Legal mechanisms available in human-wildlife conflict.
Disclaimer: There is no copyright on this publication. You are free to share, translate and distribute this material. We request that the source be acknowledged and a copy/link of your reprint, report or translation be sent to the CPR-Namati Environmental Justice Program.

Research: Centre for Policy Research-Namati Environmental Justice Program

Design: Vani Subramanian

Translation: Nidhi Agarwal

Print: Printforce

This research work has been supported by the Duleep Matthai Nature Conservation Trust (DMNCT)

अस्वीकरण: इस प्रकाशन पर कोई कॉपीराइट नहीं है।
आप इस की सामग्री का अनुवाद कर, लोगों के साथ बांट या वितरण कर सकते हैं। हमारा अनुरोध है कि आप यदि इसे पुनः प्रकाशित करते हैं, या अनुवाद करते हैं, तो इस प्रकाशन का आभार देते हुए, उसकी एक प्रति सी.पी.आर.--नमति पर्यावरणीय न्याय कार्यक्रम को ज़रूर भेजें।

रिसर्च: सेन्टर फॉर पॉलिसी रिसर्च—नमति पर्यावरणीय न्याय कार्यक्रम
रूपरेखा: वाणी सुब्रमणियन
हिंदी अनुवाद: निधि अग्रवाल
मुद्रण: प्रिंटफोर्स
इस प्रकाशन के लिए आर्थिक सहयोग ‘दूलहर मथ्याई नेचर कॉन्जरवेशन ट्रस्ट’ से प्राप्त हुआ।
LEGAL MECHANISMS AVAILABLE IN HUMAN WILDLIFE CONFLICT
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 Chhattisgarh
3. various measures adopted by Chhattisgarh 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)?

HWC occurs when “needs and requirements of wildlife impact negatively on the goals of humans or when the goals of humans negatively impact the needs of the wildlife”.

HWCs usually result in the loss of crops, livestock, property and loss of human lives. It also occurs when humans are understood to have ‘deliberately’ injured, abused or killed wildlife because of actual or perceived threats to themselves or their property.

Studies have pointed out that HWC arises due to the loss, degradation and fragmentation of wildlife habitats. They also reason out that these 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.

**WHY DO HWCs ARISE?**

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. The report also said that, “it is estimated that farmers in a bid to remove ‘problem’ animals, kill around 100 elephants due to retaliation.”

**ESTIMATES OF HUMAN WILDLIFE CONFLICT**

2. Comptroller and Auditor General Report No 6 of 2017
**WHAT IS DONE TO TACKLE HWC?**

Due to the rising instances of HWC, the Ministry of Environment Forests Climate Change (MoEFCC) and various state governments have come up with schemes and plans to remedy the situation. Actions are taken to prevent HWC as well as procedures have been set up to provide compensation for the losses incurred during a HWC. Following are a few measures under the law and taken by various authorities.
<table>
<thead>
<tr>
<th>NATURE OF ACTION</th>
<th>AUTHORITY/LAW</th>
<th>DETAILS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advisories</td>
<td>MoEFCC under Wildlife Protection Act, 1972 (WLPA)</td>
<td>Provisions under the WLPA have been encouraged to be used by the MoEFCC through various circulars. For example, in 2015 through an advisory the MoEFCC asked 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. One such action is that local volunteers should be trained to handle incidences of HWC.</td>
</tr>
<tr>
<td>National Wildlife Action Plan (2017-2031)</td>
<td>MoEFCC under WLPA</td>
<td>As per this, new institutions would be created for HWC mitigation. Few examples:• 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.</td>
</tr>
<tr>
<td>Project Tiger, Project Elephant</td>
<td>MoEFCC</td>
<td>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. In Chhattisgarh, Project Tiger includes the Achanakmar Tiger Reserve, Indravati Tiger Reserve and Udanti-Sitanadi Tiger Reserve. The Badalkhol-Tamorpingla Elephant Reserve comes under Project Elephant.</td>
</tr>
<tr>
<td>Augmentation of Fodder &amp; Water Scheme in Protected Areas/Forest Areas</td>
<td>MoEFCC under Compensatory Afforestation Fund Management and Planning Authority</td>
<td>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 HWC.</td>
</tr>
</tbody>
</table>

