale of tickets and hence Section 22 of the PCA Act would not apply, so also the notification dated 11.7.2011. **We find no substance or logic in that submission.***

It may be noted that when Bull is specifically prohibited to be exhibited or trained for performance, the question whether such performance, exhibition or entertainment is conducted with sale of tickets or not, is irrelevant from the point of application of Sections 3 and 11(1) of the PCA Act.

Later from paragraph 43 the Court says:



43. *PCA Act, a welfare legislation, in our view, over-shadows or overrides the so-called tradition and culture. Jallikattu and Bullock cart races, the manner in which they are conducted, have no support of Tamil tradition or culture. Assuming, it has been in vogue for quite some time, in our view, the same should give way to the welfare legislation, like the PCA Act which has been enacted to prevent infliction of unnecessary pain or suffering on animals and confer duties and obligations on persons in-charge of animals. Of late, there are some attempts at certain quarters, to reap maximum gains and the animals are being exploited by the human beings by using coercive methods and inflicting unnecessary pain for the pleasure, amusement and enjoyment. We have a history of doing away with such evil practices in the society, assuming such practices have the support of culture and tradition, as tried to be projected in the TNRJ Act. Professor Salmond states that Custom is the embodiment of those principles which have commended themselves to the national conscience as the principles of justice and public utility. This Court, in N Adithayan v. Travancore Devaswom Board and Others (2002) 8 SCC 106, while examining the scope of Articles 25(1), 2(a), 26(b), 17, 14 and 21, held as follows:*

“18..... Any custom or usage irrespective of even any proof of their existence in pre-constitutional days cannot be countenanced as a source of law to claim any rights when it is found to violate human rights, dignity, social equality and the specific mandate of the Constitution and law made by Parliament. No usage which is found to be pernicious and considered to be in derogation of the law of the land or opposed to public policy or social decency can be accepted or upheld by courts in the country.”

44. *As early as 1500-600 BC in Isha-Upanishads, it is professed as follows:*

“The universe along with its creatures belongs to the land. No creature is superior to any other. Human beings should not be above nature. Let no one species encroach over the rights and privileges of other species.”

Annexure 8a – Interim recommendations from the AWBI to the Guruvayur Devaswom Board

GRAM: JIVABANDHU	Phone : 04424571025 04424571024 Fax : 04424571016
	ANIMAL WELFARE BOARD OF INDIA (Ministry of Environment and Forests, Govt. of India) Post Box No. 8672 13/1, Third Seaward Road, Vaimiki Nagar, Thiruvanniyur, Chennai - 600 041 Email : awbi@md3.vsnl.net.in Website: www.awbi.org
No.9-1/2014-15/PCA/IR	04-09-2014
The Administrator, Guruvayur Devaswom Board, Govt. of Kerala P.O. Guruvayur Dist: Thrissur – 680 101 Kerala	
Sir,	
Sub: Forwarding the interim recommendations of the Evaluator visit to "Elephant Sanctuary" at Punnathur Kotta, Guruvayur Devaswom for implementation Ref.: This office letter of even number dated 13.8.2014	
Further to our letter dated 13.8.2014, the Board authorized representatives Ms. Suparna B. Ganguly and Dr. Arun Sha, Wildlife SOS carried out an inspection of the elephants maintained by Guruvayur Devaswom Board at Guruvayur & Punnathur to ascertain the health conditions and compliance with Central / State Laws.	
The Board has received interim recommendations from them for immediate implementation for the welfare of elephants kept at Punnathur Kotta, Guruvayur, Kerala as under:	
1. The elephants need movement and exercise in appropriate surroundings. For this to be achieved, space and time is needed. Visitors' (ranging from 700-1000 per day) entries need to be immediately restricted to 6 hours only. (currently visitors are permitted to be on campus for 10 hours). Elephants not in musth, not handicapped and not in ill-health should be walked for one hour in the morning and one hour in the evening, in and around the campus itself. Presence of public is a huge impediment to their need for walking and movement, integral to their basic physical and psychological welfare.	
2. The 5 female elephants ranging from 38 to 61 years of age must be kept together in a half acre enclosure for their health and psychological well being. Elephants are social animals and especially females should not be deprived of interactions with other female elephants. They should have a solar fencing and be kept free of chains. Long term plans will be elaborated in the report.	
3. Elephants in musth should not be exposed to the public due to their stress levels being significantly higher than normal. Similarly, elephants under treatment for any kind of diseases should also be provided an isolated tethering place, away from the visitors. At present no such isolation area is available and all elephants, both sick as well as those in musth, are in direct contact with the public.	
4. Frequent change of mahout between elephants should be avoided. Mahouts with a record of violence to the animals should not be retained for elephant care. Compulsory and consistent health and counseling camps should be arranged for all mahouts throughout the year.	
..2 	

.2.

