

Report on Elephant Jeymalyatha (Joymala)



Name	Joymala, known as Jeymalyatha in Tamil Nadu
Age	19 years old, according to the current mahout (although news reports claim she is over 30 years old)
Sex	Female
Date of visit	27 July 2022
Place of stay	Krishnan Kovil Temple, Tamil Nadu
Reported by	Dr Nithin Krishnegowda, BVSc and AH, MS (Wildlife), veterinary policy advisor at People For the Ethical Treatment of Animals (PETA) India, and Ms Khushboo Gupta, director of advocacy projects at PETA India

Index

Section	Description	Page No
A	Observations and Interpretations	2
B	Observed Violations of the Law in Keeping Elephant Jeymalyatha	6
C	Frustrated Elephants Often Retaliate – Examples From Tamil Nadu	7
D	Recommendations	8
	Table of Annexures	
	Table of Photos	

Table of Annexures

Annexure No	Description
1	“Assam’s Joymala ‘begging’ in Tamil Nadu temple”, 7 November 2019, <i>Northeast Now</i>
2	“Srivilliputhur temple elephant abuse: Assam government asks Tamil Nadu to send jumbo back”, 27 February 2021, <i>The New Indian Express</i>
3	“Assam: Elephant attacked for the second time in Tamil Nadu temple”, 12 June 2022, <i>Northeast Now</i>
4	Screenshots of online videos showing that an ankus is readily used as a constant threat to transport the elephant to the temple and while offering blessings to people
5	2021 video screenshots of beating at rejuvenation camp
6	2022 video screenshots of beating at the Krishnan Kovil Temple

Table of Photos

Photo No	Description
1	Screenshot of the first video of the relentless beating of elephant Jeymalyatha
2	The sanctum sanctorum of Krishnan Kovil where Jeymalyatha was beaten relentlessly by the mahout and a screenshot of the second video of her being beaten clearly showing the location
3	Jeymalyatha chained on a concrete floor for up to 16 hours a day
4	Jeymalyatha chained in a shed, nowhere close to her natural habitat
5	Jeymalyatha tethered with chains in a shed with prohibited asbestos sheet, forced to stand in leftover food, urine, and dung
6	Torn ear pinnas
7	Two ankuses found in the shed where Jeymalyatha is housed
8	Pliers used by the current mahout to jab and pinch Jeymalyatha’s skin

The case of Joymala, also known as Jeymalyatha, who is being kept in Tamil Nadu and forced to beg and perform rituals by the Srivilliputhur Nachiyar Thirukovil temple even after her six-month lease from Assam expired over a decade ago in violation of the Wild Life (Protection) Act, 1972 (WPA), became public knowledge through a 2019 news report (**Annexure 1**).

In February 2021, a video surfaced in the media showing Jeymalyatha being beaten at a rejuvenation camp by a mahout and his assistant, which led Tamil Nadu's Hindu Religious and Charitable Endowments Department to suspend the mahout involved. The Tamil Nadu forest department booked the abusers under Section 13 of the Tamil Nadu Captive Elephants (Management and Maintenance) Rules, 2011, and Section 51 of the WPA, 1972. Following this, the Assam government made their request for Jeymalyatha's return (**Annexure 2**) public. However, Jeymalyatha was not returned to the government of Assam and these actions did not prevent another mahout from harming this elephant: another video showing Jeymalyatha being ruthlessly beaten at the holiest of places, the sanctum sanctorum of the Krishnan Kovil temple near Srivilliputhur Nachiyar Thirukovil, surfaced in 2022 (**Annexure 3**). In both videos, she can be heard screaming in pain.



1. A screenshot from the first video of the relentless beating of elephant Jeymalyatha



2. The sanctum sanctorum of Krishnan Kovil temple where Jeymalyatha was beaten relentlessly by the mahout and (right) a screenshot from the second video clearly showing the location

A. Observations and Interpretations



3. Jeymalyatha chained on concrete floor for up to 16 hours a day

It is established knowledge that female elephants are highly social animals who need the company of other elephants for their psychological well-being. They suffer in the same way a human would if they were kept alone year after year, without any human company. It is further established that elephants need to be able to roam around freely for mental stimulation. This is evident from observing them in nature, where they live in family groups of females and their children, forming a society in which they play vital, complex roles that daughters learn from their mothers and ultimately inherit. They also roam over vast distances daily and make decisions for themselves and the herd.

In contrast, Jeymalyatha is living alone, chained in a tin shed at Krishnan Kovil temple at Srivilliputhur on a concrete floor, wholly deprived of any pleasurable activities or mental stimulation, her intelligence fully neglected, and in conditions that cause physical deterioration and pain. In violation of Section 6 (21) and Section 13 (14) of the Tamil Nadu Captive Elephants (Management and Maintenance) Rules, 2011, she is secured in place with chains by both the front and hind legs for the majority of the day (up to 16 hours according to the current mahout). She is taken out for short walks twice a day (morning and evening, for a couple of hours) and then chained back into the shed alone. Because she is shackled and on concrete rather than in a natural environment, she cannot engage in any behaviour that is natural and important to her species, such as interacting with other elephants and touching them, taking care of the young, foraging, exploring, washing, wallowing in water, and grooming.

