

PETA INDIA INVESTIGATION OF THRISSUR POORAM 2017

4 TO 6 MAY 2017

THRISSUR, KERALA

Table of Contents

I.	Details of Investigations.....	3
II.	Executive Summary.....	4
III.	Relevant Acts, Rules, Notifications, Guidelines & Circulars.....	6
IV.	Observations and Findings.....	7
V.	Assessment whether Thrissur Pooram involves ‘training’, ‘exhibition’, and ‘performance’ of captive elephants and whether it is meant for providing entertainment.....	40
VI.	Apparent violations of Laws, Court Orders, Circulars, Guidelines.....	44
VII.	Comparative evaluation of incidences of cruelty to elephants reported during Thrissur Pooram in 2015, 2016 and 2017.....	47
VIII.	Recommendations.....	48

I. DETAILS OF INVESTIGATION

Dates of investigation:

4 to 6 May 2017

Venue of investigation:

Thrissur city, Kerala State

Objective of the Investigation:

1. To assess the welfare of captive elephants exhibited and used in Thrissur Pooram 2017, and report any incidence of cruelty on them, in apparent violations of Central or State animal protection laws, circulars and guidelines.
2. Comparative evaluation of incidence of cruelty on captive elephants reported during Thrissur Pooram in 2015, 2016 and 2017.
3. Assess whether use of elephants during Thrissur Pooram involves ‘training’, ‘exhibiting’ and ‘performance’ of captive elephants.
4. Submit the observations and recommendations to the Animal Welfare Board of India and the Honourable Kerala High Court.

II. EXECUTIVE SUMMARY

An investigation into the welfare of elephants forced to perform in the Thrissur Pooram 2017 was conducted from 4 to 6 May 2017 in Thrissur, Kerala. The findings of the investigation were filmed and documented in this report. The investigators observed and filmed elephants with very poor body condition score (thin), painful abscesses and swellings, open wounds and bruises, impaired vision, chipped and cracked nails, cracked soles, foot diseases and suffering from lameness, forced to participate in the pooram processions; a day after several ‘Elephant Squad Officials’ including veterinarians examined the elephants the fitness inspection camp. Permitting ailing and unfit elephants for work is against veterinary professional ethics and violates Section 11 (1) (b) of the PCA Act 1960 which states that it is cruelty and a punishable offence if anyone “(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”. Furthermore, point 9 of the Kerala High Court order dated 14 April 2016, in the matter of *Suo Moto v Union of India & Ors* (WP (Civil) No.14978 OF 2016) states, “*No elephant which is found unfit to participate in the ceremonial parade shall be utilised.*”

The banned iron ankus/*thotti* (a weapon with sharp iron hook at the end) was brazenly carried by the mahouts to induce fear and pain and the similar sharp equipment were used to poke, pierce and drag elephants to control and force them. Using iron ankuses is a violation of the order of Principal Chief Conservator of Forests (WL) and Chief Wildlife Warden, Kerala, No. BDC2-295/ 2015 dated 14.05.2015, which banned the use of iron ankus in Kerala. This order was issued subsequent to the judgement of the Honourable High Court of Rajasthan dated 26.02.2010 in a Public Interest Litigation (PIL) No. 8987/2006 and in compliance to the letter from Project Elephant, Ministry of Environment, Forest & Climate Change dated 05.05.2015 which banned use of anukus.

The investigators also observed physical abuse of elephants with the use of banned iron ankus. Inflicting pain and physically abusing elephants is a gross violation of the PCA Act 1960, that states, it is cruelty to animals if any person “(a) *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*” and “*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*”.

All the elephants observed by the investigators during the Thrissur Pooram were restrained and controlled using very short heavy metal chains, tied on 3 or all 4 legs and over the body, which did not allow any natural movement during the entire event. This is an apparent violation of Section 11 (1) of the PCA Act 1960, which states that it is a punishable offence if anyone “*keeps for an unreasonable time any animal chained or tethered upon an unreasonably short or unreasonably heavy chain or cord*”.

The elephants were forced to stand for hours together in the hot and humid climate without adequate protection from the overhead sun and were denied free access to sufficient feed and drinking water. They were also forced to stand in their own faeces and urine for long periods of time, which makes them prone to foot diseases and other parasitic and infectious diseases. Doing so is an apparent violation of Section 11 (1) (h) of the PCA Act 1960 which states that it is cruelty if “*being the owner of (any animal) fails to provide such animal with sufficient food, drink or shelter*”.

The elephants were forced to stand amidst the loud music of ceremonial drumming, blaring noise of the crowd and deafening noise of bursting firecrackers. The noise subjects the elephants to further fear and distress and makes them vulnerable to react violently and thereby puts people's safety at risk. Frightened elephants have run amok, as happened during Thrissur Pooram in 2012, scattering crowds and killing people.

The stereotypic repetitive behaviour of swaying (moving forward and backward) was observed in some elephants. This behaviour is considered to be an indicator of severe mental suffering and psychological illnesses. It is a condition not seen in wild elephants but common in abused captive elephants. It results from forcing them to lead unnatural lives without regular, normal, uncontrolled interaction with other elephants; lack of activities that keep them engrossed; mental distress and severe frustration from constant and continuous chaining; lack of exercise and lack of opportunities for displaying natural behaviour.

The investigation proves beyond doubt that cruelty to the elephants and risk to people is inherent in forcing elephants to parade in Thrissur Pooram and similar festivals. It is further evident that organisers do not mind deliberately ignoring the law. Such blatant disregard of the law can only lead to further suffering of these ailing elephants and puts public health and safety at greater risk.

III. RELEVANT ACTS, RULES, NOTIFICATIONS, GUIDELINES & CIRCULARS:

1. The Prevention of Cruelty to Animals Act, 1960 (PCA Act, 1960)
2. The Wildlife (Protection) Act, 1972 (WPA 1972)
3. Kerala Captive Elephant (Management and Maintenance) Rules, 2012 (KCEMMR, 2012)
4. Order of the Honourable Supreme Court of India in the matter of *Wildlife Rescue and Rehabilitation Centre v Union of India & Ors*, WP (C) 743 of 2014, dated 18.08.2015.
5. Judgment of Honourable High Court of Kerala in the matter of *Suo Moto v Union of India & Ors*, WP (C) No.14978 of 2016, dated 14.04.2016.
6. Judgment of Honourable High Court of Kerala, in the matter of *VK Venkitachalam v State of Kerala & Ors.*, W.P.(C) No. 22682 of 2010, dated 28.09.2015.
7. Guidelines for Care and Management of Captive Elephants issued by Project Elephant of the Ministry of Environment, Forests and Climate Change (MoEF & CC).
8. Kerala PCCF's circular on 'Monitoring the Management of Captive Elephants – Improving Facilities and half yearly report' dated 14.05.2015.
9. Kerala PCCF's circular on 'banning Iron Ankus (*Thotti*) for controlling elephants' dated 14.05.2015.
10. Kerala PCCF's circular on 'prohibition of use of handicapped elephants, including blind ones for festivals, other celebrations and public functions', dated 09.02.2016.

IV. OBSERVATIONS AND FINDINGS:

The following observations were made by investigators and the findings were documented with photographs and/or videos:

1. Physical abuse of elephants:

Investigators observed and filmed mahouts jabbing, poking and dragging the elephants with the iron ankuses in full public view. Some mahouts were observed hitting the elephants with wooden sticks to force them to stand in one place in the rows during the performances.

