LEGAL MECHANISMS AVAILABLE IN HUMAN WILDLIFE CONFLICT
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Research: Centre for Policy Research-Namati Environmental Justice Program

Translation: Vinod Patgar

Design: Vani Subramanian

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LEGAL MECHANISMS AVAILABLE IN HUMAN WILDLIFE CONFLICT
This handout deals with:

1. the compensatory mechanisms related to conflicts with wildlife.
2. the status of human wildlife conflict in Karnataka.
3. various measures adopted by Karnataka state and Central government to address the issue.
4. compensation measures and how to file claims for the same.
WHAT IS HUMAN-WILDLIFE CONFLICT (HWC)?

Human wildlife conflict occurs when “needs and requirements of wildlife impact negatively on the goals of humans or when the goals humans negatively impact the needs of the wildlife.” Human wildlife conflicts usually result in the loss of crops, livestock, property and loss of human lives. It also occurs when humans deliberately injure, abuse or kill wildlife because of actual or perceived threats to themselves or their property.
Studies have said that HWC arises due to the loss, degradation and fragmentation of wildlife habitats.\(^2\) Studies have also reason that human wildlife conflicts arise near Protected Areas (National Parks, Wildlife sanctuaries, Conservation reserves and Community Reserves), as these areas are insufficient for the needs of the wildlife.\(^3\) Due to rising instances where damage is caused to humans, the Ministry of Environment Forests and Climate Change has come up with various schemes to prevent and mitigate human wildlife conflicts.

As per Comptroller and Auditor General’s report in 2017, it is estimated that nearly 400 people are killed annually in elephant conflict related incidences in India and they cause damages approximately up to 5,00,000 families through crop depredation. It is also estimated that farmers in a bid to remove ‘problem’ animals kill around 100 elephants due to retaliation.

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\(^2\) Comptroller and Auditor General Report No 6 of 2017

<table>
<thead>
<tr>
<th>ANIMAL</th>
<th>DAMAGE</th>
<th>WHEN</th>
<th>WHERE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tiger</td>
<td>98 deaths</td>
<td>1 April 2009 - 31 March 2017</td>
<td>India</td>
</tr>
<tr>
<td>Elephant</td>
<td>2804 deaths</td>
<td>April 2009 - 31 March 2016</td>
<td>India</td>
</tr>
<tr>
<td>Elephant</td>
<td>97 deaths</td>
<td>2013-2016 Karnataka</td>
<td>Karnataka</td>
</tr>
<tr>
<td>Tiger</td>
<td>11 deaths</td>
<td>2013-2016 Karnataka</td>
<td>Karnataka</td>
</tr>
<tr>
<td>KIND</td>
<td>AUTHORITY/LAW</td>
<td>DETAILS</td>
<td></td>
</tr>
<tr>
<td>------</td>
<td>---------------</td>
<td>---------</td>
<td></td>
</tr>
<tr>
<td>Advisories</td>
<td>MoEFCC under WLPA</td>
<td>Provisions under the WLPA have been encouraged to be used by MOEFCC through various circulars. For example, as in 2015 asks the states to form a Human Wildlife Conflict Management strategy and plans for identified conflict zones for quick response action. It lays down certain basic actions that could be put in these plans. Amongst is that, local volunteers should be trained to handle incidences of human wildlife conflict.</td>
<td></td>
</tr>
</tbody>
</table>
| National Wildlife Action Plan (2017-2031) | MoEFCC under WLPA | As per this, new institutions would be created for HWC mitigation.  
- Centre for Excellence for HWC mitigation will be set up at the MOEFCC, which would coordinate with the various State Forest Departments, local bodies, scientific institutes and NGOs.  
- Conflict Mitigation Squads in selected regions to train and enhance squads for quick and effective response  
- Primary Response Teams, consisting of local community persons who would be selected through consultation with local bodies and public representatives |
| Project Tiger, Project Elephant | MoEFCC | These projects, includes funding for activities focused on mitigation of HWC. For example, under Project Elephant, there are provisions for excavation of elephant proof trench, erection of solar fencing, and maintenance/establishment of rapid response teams, anti depredation camps.  
| Augmentation of Fodder & Water Scheme in Protected Areas/Forest Areas | MoEFCC under Compensatory Afforestation Fund Management and Planning Authority | Under this augmentation of fodder and water sources are done for wild herbivores within the Protected Area/Forests where degraded habitat is known to be the cause of significant human wildlife conflict |