Our examination showed that being made to live on a concrete floor has caused the nail on her right forelimb to become flat and painfully cracked. It has been this way for a long time due to negligence in foot care. Continuous housing on a concrete floor can ultimately result in painful conditions such as more cracked toenails, overgrown soles, trauma, osteomyelitis, and osteoarthritis.



4. Jeymalyatha chained in a shed, nowhere close to her natural habitat

The facility of an overhead shower, created where she is chained inside the shed, appears to be in place either for superficial purposes or merely for the mahout's benefit, because when the shower was turned on, she did not have a chance to move around, bathe naturally, or enjoy it due to a paucity of space. Rather, the shower seems to be in place to make the mahout's job easier, as it means the elephant does not need to be washed with a hose. It is not designed to provide an opportunity for enrichment or mental stimulation, enhance the comfort of an elephant who is chained under it for the majority of the day, or help the elephant engage in natural behaviour. An artificial water pool is said to have been under construction for the past year where Jeymalyatha is housed, and it is unclear why further expenses are being put towards an illegally held captive elephant who has been recalled by the Assam government.

Normally, an elephant drinks up to 200 litres of water per day and feeds for up to 16 hours a day. The basic facility of a water trough is not available for this elephant. During the four hours the report writers spent in the shed, Jeymalyatha was not supplied water by any other means. No stored food could be found, other than the leftover food from the previous feeding which lay on the floor mixed with urine and faeces, and the animal is forced to stand in her own waste, secured with chains.



5. Jeymalyatha tethered with chains in a shed with prohibited asbestos sheet, forced to stand in leftover food, urine, and dung

The soles and nail beds of all her four limbs have been infected due to standing for long hours in her own faeces and urine; an abscess has also formed.

(1) Cracked sole: This has happened due to moist conditions and poor sanitation. The condition could cause lameness and pain. There is exudation, erosion, and ulceration of the crack's edges, and excessive granulation was seen.

(2) Over-worn sole: The soles of her feet have been worn down from being constantly kept in wet conditions (water, urine, and faeces) and being made to walk and stand on a rough surface.

(3) Overgrown nails: This issue is due to insufficient or inappropriate nail wear. The nails have protruded from the foot and have a distorted shape with a roughened and layered look.

(4) Overgrown cuticle: Cuticle overgrowth was noticed in conjunction with sole/nail overgrowth. The enlarged cuticles are visible as roughened, divided regions of skin near the nail.



6. Torn ear pinnas

Both of Jeymalyatha's ear pinnas were torn. The mahout said that this was caused by the constant pulling of an ornamental ring that has been hung from her ear pinna. Mahouts are also known to control elephants by pulling their ears or using their ears to climb on top of them. This tearing of the ear pinna could have also been the result of this kind of action.



7. Two ankuses found in the shed where Jeymalyatha is housed

Two ankuses and two sticks were found inside Jeymalyatha's shed. There are many videos on the internet of this elephant showing that the ankus is readily used as a source of constant threat to transport her to the temple and while offering blessings to people (**Annexure 4**). Jeymalyatha, therefore, suffers from the constant emotional anguish of being jabbed and hit with weapons she can see.



When the mahout tried to lift her leg to show the footpad, she was not following his commands. He quickly grabbed a plier and kept pinching her with it to make her lift the leg. This behaviour even in front of inspectors indicates that negative training methods are used on this elephant as a matter of course and it is likely that the videos showing her being beaten were a part of this routine process.

8. Pliers used by the current mahout to jab and pinch Jeymalyatha's skin

B. Observed Violations of the Law in Keeping Elephant Jeymalyatha

The Wild Life (Protection) Act, 1972

Elephants are protected under Schedule I, Part I, of the Wild Life (Protection) Act (WPA), 1972. **Section 9** of the Act prohibits the hunting of wild animals, and **Section 2(16)** defines the term “hunting” to include injuring a wild or captive animal.

Section 39(3) makes destroying government property (wild animals) without prior permission in writing from the chief wildlife warden or the authorised officer an offence.

The temple management has violated the WPA, 1972 as Jeymalyatha’s six-month lease period from Assam ended over a decade ago, but she was never returned in violation of Section 40(2) read with Section 43(1) and Section 48-A of the WPA, 1972 that prohibit the possession and transfer of custody without the prior written consent of the relevant chief wildlife warden.

Guidelines for Care and Management of Captive Elephants

Point number 4 of the section “**transportation of elephants**” of the **Guidelines for Care and Management of Captive Elephants** issued by the Ministry of Environment, Forests and Climate Change in 2008 puts a duty on the owner (person who was given permission to transport an elephant to a particular destination for a fixed period) to bring back the elephant within the permitted time period. Jeymalyatha has been under the illegal custody of the temple since more than a decade.