On 4 May 2017, one mahout was observed and filmed poking, jabbing and dragging an unwilling elephant to lie down in a pool of muddy water for a bath inside the Paramekkavu Devaswom's premises – **Refer to Video 1**. The same day, another mahout was filmed jabbing an iron ankus into another elephant in the same pool in the Paramekkavu Temple's premises – **Refer to Video 2**. Another mahout was filmed dragging an elephant by lodging a sharp, iron ankus into the animal's trunk, to drag him/her while verbally commanding the pachyderm walking from Vaddakkumnathan Temple to Swaraj Round road on 6 May 2017 – **Refer to Video 3**.

Inflicting physical abuse on elephants is a gross violation of the Prevention of Cruelty to Animals Act 1960, that states, it is cruelty to animals if any person “(a) beats, kicks, overrides, 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” or “(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 being the owner permits, any animal to be so treated”.

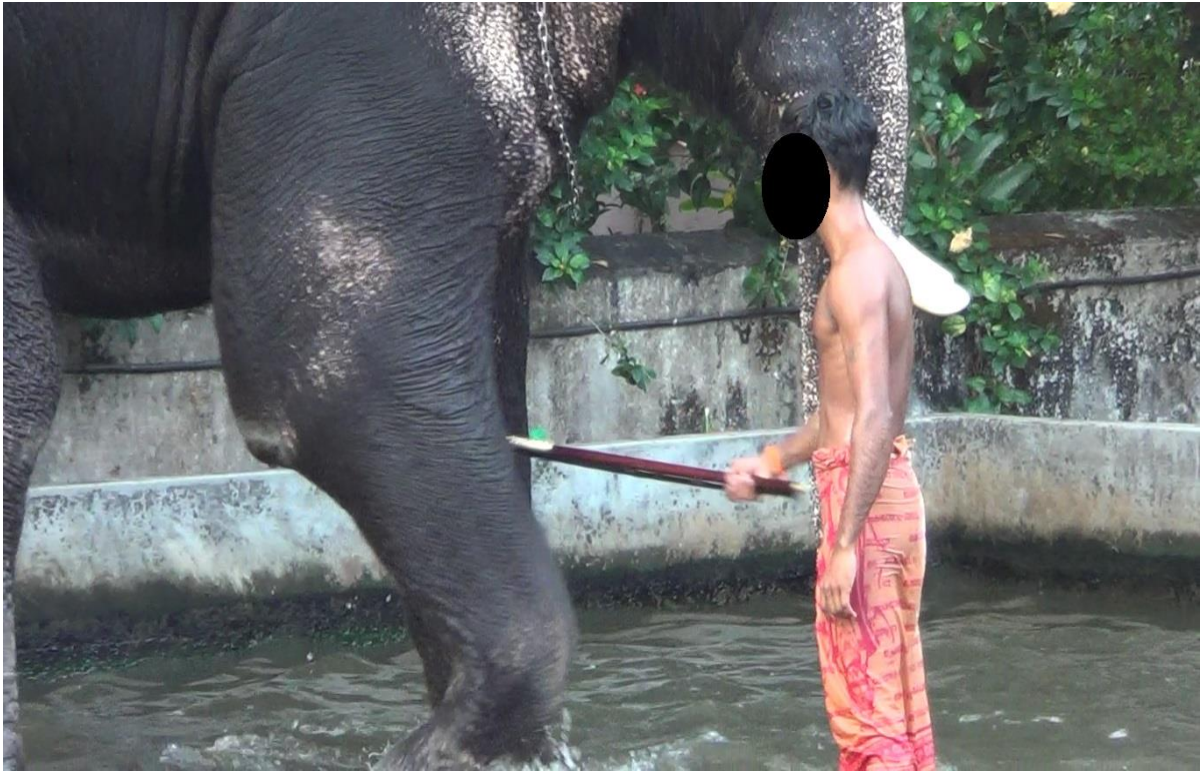
Physically abusing elephants using ankuses is also an apparent violation of 18.08.2015 directive of the Honourable Supreme Court in the matter of *Wildlife Rescue and Rehabilitation Centre v Union of India & Ors*, WP (Civil) No. 743/2014, which states “It shall be the duty of the State, the District Committee, Management of the Devaswom, the Management of the Temple and the owners of the elephants to see that no elephant is meted with any kind of cruelty and, if it is found, apart from being lodging of criminal prosecution, they shall face severe consequences which may include confiscation of the elephants to the State”.



Picture 1: A mahout piercing a heavily chained elephant's foot with an iron ankus and dragging the pachyderm so that the animal lie down in the pool inside Paramekkavu Temple on 4 May 2017



Picture 2: A mahout lodging banned iron ankus into an elephant's skin to force the animal to lie down in a pool inside Paramekkavu Temple premises on 4 May 2017



Picture 3: A person pulling an elephant by means of an iron ankus in a pool inside Paramakkavu Temple premises on 4 May 2017



Picture 4: A mahout lodged an iron ankus into an elephant's trunk to drag the pachyderm towards Swaraj Round from Vaddakkumnathan Temple on 6 May 2017

2. Blatant use of banned iron ankuses:

On the main day of the event, during which 30 elephants were forced to stand in two rows of 15 each facing each other, almost all mahouts accompanying and leading the elephants were observed and filmed brazenly wielding banned iron ankuses. It is pertinent to note that many mahouts had ankuses that were wooden except at the tip; the sharp bull-hook tip was iron; which has been banned in Kerala by the order of Chief Wildlife Warden (CWLW), Kerala, and by the Honourable High Court of Rajasthan. Three mahouts were filmed jabbing, poking and inflicting pain to elephants using iron ankuses.

On all three days of the pooram that were investigated, the elephants' mahouts did not make any attempt to hide the iron ankuses that are banned by law. Furthermore, they brazenly displayed the banned objects in front of the forest, animal husbandry officials and the police personnel who were present at the elephants' fitness inspection camp on 4 May 2017. Some mahouts were observed threatening the elephants with ankuses to force the animals to follow commands at the fitness inspection camp conducted by the forest and animal husbandry officials. During the fitness inspection, mahouts threatened to hit the elephants with sticks and ankuses, in full view of the officials, to make them obey their orders to crouch. None of the mahouts were warned, subjected to legal action nor were the ankuses seized by the forest officials, police or animal husbandry officials. The law enforcement bodies failed to initiate any strict legal action against the offenders using banned iron ankuses.

The order of CWLW, Kerala that banned use of iron ankuses in Kerala states, "stringent legal action in case of violations", yet the 'Elephant Squad Officials', forest and police personnel and volunteers turned a blind eye to the rampant gross violation. Use of iron ankuses also violates the letter from Project Elephant, Ministry of Environment, Forest & Climate Change dated 05.05.2015 and the judgment of Honourable High Court of Rajasthan, which banned the use of iron ankuses. The brazen use of banned iron ankuses by almost all mahouts in full public view throughout all processions of the pooram only reinstates that, cruelty is inherent when bull elephants are exhibited and paraded in public places, since the mahouts have to use the ankus to induce fear and pain and to make the elephants to obey their orders and stand still at one place, thus blatantly violating the law of the land. – **Refer to Video 4.**



Picture 5: A mahout atop an elephant in Paramekkavu Temple with an iron ankus on 4 May 2017