5 Removal of garbage, dung and food waste in a scientific manner should be implemented urgently. Since the elephants are very intensively housed in a small area (59 elephants in 18.5 acres as against the recommended space of approx. 90 acres), 3 tonnes of garbage generated daily is the cause of very unhygienic and unhealthy environment.

6. Senior elephants (above 60 years) should be spared from use in festivals. Schedules of elephants that are used should be strictly monitored and highly regulated to prevent exhaustion and stress in the animals.

In view of the above, I am directed to request you to immediately implement the interim recommendations for the welfare of the Elephants and submit a detailed compliance report to the Board for taking further necessary action at the earliest. The final report is not yet received and will be shared with you after its receipt.

Kindly acknowledge the receipt.

Yours faithfully,



(S.VINOD KUMAAR)
Secretary I/c

Encl. as above.

Copy to:

- 1) The PCCF, Govt. of Kerala, Vazhuthacaud, Thiruvananthapuram, Kerala for information. E-mail: pccf@keralaforest.org
- 2) The District Forest Officer, Forest Department, Civil Station, Ayyanthol, Dist: Thrissur, Kerala 680 003 E-mail: dfo-tsr.for@kerala.gov.in
- 3) The Executive Officer, Devasom Board, P.O. Guruvayoor, 680 101 E-mail: guruvayurdevasom@rediffmail.com, devasom.guruvayur@gmail.com, adminqd.ker@nic.in.
- 4) The Superintendent of Police, Office of the Superintendent of Police, P.O. Thrissur, Kerala 680 001 E-mail: sptsr@keralapolice.gov.in
- 5) Ms. Suparna B. Ganguly, Vice President, Compassion Unlimited Plus Action, 257, 1st Cross, H.A.L. II Stage, Indiranagar, Bangalore – 560038, Karnataka. E-mail: suparnaganguly@gmail.com
- 6) Dr. Arun Sha, Wildlife SOS, Bangalore for information E-mail: arun@wildlifesos.org.

Annexure 8b – Response from the Guruvayur Devaswom Managing Committee

The Guruvayur Devaswom Managing Committee

Administrator & Secretary



Guruvayur - 680 101

Ref. No ...L4-3759/2014

Date 21.10.2014

The Secretary
Animal Welfare Board of India
Post Box No. 8672
13/1, Third Seaward Road
Valmiki Nagar, Thiruvanniyur
Chennai – 600 041

Sir,

Sub - Guruvayur Devaswom – Live Stock – Interim recommendations based on the Evaluation visit of representatives of AWBI – ATR – regarding.

Ref - Your Letter No. 9-1/2014-15/PCA/IR dated 04.09.2014.

Kind attention is invited to the above reference. Action is underway to implement the suggestions contained in the interim recommendations. The expert committee comprising eminent veterinarians Dr. K. C. Panicker, Dr. Muraleedharan Nair and Dr. P B Giridas has started the work of chalking out the modalities in implementing the recommendations and their proposals are expected shortly.

On receipt of proposals from the expert committee, Guruvayur Devaswom will be implementing the proposals and a compliance report will be furnished to you.

However, I wish to inform you that action is already taken to walk the elephants every day morning. A master plan is decided to be prepared for the Punnathookotta. The representative of Forest Department, Government of Kerala is visiting the kotta in this connection on 23rd & 24th of October 2014.

Yours faithfully,

Administrator

Annexure 9a – Complaint Letter regarding misuse of elderly elephants during festival season

To

Prime minister of India (Chairman of National Board for wildlife)

Copy to :-

1. Minister of Forest and wild life, Govt. of India New Delhi
2. Director, Project Elephant, MoEF, Govt. of India New Delhi
3. Head of Forest, Govt. of Kerala
4. Chief Wild life warden, Kerala
5. I.G, MoEF, Govt. of India New Delhi
6. Secretary, AWBI, Chennai
7. Chief Secretary Govt. of Kerala, Tvm

Sub : Guruvayoor Devaswam unlawfully misuse their power to use the 72 years old elephant padmanabhan for festival processions at other temples which situates 220 kms. away from Guruvayoor temple.