The Tamil Nadu Captive Elephants (Management and Maintenance) Rules, 2011

The temple is in violation of **Rule 3** that mandates the prior permission of the chief wildlife warden for possession of a captive elephant. Permission for keeping Jeymalyatha expired a decade ago. Since the temple is in violation of Section 42 of the WPA, 1972, and has a track record of violating the rules, it is ineligible for the renewal of the permission.

Rule 5 (1) states that elephants must not be kept on concrete flooring or any hard surface for long periods, but Jeymalyatha is kept on the concrete floor for the majority of the day.

Rule 5 (4) prohibits use of corrugated iron sheets or asbestos for roofing the stable. Jeymalyatha’s shed is made of asbestos sheet.

Rule 6 1(a) recognises the importance of a bathing pool for an elephant and specifies the dimensions of a pool with gentle slope on all sides. There has been no pool at the temple in which Jeymalyatha could have bathed in for the long period she has been with the temple.

Rule 6 (21) and **Rule 13 (14)** prohibits the use of chains, however, Jeymalyatha is kept tightly chained with front and hind legs for up to 16 hours a day.

Rule 13 (1) is violated as the elephant was beaten and tortured in the temple’s custody by the mahouts, causing her unnecessary pain and suffering.

The Prevention of Cruelty to Animals Act, 1960

Section 3 of the Prevention of Cruelty to Animals (PCA) Act, 1960, imposes a duty on persons having charge or care of animals to prevent the infliction of unnecessary pain or suffering upon those animals. **Section 11(1)** defines the term “cruelty” as including beating or treating the animals in such a manner as to cause unnecessary pain and suffering, making it a punishable offence under **Section 11(1)(a)** of the said Act, and **Section 11(1)(l)** makes it a cognisable offence to mutilate an animal.

Indian Penal Code, 1860

Under the Indian Penal Code (IPC), 1860, **Section 429** makes maiming an animal a cognisable offence, punishable with a jail term of up to five years or a fine or both, and **Section 289** makes negligent conduct with respect to an animal a cognisable offence.

C. Frustrated Elephants Often Retaliate – Examples From Tamil Nadu

Noted professor N Baskaran, Department of Zoology and Wildlife Biology, AVC College, Mayiladuthurai, who is an authority on Asian elephants, stated in a news report, “[T]he elephants in the temples are always chained and kept idle in the same place for days together. The elephants experience a lot of frustration and if this is not addressed properly, it turns into a chronic level of stress. The stress is expressed through its behaviour. Unless the temple authorities and mahouts have understanding about elephant psychology, the physical and mental problems of the elephants continue to grow.”

There are numerous incidents from Tamil Nadu in which frustrated captive elephants have killed their mahouts. Examples include elephant Deivanai, from Assam, who killed her mahout at Subramaniya Swami Temple in Madurai; elephant Masini, kept at Samayapuram Mariamman temple in Trichy, who killed her mahout; and elephant Madhumathi, who was used in a temple festival in Madurai. These, among others, are reminders that upset elephants can suddenly retaliate, leading to loss of human life.

D. Recommendations

1. It is recommended that the chief wildlife warden at the Tamil Nadu forest department immediately rescue and seize elephant Jeymalyatha by invoking section 50(c) of the WPA, 1972.
2. In the best interest of this elephant, who needs to live unchained and in the company of other elephants for her well-being, and considering both Assam and Tamil Nadu are rich in biodiversity but lack a specialised captive elephant rehabilitation facility for this specialised rescue and need, the forest departments of Tamil Nadu and Assam should work together to send her to a Project Elephant–recommended rescue and rehabilitation centre or a sanctuary to ensure her management as per the Guidelines for Care and Management of Captive Elephants.
3. For illegally holding an elephant protected under the Schedule I of the WPA, 1972, violating other laws under the Indian Penal Code, 1860, and the PCA Act, 1960, and failing to fulfil their duties, the Tamil Nadu Hindu Religious and Charitable Endowments Department (TNHRCE) must ensure action against the mahouts, the executive officer, and the management of both Srivilliputhur Nachiyar Thirukovil temple and Krishnan Kovil temple.
4. In view of the repeated incidents of inhumane treatment of this elephant in both these temples, it is recommended that the TNHRCE prohibit them from acquiring elephants in the future.
5. Due to the exploitation of elephants in captivity, the Honourable Madras High Court has directed the Tamil Nadu state government to form a policy on the ownership of elephants so that all elephants – privately owned or owned by a temple – must come under the care of the forest department and that future private ownership of elephants must be prohibited. It is recommended that the TNHRCE initiate this change by adopting a life-like electronic elephant for public display and rituals. PETA India is willing to donate this mechanical elephant to the temple.