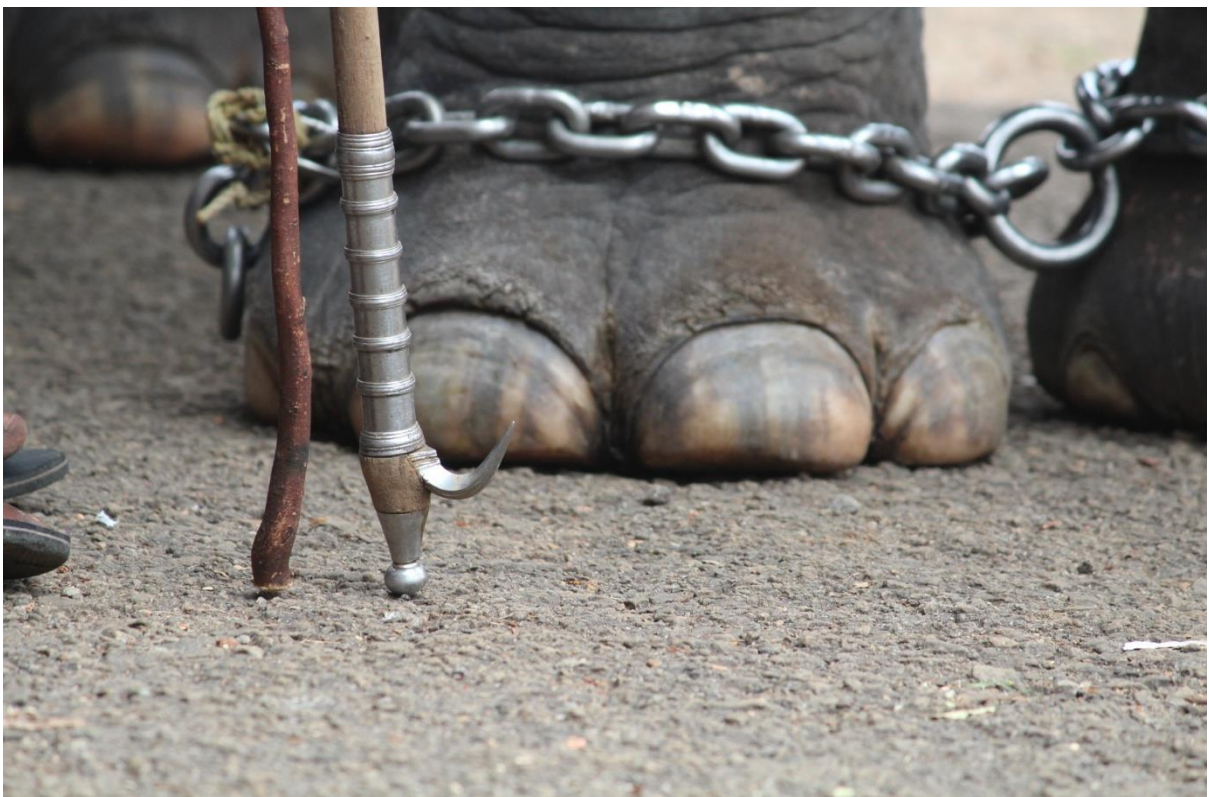
Picture 6: A mahout holding a banned iron ankus poses next to his elephant in Paramekkavu Temple's premises on 4 May 2017



Picture 7: A mahout with an iron ankus stands in front of his elephant during a performance in Vadakkumnathan Kshethra Maidanam on 5 May 2017



Picture 8: A mahout lodged an iron ankus into an elephant's trunk to drag him along towards Swaraj Round from Vaddakkunnathan Temple on 6 May 2017



Picture 9: A wooden stick with iron ankus tip spotted during a performance outside Vaddakkunnathan Temple on 5 May 2017



Picture 10: Each elephant's respective mahouts brandishing banned iron ankuses during a performance in Sri Vadakkumnathan Kshethra Maidanam on 5 May 2017

3. Injured, unfit, lame elephants' performances reveal botched up fitness inspection:

In spite of 'Elephant Squad Officials' and police personnel inspecting the elephants a day before the day of the '*kudamattom*' (exchange of umbrellas) ceremony, numerous unfit, elephants with open wounds, abscesses, broken and cracked nails and who were visually impaired were observed and filmed participating in the pooram festivities on 5 and 6 May. Wounds of several elephants were covered with a black substance to camouflage the wounds. Shockingly, a lame elephant was filmed forced to participate in the pooram on 5 May 2017 - **Refer to Video 5**.

On 4 May, at about 4:30 pm, 'Elephant Squad Officials' visited the elephant enclosure in Paramekkavu Devaswom's premises to assess the fitness of the elephants. Many of the elephants who were inspected had impaired vision and cracked toe nails. One elephant had a severely damaged toe nail on the front right foot. Another had broken nails on a front leg and a hind leg. Some elephants had poor body score and were visibly emaciated with their spine protruding out on their backs. One elephant's face was severely thin with skull's bones protruding out of the forehead; the elephant had deeply concave, frontal ridge forming a crater-like rim around the temporal depression indicating emaciation/ very poor body condition. The officials were observed not checking the soles of most elephants in the enclosure in the Paramekkavu (Bagavathi) Temple.

Some elephants had abscesses wounds that appeared like they'd been punctured and burst open recently. Furthermore, many elephants with wounds and broken, cracked nails were observed being brought to the temple for inspection after sunset, possibly to minimise the chances of the inspection team spotting the injuries that would lead to disqualification from participation in the pooram festivities.

On 5 May 2017, an elephant that sported a pink-coloured nameplate in Malayalam around his neck and words (in English) that read 'Young Black Stallions', had broken nails on

front legs as well as hind legs and was observed and filmed at the fitness inspection camp underway in the Paramekkavu Temple's premises. The pachyderm also had an abscess wound on the right hip. The skin around the ruptured abscess wound was white-coloured and flaky; hinting at infection of the wound - **Refer to Video 6.**

Another elephant without a nameplate was filmed with cracked toe nails on both hind legs along with a ruptured abscess wound on the right portion of skin between the right eye and right ear, on the face – **Refer to Video 7.**

On 5 May, 2017, inside the Sri Vadakkumnathan Kshethra Maidanam, many of the elephants who were exhibited in rows of 15 elephants were observed and filmed suffering from impaired vision and had broken and chipped nails. Some had abscess wounds, tethering wounds and exposed body wounds while some pachyderms had cracked soles. Some elephants' wounds were camouflaged with black substance. One elephant had a wound between two nails on the right front leg, with a swelling on the top part of the forelimb. The right hind leg of this elephant had a big cracked nail as well – **Refer to Video 8.**

Another elephant used in the performance area had cracked left hind leg sole. One elephant without a nametag was filmed with cracked toe nails on both hind legs with a ruptured abscess wound on the right portion of skin between the right eye and right ear on the face. Another elephant had an abscess wound that appeared to have been open sometime back and appeared to be healing.

Many elephants also had tethering wounds. One elephant, who was chained by a short metal chain, had broken nails on both his hind legs, with an open, unhealed wound on the right hind leg above the portion of the foot that was chained.

One elephant, who was carrying a replica of the idol was lame; the animal could not bend the left forelimb and was filmed lifting this leg and swaying it sideways as the animal was unable to bend the knee while walking. During a performance, one performing elephant was filmed with a swelling along the length of the front portion of the right forelimb.

On 6 May 2017, in the row of elephants representing Paramekkavu Temple, one of the caparisoned elephants had flaky skin on his right side and right hip. Another elephant standing on one end of this row of elephants had an open wound on the portion of the face between the right eye and right ear. The portion under the wound was swollen. One elephant had flaked skin above the sole on his left hind leg. Another caparisoned elephant had an open, exposed wound near a swelling on the right hip – **Refer to Video 9.**

Some elephants did not have tail hair and some had crooked tails, possibly due to dislocated tail vertebrae. Several elephants forced to perform were visually impaired.

The rampant use of elephants with broken, chipped nails, cracked soles, poor body score, lameness, impaired vision, open wounds, painful abscesses, marks of injuries on legs from constant chaining in the pooram festivities only proves that the inspection team of forest and animal husbandry department was lenient and turned a blind eye to several unfit, sick elephants who were exhibited and forced to perform in the festivities.