Sir,

We submit this plea expecting that your authoritative office issue strict orders to Guruvayoor Devaswam to revoke their decision to use their 72 years old elephant padmanabhan for festival processions as part of Vaikkathshtami on first week of December 2014. The Vaikkam temple situates in Kottayam which is 220 kms. away from Guruvayoor temple. The Guruvayoor Devaswam is also not interested to implement any of the suggestions mentioned asper the interium report of AWBI for providing lawful living for 58 elephants kept by Guruvayoor Devaswam.

V K Venkitachalam,
Secretary, Heritage Animal Task Force,
T C 35/571, Thiruvambadi P.O,
19-11-2014 Thrissur- 680022,
Kerala South India

20-112014

Annexure 9b – Complaint Letter regarding misuse of elderly elephants during festival season

To

Prime minister of India (Chairman of National Board for wildlife)

Copy to:

1. Minister of Forest and wild life, Govt. of India New Delhi
2. Director, Project Elephant, MoEF, Govt. of India New Delhi
3. Head of Forest, Govt. of Kerala
4. Chief Wild life warden, Kerala
5. I.G, MoEF, Govt. of India New Delhi
6. Secretary, AWBI, Chennai
7. Chief Secretary Govt. of Kerala, Tvm

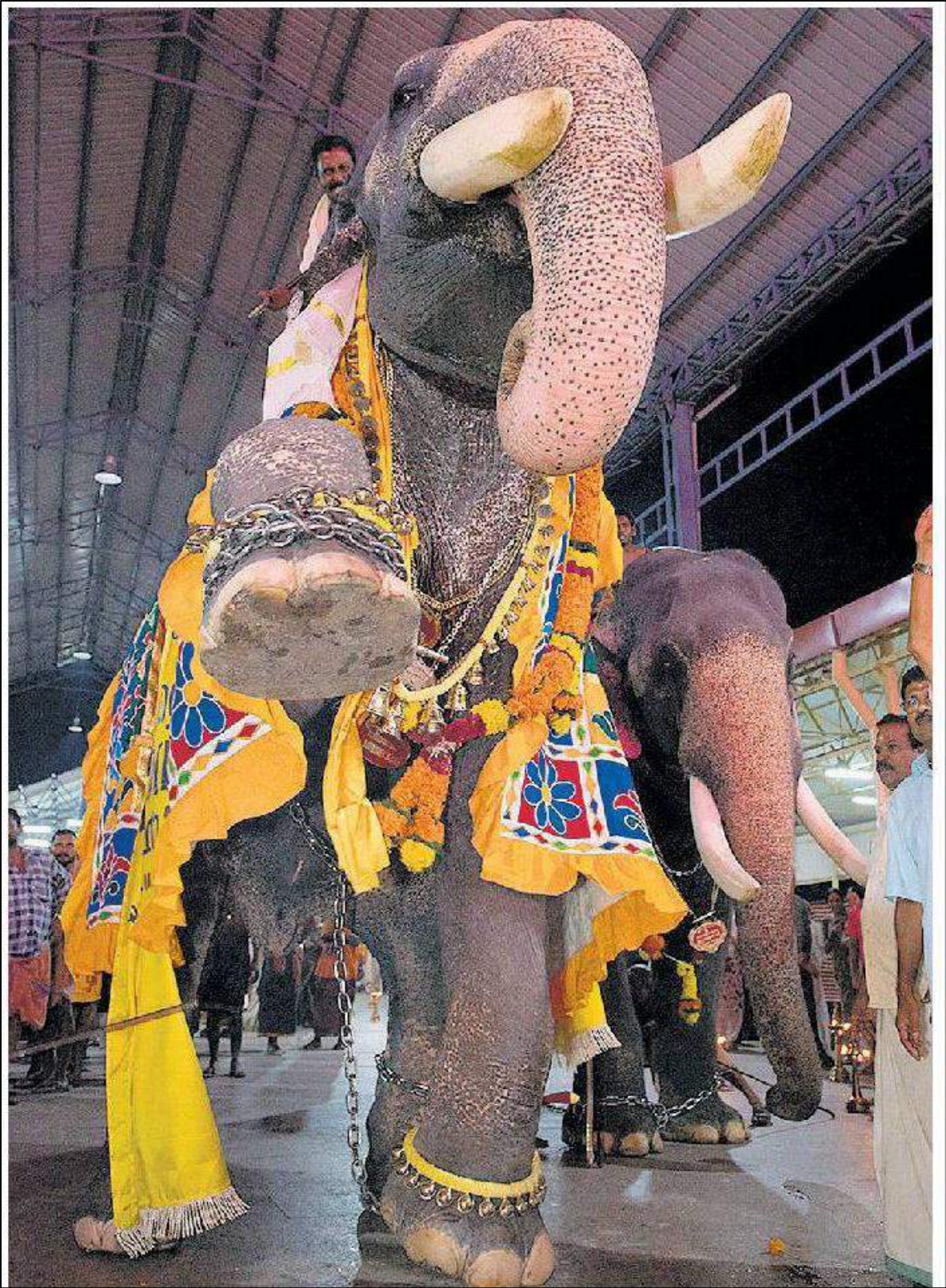
Sub: At Guruvayoor Temple, 72 years old Padmanabhan was tortured with sharpened object to persuade to stand on three legs as part of paying homage to lord Guruvaurappa on the 60th anniversary entry of Padamanabhan in to that Temple and at Thrissur Town Hall, Paramekavu Rajendran (83 years) was forced to Pay Homage to ISRO Chairman for three hours in a row.

