

**GOVERNMENT OF KERALA**

Forest & Willdlife (D) Department

FWLD-D2/120/2019-FWLD

17-04-2023,Thiruvananthapuram

From

The Additional Chief Secretary to Government

To

The Advocate General,
Kerala, Ernakulam

Sir,

Sub: Forest & Wildlife Department - OA No. 184/2022 filed by Sri.
M.N. Jayachandran - Reg

Ref: 1. Order of the Hon'ble National Green
Tribunal dated 02.01.2023 in OA No.184/2022
2. Letter No. SN2-OA 184/2022 dated 09.01.2023 from the
Advocate General

I am to invite your attention to the reference cited and to forward
herewith the reply statement on behalf of the 1st respondent as per the
order cited above, for necessary action.

Yours Faithfully,

L SUNITHA

UNDER SECRETARY

For Additional Chief Secretary to Government.

Approved for Issue,

Signed by

Shiju P Paul

Date: 17-04-2023 15:38:17

Section Officer.

**REPLY STATEMENT IN OA 184/22 FILED BY SRI. M.N.
JAYACHANDRAN BEFORE THE NATIONAL GREEN
TRIBUNAL PRINCIPAL BENCH, NEW DELHI**

This petition is filed by Sri. M. N. Jayachandran alleging that Sri. Biji P. Mathew is running tourism activities in the encroached area of the Periyar Tiger Reserve and elephant rides in Idukki District using more than 10 elephants, which is banned by District Collector.

It is true that Sri. Biji P Mathew is running an elephant ride named 'Elephant Camp' in Kumili, Idukki District. OR-021/2022 of Peermade Forest Range is registered against Sri. Biji P. Mathew against the violation of Kerala Captive Elephants (Management and Maintenance) Rules 2012 in 'Elephant Camp'. Copy of the Form-I Report submitted before the JFCMC, Peermade is enclosed herewith as **Exhibit R1(1)**. Another OR-031/2022 of Peermade Forest Range is registered against him for violation of Kerala Captive Elephants (Management and Maintenance) Rules 2012 for conducting elephant rides in Tusker Train Elephant Camp Kumily, Ist Mile. Copy of the Form - I Report submitted before the JFCMC, Peermade is produced herewith as **Exhibit R1(2)**. The final charge sheets are yet to be filed before the jurisdictional Courts. It is true that there are three more elephant camps functioning around the Periyar Tiger Reserve and about 20 elephants are there in these camps. No elephant rides are being conducted inside the sanctuary. As per interim order dated 05.09.2019 in WP (C) 13275/2019, the Hon'ble High Court of Kerala directed the District Collector, Idukki who is the Chairman of the District Committee under Kerala Captive Elephants

(Management and Maintenance) Rules 2012 to take necessary steps to ensure that elephant rides using elephants not registered under the Performing Animals (Registration) Rules 2001 are not conducted in Idukki District, during the pendency of the Writ petition.

As per the report of Kerala State Pollution Control Board dated 16.11.2022, all the waste water discharge to the streams has been stopped and no discharge of waste water was found during the second visit of the joint committee on 21.10.2022.

It is submitted that there were death of two captive female elephants named 'Rambha' and 'Dulari' during 2022 in Idukki District. The cause of death of 'Rambha' was severe pyometra leading to peritonitis and systemic failure. Copy of the Post Mortem Report is submitted herewith as **Exhibit R1(3)**. The cause of death of 'Dulari' was due to senile lesions leading to multi organ failure. Copy of the Post Mortem Report is submitted herewith as **Exhibit R1(4)**.

The petitioner Mr. M.N. Jayachandran as claimed in the petition is not an office bearer of the registered SPCA's of Idukki District. As per the new Government Order G.O(Rt) No.194/2022/AHD dated 13/04/2022, the powers for formation of SPCA has been entrusted with District Panchayat and it is up to the President of the District Panchayath to reconstitute the District SPCA. Copy of the Government Order is submitted herewith as **Exhibit R1(5)**.

EXHIBIT - R+(1)

KERALA FORESTS & WILDLIFE DEPARTMENT

FORM - I (Forest Offence Report - Preliminary)

Before the Honourable Judicial First Class Magistrate Court - 1, Peermade

Offence No. 02/2022

Social Forestry Range, Peermade

1. Nature of offence:

2012 ലെ നാട്ടാന പരിപാലന ചട്ടങ്ങൾക്ക് വിരുദ്ധമായി നാട്ടാനയെ ഉപയോഗിച്ച് ആന സവാരി നടത്തുന്നുവെന്ന്. The Kerala Captive Elephant (Management and Maintenance) Rules, 2012 u/s. 10 and Wildlife Protection Act, 1972 Section-64.