Beside violation of the PCA Act 1960, using unfit elephants also violates the directive of the Honourable High Court of Kerala in the matter of *Suo Moto v Union of India & Ors*, on WP (C) No.14978 OF 2016, dated 14.04.2016, which states that, no elephant which is found unfit to participate in the ceremonial parade shall be utilised and the District Magistrate will ensure that use of any such animal is clearly excluded. It also violates Kerala Captive Elephant (Management and Maintenance) Rules, 2012, which states, “4. (iii) *Elephant which is sick, injured, weak or pregnant shall not be used.*”



Picture 11: An elephant with a broken nail being inspected by an Elephant Squad Official inside the Paramekkavu Temple's premises as the mahout brandishes the banned iron ankus on 4 May 2017



Pictures 12: An elephant with eye discharge in Paramekkavu Temple's premises on 4 May 2017



Picture 13: An elephant with deeply concave, frontal ridge forming a crater-like rim around the temporal depression indicating very poor body score spotted inside Paramekkavu Temple's premises on 4 May 2017



Picture 14: An emaciated elephant with protruding spine with healed injury on back, inside Paramekkavu Temple's premises on 5 May 2017



Picture 15: An elephant with a broken nail chained inside the Paramekkavu Temple's premises on 5 May 2017



Picture 16: An elephant with a broken nail on the right hind foot and an injury between two nails on right forelimb camouflaged with black substance spotted being forced to perform on the tarred Swaraj Round road on 5 May 2017. Notice the banned iron ankus in the background.



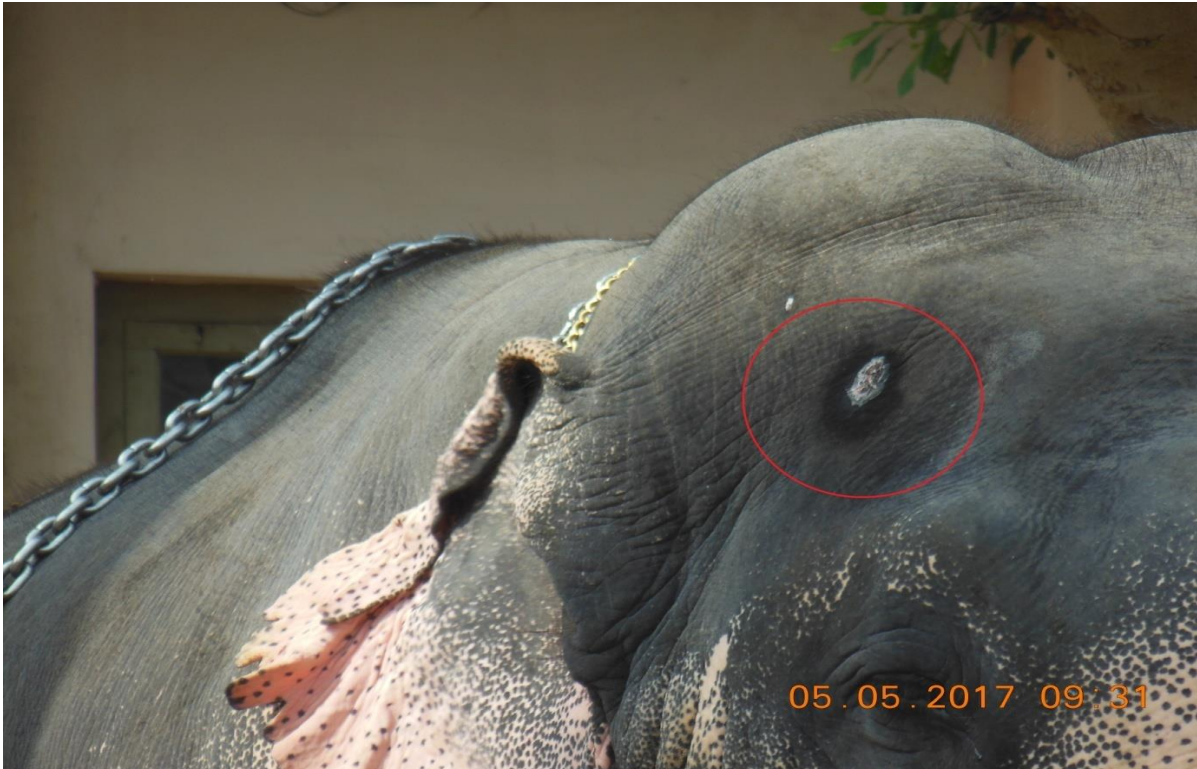
Picture 17: An elephant with painful vertical cracks on nails of both hind legs and an open wound on the right hind leg foot, inside the Paramakkavu Temple's premises on 5 May 2017



Picture 18: An elephant with an open wound on a swelling (possibly abscess) spotted inside the Paramekkavu Temple's premises on 5 May 2017



Picture 19: An elephant with a swelling (possibly abscess) spotted inside the Paramekkavu Temple's premises on 5 May 2017



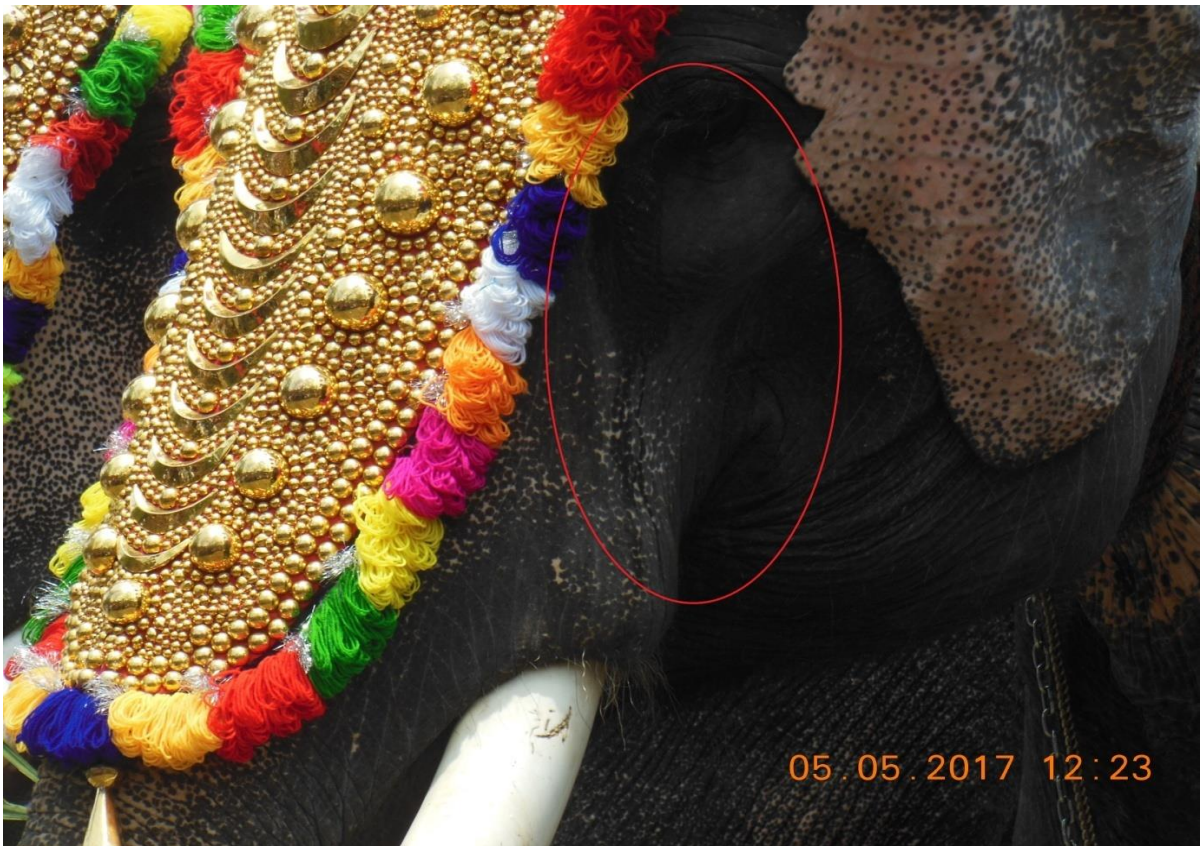
Picture 20: An elephant with a wound camouflaged by black substance spotted inside the Paramekkavu Temple's premises on 5 May 2017