Sir,

Enclosed herewith are the Photograph of 72 years old elephant named Guruvayur Padamanabhan which was forced to stand on three legs as part of paying homage to lord Guruvaurappa on the 60th anniversary entry of Padamanabhan in to that Temple on 18.11.2014. Compelling any animal to stand on three legs as illustrated in this photograph is a violation of PCA Act 1960, the Wildlife Protection Act 1972 and the Performing Animals (Registration) rule 2001. We also enclose herewith another photograph of Paramekavu Rajendran, a captive elephant of 83 years old which was forced to stand on the tarred compound of thrissur town hall on 18.11.2014. to pay homage to the present chairman of ISRO. The Paramekavu Rajendran was forced to stand on the tarred compound of thrissur town hall from 3 to 5 p.m. to receive the chairman of ISRO. This type of torture of elephant is also a violation of PCA Act 1960, the Wildlife Protection Act 1972 and the Performing Animals (Registration) rule 2001. As this type of exhibition of elephant is a quite violation of a Kerala Government Order dated 12.03.2013 which specifically ban all the type of new exhibition of elephants from that date. We expect that your authoritative office issue strict orders to penalise all those persons who were party to the above mentioned two acts cruelty to elephants.

19-11-2014

V K Venkitachalam,
Secretary, Heritage Animal Task Force,
T C 35/571, Thiruvambadi P.O,
Thrissur- 680022,
Kerala South India



72 year-old elephant named Guruvayur Padamanabhan which was forced to stand on three legs as part of paying homage to Lord Guruvayurappa

THE HINDU

Elephant struck by lightning dies at Punnathur Kotta



The elephant that died after being struck by lightning in Guruvayur on Thursday

Staff Reporter

The 20-year-old elephant was tethered to a tree

THRISSUR: An elephant owned by the Guruvayur Devaswom died after it was struck by lightning on Thursday. The 20-year-old elephant, Unnikrishnan, was tethered to a tree in the Punnathur Anakotta.

The animal collapsed and died around 5 p.m., Devaswom officials said. Mahouts had fed the elephant around 3 p.m.

A devotee, Rita Premachandran, had offered the elephant to the Guruvayur Sreekrishna Temple in 2002. It was last featured in the Kattakambal Pooram.

Probe sought

The Kerala Elephant Lovers' Association demanded a high-level investigation into the incident.

“There is something mysterious about the elephant’s death. Construction work is in progress at the Anakotta. Elephants should not be kept there during the work,” a press release from the Association said.



Temple Elephant Vishnu tied at his permanent tethering site on the grounds of Punnathur Kotta, Guruvayur