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4 As per information found on public domain, these institutions have not been formed yet  
5 While these projects provide for preventive measures, the efficacy of such projects is not being commented upon in this legal material.
ಸಲಹೆಗಳು

ರ್ಷ್ಟೀರ ವನ್ಯಜೀವಿ ಕ್ರನಾಯೀಜರೆ (2017-2031)

ಹುಲ್ ಯೀಜರೆ, ಆರೆ ಯೀಜರೆ

ಸಂರಕ್ಷಿತ ಪ್ರದೆೀಶ/ ಅರಣ್ಯ
ಪ್ರದೆೀಶಗಳಲ್ಲಿ ಮೀವು ಮತುತು
ನಿೀರಿನ ವ್ರದಿಧಿ
ಅರಣ್ಯ ಪರಿಸರ ಮತುತು ಹವಾಮಾನ ಬದಲಾವಣ್ ಮಂತಾರೆಲಯದ ಅಡಿಯಲಿಲಿ ವನ್ಯಜೀವಿ ಸಂರಕ್ಷಣಾ ಕಾಯ್ದಾ
ಅರಣ್ಯ ಪರಿಸರ ಮತುತು ಹವಾಮಾನ ಬದಲಾವಣ್ ಮಂತಾರೆಲಯದಡಿಯಲಿಲಿ ಪರಿಹಾರ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾ
ನಧಿ ನವಸ್ಹಣಾ ಮತುತು ಯೀಜನಾ ಪಾರೆಧಿಕಾರ

ಸಾವಸಜನಕ/ಮನೋಭಾವ

ಆರಂಭಿಸಿದವರ ಅಕ್ಷರಮೈತ್ರೀ ನಿಗದಿನ ರೂಪಿಸುವ ಪ್ರದೇಶವಿದ್ದೇನು ಪ್ರತಿಯಂತ ಪ್ರದೇಶವನ್ನು ಜೀವನವನ್ನು ಮತ್ತು ವಿಶ್ರಾಮವನ್ನು ತೋರಿಸುತ್ತದೆ. ಮೇಲೆ ರೂಪಿಸುವ ಪ್ರದೇಶವು ಪ್ರತಿಯಂತ ಪ್ರದೇಶವನ್ನು ಜೀವನವನ್ನು ಮತ್ತು ವಿಶ್ರಾಮವನ್ನು ತೋರಿಸುತ್ತದೆ.

ಅರಂಭಿಸಿದವರ ಅಕ್ಷರಮೈತ್ರೀ ನಿಗದಿನ ರೂಪಿಸುವ ಪ್ರದೇಶವಿದ್ದೇನು ಪ್ರತಿಯಂತ ಪ್ರದೇಶವನ್ನು ಜೀವನವನ್ನು ಮತ್ತು ವಿಶ್ರಾಮವನ್ನು ತೋರಿಸುತ್ತದೆ. ಮೇಲೆ ರೂಪಿಸುವ ಪ್ರದೇಶವು ಪ್ರತಿಯಂತ ಪ್ರದೇಶವನ್ನು ಜೀವನವನ್ನು ಮತ್ತು ವಿಶ್ರಾಮವನ್ನು ತೋರಿಸುತ್ತದೆ.