Picture 21: An elephant with cracked sole spotted when the pachyderm was forced to perform standing on the tarred Swaraj Round road on 5 May 2017



Picture 22: An elephant with chronic abscess on left shoulder used in a performance in Sri Vadakkumnathan Kshethra Maidanam on 5 May 2017



Picture 23: An elephant with eye discharge in a performance in Sri Vadakkumnathan Kshethra Maidanam on 5 May 2017



Picture 24: An elephant with abnormal swelling/growth on right foreleg used in performance in Sri Vadakkumnathan Kshethra Maidanam on 5 May 2017



Picture 25: An elephant with healed abscess with holes on the skin, on right hindquarters used in performance, on Swaraj Round road on 5 May 2017



Picture 26: An elephant with a swelling (possibly abscess) was used in a performance in Sri Vadakkumnathan Kshethra Maidanam on 5 May 2017



Picture 27: An elephant with open wound on right hind leg covered with yellow-coloured substance, possibly turmeric, spotted walking on the tarred Swaraj Round road on 5 May 2017



Picture 28: An elephant with an exposed tethering wound, camouflaged with black substance, forced to perform in Sri Vadakkumnathan Kshethra Maidanam on 5 May 2017



Picture 29: An elephant with a pus-filled wound on right forelimb forced to perform in Sri Vadakkumnathan Kshethra Maidanam on 5 May 2017



Picture 30: A lame elephant who could not bend the left foreleg was forced to carry a replica of a deity and perform inside the Sri Vadakkumnathan Kshethra Maidanam on 5 May 2017



Picture 31: Unilaterally blind elephant with cataract and/ or corneal opacity spotted in a performance in Sri Vadakkumnathan Kshethra Maidanam on 5 May 2017

4. Tethered by metal chains in feet and around stomach:

All elephants were tethered on 3 or 4 feet by short, heavy metal chains. Many chained elephants had exposed, open tethering wounds on their hind legs and were observed scratching the tethering wounds with other feet due to uneasiness and discomfort. Moreover, some of the chains used to restrict movement were rusted. Besides the feet, the elephants' bellies had chains around them as well. Barring being given a bath and drinking water from drums of water, elephants were chained for hours together using small metal chains in the makeshift living enclosures. The elephants were chained by 3 or all four legs preventing any movement under the threat of physical punishment and forced to stand for many hours in the various performances, with almost no protection from the hot sun, and were denied adequate access to drinking water during performances.

Keeping elephants chained for hours together using tiny chains is an apparent violation of the PCA Act 1960, that 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*”.



Picture 32: An elephant with an exposed wound (left hind leg) and painful vertical crack on nail (right hind leg), chained by both legs inside Paramakkavu Temple's premises on 4 May 2017



Picture 33: An elephant tethered by a short rusted chain inside Paramekkavu Temple's premises on 4 May 2017



Picture 34: Elephants, such as this one, were chained in 4 legs and around the stomach; spotted inside Paramekkavu Temple's premises on 4 May 2017



Picture 35: Elephants were forced to stand and perform chained on all 4 legs as seen in Sri Vadakkumnathan Kshethra Maidanam on 5 May 2017

5. Absence of drinking water and food:

During all the pooram performances held in various grounds around the Vadakkumnathan Temple, elephants did not have access to drinking water in spite of being forced to perform in the blazing heat. In most performances, elephants did not have access to food either.

On 5 May, inside the Sri Vadakkumnathan Kshethra Maidanam, three rows of 15 caparisoned elephants sporting and carrying the weight of ceremonial materials such as golden elephant caparison (*nettippattam*), elephant accoutrements (*chamayam*), ornamental fans made of peacock feathers (*aalavattom*), royal fans (*venchamarom*) and decorative umbrellas, were filmed being forced to parade without any access to drinking water and without shelter from the sweltering heat of the afternoon sun.

Denying animals of food and drinking water is a violation of the PCA Act 1960, Section 42 of the Wildlife (Protection) Act (WPA), 1972, and Rule (vii) of KCEMMR, 2012. It is appalling that the temple authorities, which spend money to organise several firecracker displays, could not provide drinking water to animals when the elephants were forced to perform in the heat of afternoon sun.



Picture 36: Elephants forced to perform without access to drinking water and food during the ‘kudamattom’ (exchange of umbrellas) ceremony on 5 May 2017

6. Performances amidst deafening fire crackers and musical instruments:

Elephants were forced to stand still, unperturbed by loud firecrackers that were burst just a few feet away from them during performances in the pooram festivities. On 5 May 2017, about 4 pm, a performance involving elephants witnessing music played from an assembly of over 100 music artists playing drums, trumpets, pipes and cymbals was happening, under the shade of an enclosure outside the Vadakkunnathan Temple. Less than 100 feet from the performing elephants, loud firecrackers were being burst one after another. Spectators were observed rattled by the deafening sound of the bursting of the crackers.

On 6 May 2017, rows of elephants were forced to perform within 50 metres of loud firecrackers being burst – **Refer to Video 10.**

Following the end of the ‘*Upacharam Chollal*’ (farewell) ceremony, which ended at 12:40 pm, a firework display was held between 1:45 pm and 3 pm. On testing the volume of the fireworks bursting at least 300 feet away from where the investigators were, the volume of the sound of fireworks measured was as loud as 77-82 dB range even 300 feet away – **Refer to Video 11.**

In the order of Honourable High Court of Kerala in the matter of *Suo Moto v Union of India & Ors*, on WP (C) No.14978 of 2016, dated 14.04.2016, it is mentioned “... *the learned Advocate General has mentioned that the elephants paraded for the festival will be kept sufficiently away from the display site (fireworks).*” The photo below conclusively proves that loud fireworks were performed within 50 metres from elephants, amidst hundreds of spectators, thus putting public safety at risk. It is also an apparent violation of 4 (vi) of Kerala Captive Elephant (Management and Maintenance) Rules, 2012, that states,

“Making an elephant stand in scorching sun for long durations or bursting crackers near the elephants for ceremonial purpose shall not be permitted.”



Picture 37: A person lights a loud firecracker within 50 meters away from elephants amidst crowds of visitors outside the Vadakkumnathan Temple on 6 May 2017

7. Forced to perform on tarred roads:

Besides being forced to perform during pooram with no access to drinking water and food and under the hot sun without shelter, the elephants were also forced to perform on tarred streets. On 5 May 2017, several rows of 15 elephants were observed and filmed performing on the tarred Swaraj Round/Thrissur Round road, just outside the Sri Vadakkumnathan Kshethra Maidanam before entering the ground. Elephants were also filmed, forced to perform on the tarred Swaraj Round road outside the Paramekkavu Temple early in the morning on 5 May.

Furthermore, elephants were forced to halt for long periods and walk on tarred roads as they were repositioned from the Paramekkavu Temple and the Thiruvambady Temple, to the Vadakkumnathan Temple.