2. Scene and Date of Offence:

പീരുമേട് താലൂക്കിൽ കുുമിളി വില്ലേജിൽ, പീരുമേട് സോഷ്യൽ ഫോറസ്റ്ററി റെയിഞ്ച് പരിധിയിൽ കുുമിളി ലബ്ബകണ്ടം ഭാഗത്തുള്ള "എലഫന്റ് ക്യാമ്പ്" എന്ന ആനക്യാമ്പിന് അകവും ആകുന്നു. തീയതി, 24.11.2022.

3. Name and Residence of the Accused :

Sl. No.	Accused Details	Arrest Details
1.	ബിജി പി. മാത്യു (55 വയസ്സ്) S/o, മാത്യു പേഴത്തുമാമുട്ടിൽ വീട് കുമിളി, ലബ്ബകണ്ടം (ആനക്യാമ്പ് നടത്തിപ്പുകാരൻ)	സ്ഥലത്തില്ല.
2.	കെ.ജി. മൊയ്തീൻ (65 വയസ്സ്) S/o, ജബ്ബാഹിം കുറിഞ്ഞയിലിക്കാട് വീട് കുമിളി വില്ലേജ് (ആന പാപ്പാൻ)	

4. Description, quantity and value of the produce or property seized :

തൊണ്ടി അന്വേഷണത്തിൽ.

Date: 24/11/2022

Place: Vellappara

(Handwritten Signature)

Ajith M.G.

Range Forest Officer

Social Forestry Range, Peermade



EXHIBIT- R1(2)

KERALA FORESTS & WILDLIFE DEPARTMENT

FORM - I (Forest Offence Report - Preliminary)

Before The Honourable Judicial First Class Magistrate Court - I, Peerumedu

OR No: 3/2022

Social Forestry Range, Peerumedu

1. Nature of Offence

2012 ലെ നാട്ടാന പരിപാലന ചട്ടങ്ങൾക്ക് വിരുദ്ധമായി നാട്ടാനയെ ഉപയോഗിച്ച് ആനസവാരി നടത്തുന്നുവെന്ന്. The Kerala Captive Elephant (Management and Maintenance) Rules, 2012 u/s 10 and Wildlife protection Act, 1972 Section - 51& 64. (The Wildlife (Protection) Act, 1972 u/s 64 and The Kerala Captive Elephant (Management and Maintenance) Rules, 2012 u/s 10)

2. Scene and Date of Offence

ഇടുക്കി സോഷ്യൽ ഫോറസ്റ്റി ഡിവിഷനിൽ പീരുമേട് സോഷ്യൽ ഫോറസ്റ്റി റേഞ്ച് അധികാര പരിധിയിൽപ്പെട്ട പീരുമേട് താലൂക്കിൽ കുമിളി വില്ലേജിൽ കുമിളി ഒന്നാം മൈൽ ഭാഗത്തുള്ള ടസുകർ ട്രെയിൽ (Tusker Trail) എന്ന ആന ക്യാമ്പിന് അകവും ആകുന്നു : 09-12-2022 ന് മുൻപ് 1 ദിവസത്തിനകം.

3. Name and Residence of the Accused

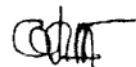
Sl.No:	Accused Details	Arrest Details
1	Saji (age - 52 /2022) ,S/o Ali Muhammad, Varikkattu House Velanilam, Mundakkayam Village	Not arrested, സ്ഥലത്തില്ല
2	Sankar S. (age - 40 /2022) ,S/o Nambi Pillai, Puthenpurackal House Vandiperiyar Paramada, Peerumade	Not arrested, സ്ഥിര മേൽവിലാസം ബോധ്യപ്പെട്ടു, സ്ഥലം വിട്ടുപോകാൻ സാധ്യത ഇല്ലാത്തതിനാൽ
3	O.S. Varghese , Oolackamattathil House Thottakkadu, Kottayam	Not arrested, സ്ഥലത്തില്ല

4. Description, quantity and value of the produce or property seized

തൊണ്ടി ഇല്ല

Place : Social Forestry Range, Peerumedu

Date : 09-12-2022



A. S. I. M. O.
Range Forest Officer

Social Forestry Range, Peerumedu

EXHIBIT- R1(3)**POST MORTEM REPORT**

Certified that necropsy examination was conducted on the body of female elephant RAMBHA aged around 44 years, me no: 0006507CA3 (Custodian Thomas Mathew, Malaykkal, Kappadu) on 15/11/22, @ 5 pm, Murthkadi, Kumily (GPS No 9°37', E, 77° 8' 35") on request by social forestry range, Kumily.

CLINICAL HISTORY: This animal was under metritis treatment since few months, refractoriness to treatment and died on 14/11/22 (11.30 pm) not responding to treatment.