ಮಾನವ ವನ್ಯಜೀವಿ ಸಂಘರಸ್ ಪರಿಹಾರಕೆಗ್ ಈ ಪರೆಕಾರದ ಹ್ೊಸ ಸಂಸ್ಥಾಗಳನುನು ರಚಿಸಲಾಗುವುದು. 4 ಕ್ಲವು ಉದಾಹರಣ್ಗಳು:

• ಮಾನವ ವನ್ಯಜೀವಿ ಸಂಘರಸ್ ತಗ್ಗಿಸಲು ಅರಣ್ಯ ಪರಿಸರ ಮತುತು ಹವಾಮಾನ ಬದಲಾವಣ್ ಮಂತಾರೆಲಯವು ಶ್ರೆೀರ್ಠತಾ ಕ್ೀಂದರೆವನುನು ಸಾಥಾಪ್ಸುವುದು. ಇದರಲಿಲಿ ವಿವಿಧ ರಾಜ್ಯಗಳ ಅರಣ್ಯ ಇಲಾಖ್, ಸಥಾಳಿೀಯ ಸಂಸ್ಥಾಗಳು, ವ್ೈಜ್ಾನಕ ಸಂಸ್ಥಾಗಳು ಮತುತು ಎನ್.ಜ.ಒಗಳು ಸಂಘಟಿತವಾಗ್ರುತತುದ್.

• ಸಂಘರಸ್ ತಗ್ಗಿಸಲು ತಂಡವು ಆಯದಾ ಪರೆದ್ೀಶಗಳಲಿಲಿ ತರಭ್ೀತಿ ಮತುತು ತ್ವರಿತ ಮತುತು ಪರಿಣಾಮಕಾರಿ ಪರೆತಿಕ್ರೆಯ್ಗಾಗ್ ತಂಡಗಳನುನು ವಧಿಸ್ಸುತತುದ್.

• ಸಥಾಳಿೀಯ ಸಮುದಾಯದ ಸದಸ್ಯರನುನು ಒಳಗ್ೊಂಡಿರುವ ಪಾರೆಥಮಕ ಪರೆತಿಕ್ರೆಯ್ ತಂಡಗಳು ಸಥಾಳಿೀಯ ಸಂಸ್ಥಾಗಳು ಮತುತು ಸಾವಸ್ಜನಕ ಪರೆತಿನಧಿಗಳ್ೊಂದಿಗ್ ಸಮಾಲ್ೊೀಚನ್ಯ ಮೊಲಕ ಆಯ್ಕೆ ಮಾಡಲಪಿಡುತತುವ್.

ಅರಂಭಿಸಿದವರ ಅಕ್ಷರಮೈತ್ರೀ ನಿಗದಿನ ರೂಪಿಸುವ ಪ್ರದೇಶವಿದ್ದೇನು ಪ್ರತಿಯಂತ ಪ್ರದೇಶವನ್ನು ಜೀವನವನ್ನು ಮತ್ತು ವಿಶ್ರಾಮವನ್ನು ತೋರಿಸುತ್ತದೆ. ಮೇಲೆ ರೂಪಿಸುವ ಪ್ರದೇಶವು ಪ್ರತಿಯಂತ ಪ್ರದೇಶವನ್ನು ಜೀವನವನ್ನು ಮತ್ತು ವಿಶ್ರಾಮವನ್ನು ತೋರಿಸುತ್ತದೆ.

ಸಾವಸಜನಕ/ಮನೋಭಾವ 6

ಆರಂಭಿಸಿದವರ ಅಕ್ಷರಮೈತ್ರೀ ನಿಗದಿನ ರೂಪಿಸುವ ಪ್ರದೇಶವಿದ್ದೇನು ಪ್ರತಿಯಂತ ಪ್ರದೇಶವನ್ನು ಜೀವನವನ್ನು ಮತ್ತು ವಿಶ್ರಾಮವನ್ನು ತೋರಿಸುತ್ತದೆ. ಮೇಲೆ ರೂಪಿಸುವ ಪ್ರದೇಶವು ಪ್ರತಿಯಂತ ಪ್ರದೇಶವನ್ನು ಜೀವನವನ್ನು ಮತ್ತು ವಿಶ್ರಾಮವನ್ನು ತೋರಿಸುತ್ತದೆ.