This practice of forcing elephants to walk and perform on tarred roads for long periods violates Point 4 (v) of the Kerala Captive Elephants (Management and Maintenance) Rules 2003 that states, *“Elephants shall not be made to walk on tarred roads during hot sun for a long duration without rest.”*



Picture 38: Elephants forced to stand for a long period on tarred Swaraj Round road outside the Paramakkavu Temple on 5 May 2017



Picture 39: Elephants stand still next to mahouts brandishing banned iron ankuses on the tarred Swaraj Round road as performers perform on their backs on 5 May 2017

8. No overhead shelter from sun:

In spite of the festival being celebrated in the peak of Indian summer, i.e. month of May under hot and humid climatic conditions of Thrissur, the elephants were forced to perform almost all parades and performances without overhead shelter. Elephants forced to perform in the ‘*Upacharam Chollal*’ (farewell) ceremony and ‘*Kudamattom*’ (exchange of umbrellas) ceremony did not have any shelter from the overhead sun during the performances.

On 5 May 2017, during a performance by rows of 15 elephants inside the Sri Vadakkumnathan Kshethra Maidanam, many mahouts took shelter from the overhead sun by crouching and sitting under the elephants behind their forelimbs, chests and under their bellies, and were filmed smoking *beedis* right under the elephant, endangering safety of the elephants and hundreds of people surrounding the elephants. During the ‘*Upacharam Chollal*’ (farewell) ceremony held on 6 May 2017, the two participating elephants had no respite from the sun.

Forcing elephants to perform under the hot sun without overhead shelter is a violation of PCA Act 1960, which states that, it is cruelty to animals if a person “*being the owner of (any animal) fails to provide such animal with sufficient food, drink or shelter*”. It is also an apparent violation of 4 (vi) of Kerala Captive Elephant (Management and Maintenance) Rules, 2012, that states, “*Making an elephant stand in scorching sun for long durations or bursting crackers near the elephants for ceremonial purpose shall not be permitted*” and 4 (ix) of KCEMMR 2012 that states, “*There shall be facility to keep the elephants under shade during hot sun.*”



Picture 40: Elephants forced to perform under the scorching heat without overhead shelter or respite from the sun in Sri Vadakkumnathan Kshethra Maidanam on 5 May 2017



Picture 41: Mahouts take shelter from the scorching heat by crouching under the performing elephants in Sri Vadakkumnathan Kshethra Maidanam on 5 May 2017; banned iron ankus is also seen



Picture 42: Elephants forced to perform under the scorching heat with no shelter or respite from the sun in Sri Vadakkumnathan Kshethra Maidanam on 5 May 2017



Picture 43: Tethered elephants have no overhead shelter in their resting place inside Paramakkavu Temple on 4 May 2017

9. Insufficient space between elephants during performances:

Investigators observed and filmed elephants leaning and touching each other sideways during performances in the Thrissur Pooram festivities on 4 and 5 May 2017 – **Refer to Video 12.**

The mahouts threatened and hit the elephants with wooden sticks to force the elephants to not lean on each other during the performance. Physically abusing elephants standing within few metres distance of hundreds of spectators and musicians increases public risk, should an elephant run amok on being hit or threatened by a mahout.

Elephants were forced to stand in the rows with very less space between them (less than 3 meters) which is an apparent violation of Rule 4 (i) of the KCEMMR, 2012 that states, *“There shall be sufficient space between elephants used in processions and parades”*.

It is important to point out that the circular issued by Kerala Forest department on 13 April 2016 which was withdrawn on 14 April 2016 because of the intervention of the Forest Minister, had mandated that the belly of the elephants taken for the parade should be kept at a distance of three metres and their heads at four metres.



Picture 44: Elephants were seen swaying and touching each other sideways as the space between them was clearly less than 3 meters, as seen here outside the Vadakkumnathan Temple on 5 May 2017

10. Over-burdening elephants:

It was observed and documented that, all the elephants used in performances were carrying load of 3 or 4 people, the weight of heavy chains used for restraining the animals, weight of gears and the ceremonial materials such as golden caparisons (*nettipattam*), elephant accouterments (*chamayam*), ornamental fans made of peacock feathers (*aalavattom*), royal fans (*venchamarom*), sacred bells and decorative umbrellas, which all will cumulatively weigh more than 400 kgs. Furthermore, the middle elephants used in batches of 15 elephants in performances also carried the replica of idols. This is an apparent violation of Rule 7(1)

of the KCEMMR, 2012 which mandates that for an elephant of height 2.55 meter, the load being forced to carry should not exceed 400 kgs.



Picture 45: Four men seen seated atop an elephant along with the large replica of a deity outside the Vadakkumnathan Temple on 5 May 2017



Picture 46: In addition to the caparison, elephant accoutrements, ornamental fans, royal fans, sacred bells and decorative umbrellas, the elephant in middle of rows of 15 elephants like this one was forced to carry replicas of deities; as seen outside the Vadakkumnathan Temple on 5 May 2017



Picture 47: Chained elephants bearing the weight of the caparisons, accoutrements, ornamental fans, royal fans, sacred bells and decorative umbrellas and performers during a performance outside the Vadakkumnathan Temple on 5 May 2017

V. ASSESSMENT WHETHER THRISSUR POORAM INVOLVES ‘TRAINING’, ‘EXHIBITION’, AND ‘PERFORMANCE’ OF CAPTIVE ELEPHANTS AND WHETHER IT IS MEANT FOR PROVIDING ENTERTAINMENT

It was observed that, elephants used in Thrissur Pooram, are often forced to sit down bending the knee, with the tusk and trunk touching the ground so as to allow the priests/ performers to climb up and sit on the back of the elephant. The elephants also have to bend down their head and body so as to help the assistants hand over the replica of the deity to the priest sitting on top of the elephant. Moreover, the elephants also have to lift the hind legs so as to allow the mahouts, priests and performers to get down or climb up – **Refer to Video 13**. All these procedures require ‘training’ and are not natural acts while they are in captivity or in wild. In the performance-parades, the elephants standing in the middle of 15 elephants are forced to keep his head held high so that he stands out and demonstrates his superiority among other elephants. So as to ensure this, the mahouts keep on touching or poking the lower jaw of the animals, forcing them to hold their head high. This act requires training and reinforcement, and is often done through painful stimuli with the use of iron ankus or similar torture devices.

During the umbrella exchange ceremony, 15 elephants of Thiruvambadi Devaswom stood in a row and faced the other row of 15 elephants belonging to Paramekkavu Devaswom. Three people were found to be standing, sitting and riding on the back of each elephant before and during parade, and the elephants in the centre of both the groups being mounted by four people either standing or sitting. The mahouts used verbal cues and physical cues using iron ankuses and sticks to make these elephants stand still, at one place – **Refer to Video 14**. This is an act which requires training of the elephant and reinforcement of the training. The situation of 3-4 people sitting, standing or riding the elephant, carrying the gears and ceremonial materials is not different from the elephants used for safari rides in forest camps. Through a judgement dated 9 December 2014, on the matter WP(C) No. 10424 of 2014 (C), the Honourable High Court of Kerala had ordered that, the provisions of the Performing Animals (Registration) Rules, 2001 does apply for the elephant used for rides and that, these elephants must be registered with the AWBI when used for rides.

During ‘*Upacharam Chollal*’ (bidding farewell) ceremony of the Thrissur Pooram, enacted on 6 May, where the deities of the Thiruvambadi and Paramekkavu temples are believed to bid farewell to each other and the deity of Sree Vadakkunathan Temple, two elephants carrying the deities were forced to raise their trunks as a gesture of bidding farewell. This is an act of performance and requires training – **Refer to Video 15**.