EXTERNAL FINDINGS: The body of female elephant aged around 44 years in emaciated condition was seen in lateral recumbency. There was exudation of mucus from oral cavity, rigor mortis passed, skin and appendages normal, bloated abdomen, enlarged superficial lymph nodes and right tush missing.

INTERNAL FINDINGS: On examination of visceral organs, following observations were made.

Oral cavity- Pale with mucus exudate.

Stomach- Partially filled.

Heart- Congestion of heart musculature

Liver- Enlarged with round borders.

Bronchi- Congested.

Lungs- Normal, no tubercle could be detected.

Abdominal cavity- Filled with serous fluid, ascites and severe peritonitis.

Stomach- Partially filled.

Intestines- Congested and yellow stained mesentery.

Kidneys- Almost liquefied with calculi and pus.

Reproductive organs- Ruptured uterus filled with thick caseated pus.

SUMMARY OF LESIONS- Severe lesion in uterus and kidneys, ascites and severe peritonitis.

OPINION ABOUT CAUSE OF DEATH- Considering necropsy findings, the death of this animal occurred due to severe pyometra leading to peritonitis and systemic failure.

Dr. BINU GOPINATH M.V.Sc.
Reg: No. 1753
Mob: 9447418095

EXHIBIT- R1(4)

POST MORTEM REPORT

Certified that post - mortem examination was conducted on the body of female Elephant DULARI aged around 60 years, mc no : 00065DCAFB (custodian Benny p mathew) on 04-01-2022 murickadi ,Kumali on request by social forestry range peerumade

CLINICAL HISTORY- This animal was apparently healthy and feeding, showed distress on 03-01-2022 and died on 04-01-2022 (09:30 A.M) not responding to treatment

EXTERNAL FINDINGS- The body of female elephant ,aged over 60 years, well nourished was seen in lateral recumbency and free from external injuries. There was exudation of mucus tinged greenish fluid from oral cavity. Rigor- mortis passed..Skin and appendages normal, abdomen bloated. Tushes missing. Excessive fat deposits in sc tissue

INTERNAL FINDINGS- On examination of visceral organs, following observations were made.

Oral cavity - Tongue protruding out, cyanotic .All the molar tooth worn out with gums invading.

Stomach - Filled with fodder and grains.

Intestines - Congested, with necrotic patches. Blood vessels and lymph nodes of omentum enlarged .Excessive fat deposits on omental folds.

Heart - Enlarged with thickening of musculature

Liver- Diffuse areas of oedema with rounded borders

Bronchii - Congested

Lungs - Consolidated with reduced functional capacity. However no tubercles could be detected.

Abdominal cavity — Filled with serous fluid. Ascitis

Kidneys - Swollen

Summary of lesions- Molars worn out ,excessive adiposity, thickening heart musculature lungs consolidated

OPINION ABOUT CAUSE OF DEATH : The death of this animal occurred due to senile lesions leading to multi organ failure

(Laboratory Result attached)

Dr. BINU GOPINATH M.V.Sc.
Reg: No. 1753
Mob: 9447418095

2022/FC DCTSR

DCTSR/1545/2020-K5

EXHIBIT- R1 (5)



GOVERNMENT OF KERALA
Abstract

Animal Husbandry Department- Reconstitution of Management Committee of District Society for Prevention of Cruelty to Animals - Orders issued.

ANIMAL HUSBANDRY (G) DEPARTMENT

G.O.(Rt)No. 194/2022/AHD

Dated, Thiruvananthapuram, 13/04/2022.

- Read :- 1) G.O.(Ms) No.362/13/AD dated 18/12/2013
2) Letter No.9-3/2018-19/PCA dated 01/10/2018 from the Chairman, Animal Welfare Board of India.
3) Decision No.1 of the Animal Welfare Board of Kerala meeting held on 18/11/2021

ORDER

Government are pleased to reconstitute the Management Committee of District Society for Prevention of Cruelty to Animals with District Panchayat President as the Chairman and District Collector as the Co-chairman

In future all orders on SPCAs will be issued by Local Self Government Department.

The Government order read as 1 paper above stands modified to the above extent only.

(BY ORDER OF THE GOVERNOR)
TINKU BISWAL
PRINCIPAL SECRETARY

- Additional Chief Secretary, Local Self Government Department.
Director of Panchayats, Thiruvananthapuram.
Director of Animal Husbandry Department, Thiruvananthapuram
All District Panchayat Presidents(Through Director of Panchayats)
All District Collectors
The Principal Accountant General(Audit), Kerala, Thiruvananthapuram
The Accountant General (A&E), Kerala, Thiruvananthapuram
The Information Officer(Web & New Media)
Stock File/Office Copy.

Forwarded /By Order

[Signature]
Section Officer