ಸಾವಸಜನಕ/ಮನೋಭಾವ 7

ಆರಂಭಿಸಿದವರ ಅಕ್ಷರಮೈತ್ರೀ ನಿಗದಿನ ರೂಪಿಸುವ ಪ್ರದೇಶವಿದ್ದೇನು ಪ್ರತಿಯಂತ ಪ್ರದೇಶವನ್ನು ಜೀವನವನ್ನು ಮತ್ತು ವಿಶ್ರಾಮವನ್ನು ತೋರಿಸುತ್ತದೆ. ಮೇಲೆ ರೂಪಿಸುವ ಪ್ರದೇಶವು ಪ್ರತಿಯಂತ ಪ್ರದೇಶವನ್ನು ಜೀವನವನ್ನು ಮತ್ತು ವಿಶ್ರಾಮವನ್ನು ತೋರಿಸುತ್ತದೆ.
IS HUNTING PERMITTED AS A MEASURE TO CONTROL AND MITIGATE HWC?

Hunting of wild animals can be permitted by the MOEFCC at the Centre or the Chief Wildlife Warden at the State level. This can be done in the following instances:

- When it is satisfied that an animal specified in Schedule I, is dangerous to human life or is disabled or diseased beyond recovery [Under Section 11 (1) (a) of the WLPA]
- When it is satisfied that an animal specified in Schedule II-IV of the WLPA becomes dangerous to human life or property (including standing crops in any land) [Under Section 11 (1) (b)]

The Schedules in the WLPA lists the various mammals, amphibians, reptiles, insects etc.

DECLARING WILD ANIMALS ARE VERMIN?

Section 62 of WLPA empowers the central government to declare by notification wild animals to be vermin for specified area and period. Declaring an animal vermin implies that the wild animal can be hunted. There have been instances where animals have been declared vermin to address human wildlife conflicts.
<table>
<thead>
<tr>
<th>WHERE</th>
<th>ISSUED FOR</th>
<th>REASON</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rhesus Macaque monkeys</td>
<td>Parts of Himachal Pradesh, not applicable in forest areas</td>
<td>For a period of one year from 24th May 2016</td>
</tr>
<tr>
<td>Wild Pig</td>
<td>Areas where wild pig is found in Uttrakhand</td>
<td>Issued on 3rd February 2016 for a period of one year</td>
</tr>
<tr>
<td>Nilgai and Wild pig</td>
<td>Parts of Bihar</td>
<td>Issued on 1st December, 2015 for a period of one year</td>
</tr>
</tbody>
</table>

** EXAMPLES WHERE AN ANIMAL WAS DECLARED VERMIN **
Can any person be appointed as an honorary wildlife warden?

The WLPA provides for the appointment of Honorary Wildlife Wardens under Section 4 of the Act. Among other duties, Honorary Wildlife Warden measures to deal with the problem of damage by wild animals to life and property, including assessment and payment of compensation.

These Honorary Wildlife Wardens can be any person who has a local standing, concern for wildlife conservation, is not involved in any activity detrimental to the interests of nature and wildlife and has the capacity to help in the official machinery.

The appointment is made on the recommendation of the Wildlife Advisory Board, which is set up by the State governments under the WLPA.
Due to the rise in human wildlife conflict, the government has come up with compensation measures to compensate for the damage that is incurred.

**What is the Compensation Amount Set by MoEFCC?**

As per a circular [F.No.14-2/2011 W-I (Pt-II)] issued on February 9th, 2018 by the MoEFCC, the compensation amounts through central schemes in case of human wildlife has been increased. Following is the compensation amounts prescribed as per this circular. These amounts are guidelines to the states to set similar amounts. The nature of damage caused has not been defined in this document.

<table>
<thead>
<tr>
<th>Nature of Damage Caused</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Death or permanent incapacitation to human beings</td>
<td>Rs 5 lakh</td>
</tr>
<tr>
<td>Grievous injury</td>
<td>Rs 2 lakh</td>
</tr>
<tr>
<td>Minor injury</td>
<td>Cost of treatment upto Rs. 25,000 per person</td>
</tr>
<tr>
<td>Loss of property/crops</td>
<td>State/UT governments may adhere to the cost norms prescribed them</td>
</tr>
</tbody>
</table>
A procedure is laid down to access compensation in case of human wildlife conflict, through various government orders. 6

Wildlife in this case means any animal specified in Schedule I to IV of the WLPA.