It was also observed that, most of the elephants were brought to Thrissur in trucks. The elephants are trained to climb up and get down from a truck when they are frequently transported from one place to another and required training. Mahouts were observed and filmed giving verbal commands when elephants disembarked the trucks – **Refer to Video 16**.

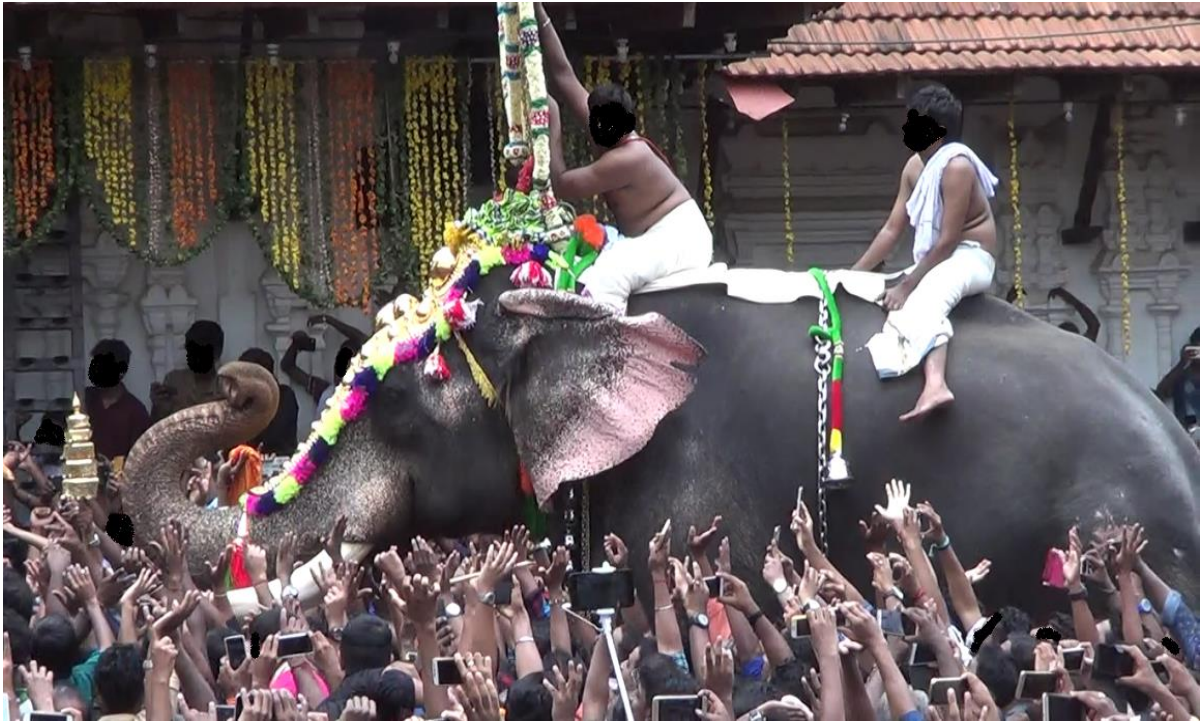
Forcing these elephants to perform such acts requires training, and is done through punishment and often reinforced through verbal and physical cues. It was also observed that more than a ritual, use of elephants during Thrissur Pooram carries lot of public entertainment importance, because at one point of time, in the wake of the fireworks tragedy at Puttingal Temple in Paravur, Kollam in 2016, a combined meeting of Paramekavvu and Thiruvambady devaswoms on 13 April 2016 had decided to do away with ‘*kudamattom*’ ceremony, fireworks and parading of elephants; events that claimed to have historically defined the festival. However, later part of the day on 13 April 2016, the two devaswoms

again declared that one elephant will be symbolically present on the occasion. This explains and establishes that, the use of elephants during Thrissur Pooram is solely for public entertainment purpose and that they are not essential part of the religious rituals. Though there is no ticketing for the public to attend Thrissur Pooram, it is a well-known fact that the temple management pay for the hiring charges of these elephants on behalf of the devotees and visitors, which explains the commercial nature of the event.

Public exhibition of the caparisoned elephants for entertainment, and forcing them to perform certain acts clearly establishes that use of elephants during Thrissur Pooram and other temple festivals qualifies to be brought under the purview of the Performing Animals (Registration) Rules (PARR), 2001, thus requiring registration of the elephants with the AWBI. The 2008 circular issued by Revenue (Devaswom) Department, Govt. of Kerala also states that “*The elephants under Devaswom Boards must be registered with Animal Welfare Board of India.*”



Picture 48: A mahout uses verbal and physical cues such as threatening to hit an elephant with a stick during the fitness inspection camp inside Paramekkavu Temple premises on 4 May 2017



Picture 49: One of the two elephants forced to participate in the ‘Upacharam Chollal’ (bidding farewell) ceremony, forced to raise the trunk outside the Vadakkumnathan Temple on 6 May 2017



Picture 50: A performer climbs onto an elephant using the raised hind leg on Swaraj Round near Thiruvambady Temple on 6 May 2017



Picture 51: A performer gets off an elephant using the elephant's hind leg at Swaraj Round near Thiruvambady Temple on 6 May 2017



Picture 52: An elephant disembarks from a truck as the mahout gives verbal and physical cues; inside Paramakkavu Temple premises on 4 May 2017; notice the mahout brandishing banned iron ankus

VI. APPARENT VIOLATIONS OF LAWS, COURT ORDERS, CIRCULARS, GUIDELINES

1. Subjecting animals to cruelty with the use of torture devices such as iron ankus or subjecting them to physical abuse is an apparent violation of 18.08.2015 directive of Honorable Supreme Court on WP (Civil) No. 743/2014, which states, “*It shall be the duty of the State, the District Committee, Management of the Devaswom, the Management of the Temple and the owners of the elephants to see that no elephant is meted with any kind of cruelty and, if it is found, apart from being lodging of criminal prosecution, they shall face severe consequences which may include confiscation of the elephants to the State*”. Furthermore, physical abuse of elephants is a gross violation of the Prevention of Cruelty to Animals Act 1960, that states, it is cruelty to animals if any person “(a) *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*” and “(a) *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 (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 being the owner permits, any animal to be so treated*”.
2. Use of sick, unfit, injured and weak elephants suffering from untreated wounds, abscesses, broken and chipped nails, tethering wounds, cracked soles, impaired vision, lameness etc., is an apparent violation of Section 11(1)(b) of the PCA Act 1960 which states that it is cruelty and a punishable offence if anyone “*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.*” It also violates 14.04.2016 directive of Honorable High Court of Kerala in the matter of *Suo Moto v Union of India & Ors*, WP (C) No 14978/ 2016 (S) which directed that “*no elephant which is found unfit to participate in the ceremonial parade shall be utilised and the District Magistrate will ensure that use of any such animal is clearly excluded.*” Using sick, injured and weak elephants is also an apparent violation of the Rule 4 (iii) of Kerala Captive Elephant (Management & Maintenance) Rules (KCEMMR), 2012 which states that “*Elephant which is sick, injured, weak or pregnant shall not be used.*” This along with lack of provision of necessary veterinary treatment and foot care services to elephants with open wounds, tethering wounds, abscesses, cracked nails exhibited in the devaswoms and used in performances in Thrissur Pooram, is also an apparent violation of Section 42 of the Wildlife (Protection) Act (WPA), 1972 which mandates that “*adequate facilities for housing, maintenance and upkeep*” of the animal is ensured so as to keep the custody of a wild animal.
3. Banned iron ankuses were rampantly used by mahouts of elephants used in Thrissur Pooram. Use of the banned iron ankuses/*thotti* is an apparent violation Principal Chief Conservator of Forests (WL) and Chief Wildlife Warden, Kerala’s order No. BDC2-295/ 2015 dated 14.05.2015, which banned the use of iron ankus in Kerala. This order was issued subsequent to the judgement of the Honourable High Court of Rajasthan dated 26.02.2010 in a Public Interest Litigation (PIL) No. 8987/2006 and in

compliance to the letter from Project Elephant, Ministry of Environment, Forest & Climate Change dated 05.05.2015 which banned use of ankus.