This includes but is not limited to Lions, Tigers, Leopard, Elephant, Crocodile, Sloth Bear, Indian Wolf, Wild Boar, Gaur and Wild Dogs.
** WHICH institution can be approached?**

The affected person has to approach the State Forest Department. The affected person has to submit an application to the Range Forest Officer or online through http://huli.in/patrol/conflict_online.php

** WHAT is the procedure to be followed?**

Following are the list of documents (evidence) that need to given along with the application, to the authority which has the power to sanction the amount and the amount of compensation.

** Information asked?**

What is the procedure to be followed?

The affected person has to approach the State Forest Department. The affected person has to submit an application to the Range Forest Officer or online through http://huli.in/patrol/conflict_online.php

** List of documents needed?**

Following are the list of documents (evidence) that need to given along with the application, to the authority which has the power to sanction the amount and the amount of compensation.
<table>
<thead>
<tr>
<th>Nature of Damage</th>
<th>Documents</th>
<th>Authority to sanction relief</th>
<th>Amount</th>
</tr>
</thead>
</table>
| **Death**        | A post-mortem report certifying that the person has died due to wild animal attack.  
A legal heir certificate issued by the concerned Tahsildar.  
The police enquiry report of the case.  
A photograph of the dead person at the place of incidence. | Chief Conservator of Forests (CCF), Conservator of Forests (CF), Deputy Conservator of Forests (DCF) and Karnataka Forest Department (KFD) officers. | Rs. 5 lakhs |
| **Permanent disability** | The medical certificate by the District surgeon/District Medical Officer/ District level Medical Board that the person has become permanently disabled due to wild animal attack.  
A photograph of the affected person. | CCF, CF, DCF and KFD officers of the concerned jurisdiction. | Rs. 50,000/- |
| **Crop Damage** | A photograph of the damaged land and Record of Rights, Tenancy and Crop (R. T. C) should be enclosed along with the application. | Assistant CF- power to assess and sanction ex-gratia in Depending on amount of damage-details given in Table 2 | Rs. 20,000/- |
• Range Forest Officer (RFO) or his subordinate staff inspect the land for assessing the damage.

• In case the damage caused is up to Rs. 1,00,000/-, the Assistant Conservator of Forests (ACF) has to inspect the land and in case the damage caused is more than one lakh, the concerned DCF has to personally inspect the land.

<table>
<thead>
<tr>
<th>Case Description</th>
<th>Minimum Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cattle Damage/Animal Death</td>
<td>Post-mortem report certifying that the domestic animal has died due to wild animal attack. A photograph of the dead domestic animal at the place of incidence.</td>
<td>CCF, CF, DCF and KFD officers of the concerned jurisdiction.</td>
</tr>
<tr>
<td>Property (on attack of wild elephants)</td>
<td>A photograph of damaged property</td>
<td>ACF, DCF, CF and CCF of the concerned jurisdiction.</td>
</tr>
</tbody>
</table>

Table 2: Calculation of Compensation amount for crop damage for Karnataka

<table>
<thead>
<tr>
<th>Description</th>
<th>Minimum Amount</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Damage upto Rs. 7,500</td>
<td>Actual damage</td>
<td>Actual damage</td>
</tr>
<tr>
<td>Damage above Rs. 7,500 but below Rs. 35,000</td>
<td>Rs. 7,500 (50% of the crop damage cost)</td>
<td>Rs. 21,250/- for single incident</td>
</tr>
<tr>
<td>Damage above Rs. 35,000</td>
<td>Rs. 21,250/- (30% of the crop damage cost)</td>
<td>Rs. 1,00,000/- for single incident</td>
</tr>
</tbody>
</table>

7 As per the Karnataka State Government Order of 2016