4. It was also observed that, elephants were excessively restrained and hobbled with short heavy chains without any soft covering and doing so is an apparent violation of Section 11 (1) (f) of PCA Act, 1960 which states that it is cruelty if any person *“keeps for an unreasonable time any animal chained or tethered upon an unreasonably short or unreasonably heavy chain or cord.”*
5. The observations also include that, elephants were not being provided with adequate shade, drinking water and food; this is an apparent violation of Section 11(1)(h) of the PCA Act, 1960 which states that it is cruelty to animals and a punishable offence if any person, *“being the owner of (any animal) fails to provide such animal with sufficient food, drink or shelter.”* Forcing elephants to stand under the blazing hot sun is also an apparent violation of Rule 4 (vi) of KCEMMR, 2012 which states that, *“Making an elephant stand in scorching sun for long durations or bursting crackers near the elephants for ceremonial purpose shall not be permitted”* and also violates Rule 4. (ix) of KCEMMR, 2012, that states, *“There shall be facility to keep the elephants under shade during hot sun.”* Not providing the elephants with adequate drinking water is an apparent violation of Rule (vii) of KCEMMR, 2012 which states that *“It shall be ensured that sufficient food and water for the elephants are provided.”*
6. In the performances, elephants were forced to stand in rows with very less space between them (less than 3 meters) which is an apparent violation of Rule 4 (i) of the KCEMMR, 2012 which states that *“There shall be sufficient space between elephants used in processions and parades”*. Furthermore, the circular issued by Kerala Forest department on 13 April 2016 which was withdrawn on 14 April 2016 because of the intervention of the Forest Minister, had mandated that the belly of the elephants taken for the parade should be kept at a distance of 3 metres and their heads at 4 meters.
7. Majority of elephants used in the ceremonies were forced to carry a load of 3 or 4 people, the weight of heavy chains used for restraining the animals, weight of gears and the ceremonial materials such as golden elephant caparisons, elephant accouterments, ornamental fans made of peacock feathers, royal fans, sacred bells and decorative umbrellas, which all cumulatively weigh more than 400 kgs. This is an apparent violation of Rule 7(1) of the KCEMMR, 2012 which mandates that, for an elephant of height 2.55 meter, the load being forced to carry should not exceed 400 kgs.
8. Use of elephants with impaired vision and whole or partial blindness is an apparent violation of Principal Chief Conservator of Forests (WL) and Chief Wildlife Warden, Kerala’s circular dated 09.02. 2016, on ‘prohibition of use of handicapped elephants, including blind ones for festivals, other celebrations and public functions’. Taking cognizance of elephants being paraded in festivals, celebrations and public functions ignoring their health status, the circular states, *“it is hereby ordered that elephants with any kind of handicap, including blindness, cannot be used for any functions hereafter.”*

9. Bursting loud firecrackers near elephants for ceremonial purpose as observed and documented at Thrissur Pooram this year is an apparent violation of 4 (vi) of Kerala Captive Elephant (Management and Maintenance) Rules, 2012, that states, “*Making an elephant stand in scorching sun for long durations or bursting crackers near the elephants for ceremonial purpose shall not be permitted.*” It is also an apparent violation of the 14.04.2016 directive of Honourable High Court of Kerala in the matter of *Suo Moto v Union of India & Ors*, WP (C) No 14978/ 2016 (S), that states, “... *the learned Advocate General has mentioned that the elephants paraded for the festival will be kept sufficiently away from the display site (fireworks).*”

VII. COMPARATIVE EVALUATION OF INCIDENCES OF CRUELTY TO ELEPHANTS REPORTED DURING THRISSUR POORAM IN 2015, 2016 & 2017

Based on the comparative evaluation of the findings of AWBI inspections of Thrissur Pooram in 2015 and 2016, and investigation of PETA India in 2017, the compliance list is given below:

SI No.	Observations	Thrissur Pooram		
		April 2015	April 2016	May 2017
1	Use of elephants with wounds, abscesses, impaired vision, foot problems, poor body condition, etc., in the performances	Yes	Yes	Yes
2	Wounds were deliberately masked by black substance	Yes	Yes	Yes
3	Iron ankus used by mahouts (<i>banned in Kerala in May 2015</i>)	Yes	Yes	Yes
4	Inadequate provision for food and drinking water, and elephants forced to stand under hot sun without shade	Yes	Yes	Yes
5	Heavy restraints with short chains on 3 or all 4 legs and around the belly during the entire two days events	Yes	Yes	Yes
6	Elephants forced to stand for long hours amidst the loud noise of drums, trumpets, pipes and cymbals and blaring noise of the crowd	Yes	Yes	Yes
7	No sufficient distance between the elephants and between the elephants and the people	Yes	Yes	Yes
8	District Committee ineffective in ensuring the welfare of the elephants and preventing cruelty	Yes	Yes	Yes

VIII. RECOMMENDATIONS

1. AWBI may advise the Kerala Government to issue a directive to do health examination of all the elephants to be used in temple festivals, as per the format given under the Kerala Captive Elephant (Management & Maintenance) Rules, 2012 and also to ensure that, elephants suffering from various physical and mental ailments are provided with immediate veterinary care and treatment. And that, those who need to be retired and rehabilitated are taken to a sanctuary where they may be provided with all the essential care and humane management and are allowed to lead a quality life without being chained and abused.
2. AWBI may advise the Kerala Government to take immediate action to ensure that, captive elephants in the State who are suffering physically or mentally and those who do not have a valid ownership certificate as per Wildlife (Protection) Act, 1972 are not allowed to be used in temple festivals and for any other public or private events. And that, the elephants who are medically fit and have a valid ownership certificate may apply for registration with AWBI under the provisions of Performing Animals (Registration) Rules, 2001, to be used in temple festivals or any other events.
3. AWBI may advise the Chief Wildlife Warden of Kerala to ensure that his directive on banning iron ankus in the State and various provisions of Wildlife (Protection) Act, 1972, Prevention of Cruelty to Animals, 1960 and Kerala Captive Elephant (Management & Maintenance) Rules, 2012, which are there to prevent illegal trade of elephants, to prevent cruelty meted onto elephants and to ensure their welfare while being kept in captivity, are effectively implemented in the State.
4. AWBI may advise the Kerala Government to order an enquiry and initiate disciplinary action against the erring officials of the Thrissur district administration for turning a blind eye and not initiating strict action against mahouts who were wielding and poking elephants with iron ankuses, during Thrissur Pooram 2017. Disciplinary action may be taken against the officials of Forest Department and Animal Husbandry Department in Thrissur, for issuing illegitimate fitness certificates to suffering, unfit, sick elephants with open wounds, cracked and broken nails, impaired vision, lameness, swellings and abscesses and foot diseases.
5. To prevent cruelty to captive elephants which is inherent when they are used in public and private events, particularly meant for entertainment purposes such as Thrissur Pooram, for which they are trained, being exhibited and are forced to perform acts, the AWBI may gently remind the Ministry of Environment, Forest and Climate Change (MoEF&CC) about issuing a central notification, with exercise of powers conferred to the Ministry by Section 22 of the Prevention of Cruelty to Animals Act (PCA), 1960, to ban use of elephants for performance in the country, as advised by the AWBI through its advisory to the ministry, in 2016.