4 As per information found on the 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.
6 As per notification issued by Forest Department of Chhattisgarh on 12th June 2015
<table>
<thead>
<tr>
<th>कार्यवाही</th>
<th>प्राथमिकता</th>
<th>विस्तृत जानकारी</th>
</tr>
</thead>
<tbody>
<tr>
<td>सलाह पत्र</td>
<td>वन्यजीव सुख्सा अधिनियम, 1972 के अंतर्गत MoEFCC द्वारा</td>
<td>MoEFCC विभिन्न परियोजनाओं द्वारा वन्यजीव सुख्सा अधिनियम के प्रावधानों को उपयोग करने के लिए प्रोत्साहित करता आया है। उद्देश्य के लिए, वर्ष 2015 में एक सलाह पत्र के माध्यम से MoEFCC ने राज्यों को स्थिति मुद्रण क्षेत्रों में मानव - वन्यजीव मुद्रण प्रबंधन के लिए रणनीतियों और योजनाओं के लिए कहा। मंत्रालय ने कुछ मूल कार्यवाहियों के सुधार किये हैं जो इन योजनाओं में शामिल की जा सकती है। एक ऐसी कार्यवाही है कि स्थानीय स्वयंसेवकों को मानव - वन्यजीव मुद्रण की स्थितियों को समझने के लिए प्रशिक्षित किया जाए।</td>
</tr>
</tbody>
</table>
| राष्ट्रीय वन्यजीव कार्य योजना (2017-2031) | वन्यजीव सुख्सा अधिनियम, 1972 के अंतर्गत MoEFCC द्वारा | इसके अनुसार, मानव - वन्यजीव मुद्रण को मिटाने के लिए नए संस्थान बनाए जाएगे। कुछ उद्देश्य हैं: 
• मानव - वन्यजीव मुद्रण मिटाने के लिए MoEFCC में उत्कृष्ट मोड़ स्थापित किए जाएंगे, जो विभिन्न राज्य वन बिभागों, स्थानीय इकाइयों, वैज्ञानिक संस्थानों और मैत्री-संबंधी संस्थाओं के साथ समायोजन में काम करेंगे।
• चालान्त क्षेत्रों में मुद्रण मिटाने के स्थानों नए जाएंगे जो जादू और प्रमाणवारी प्रतिभाकों के लिए प्रशिक्षण देंगे और स्थानों की संख्या बढ़ाएँगे।
• प्राथमिक प्रतिभाकों टीम, जिनमें स्थानीय संस्थानों और जन प्रतिभाकों के साथ बच्चों करके चुने गए स्थानीय लोग शामिल रहेंगे। |
| बाध परियोजना, हाथी परियोजना | MoEFCC | इन परियोजनाओं में मानव - वन्यजीव मुद्रण को मिटाने के लिए की जाने वाली गतिविधियों के लिए विविध प्रयोग शामिल रहता है। उद्देश्य के लिए, हाथी परियोजना में हाथी से सहभक्षण के लिए ट्रैक खोदने, सीमा चारणीवारी बनाने, और शृंखला प्रतिभाकों टीम बनाने/प्रबंधन, अवक्रमण विरोधी शिखर बाँध द्वारा किया जाता है।
छत्तीसगढ़ में, बाध परियोजना में अवधारणामुक्त बाध आरक्षित क्षेत्र, इंद्रावली बाध आरक्षित क्षेत्र और उदांती-सीतानन्दी बाध आरक्षित क्षेत्र शामिल है।
बदलहोल-तमोरिंगाला हाथी आरक्षित क्षेत्र हाथी परियोजना के अंतर्गत आता है। |
| संस्कृति क्षेत्रों/वन क्षेत्रों के लिए चारा और जल विकास योजना | कृतिपूर्ण वनीकरण कोष प्रबंधन एवं नियोजन प्राधिकरण के अंतर्गत MoEFCC | इसके अंतर्गत, उन संस्कृति क्षेत्रों/यानों जहां पर क्षतिस्पर्श मानव - वन्यजीव मुद्रण का कारण है, उनमें जंगली शाकाहारी जानवरों के लिए चारा और जल प्रोत्साह का काम किया जाता है। |

4 स्वार्थजगतिक रूप से उपलब्ध जानकारी के अनुसार, वह संस्थान अभी तक गठित नहीं किया गया है।
5 हालांकि इन परियोजनाओं में सुधाराग्रस्त प्रबंधन दिया गया है, इन परियोजनाओं की प्रामाण्यता पर इन कार्यों की तारीखों नहीं की जा सकती है।
6 दिनांक 12 जून 2015 को छत्तीसगढ़ वन विभाग द्वारा जारी अविस्मरण के अनुसार
**Kya manav-vanijvi muthbhed koo mitane ke liye shikar karten ki anumati hii hai?**

It 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.

---

**Kya vanijvi ko hoshit karo diya gaya hai?**

Section 62 of WLPA empowers the central government to declare wild animals to be vermin for specified area and period by issuing a notification. 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.
### ANIMAL | WHERE | TIMESSPAN | REASON
--- | --- | --- | ---
Rhesus Macaque monkeys | Parts of Himachal Pradesh, not applicable in forest areas | For a period of one year from 24th May 2016 | Damage to life and property and large-scale destruction of agriculture
Wild Pig | Areas where wild pig is found in Uttrakhand | Issued on 3rd February 2016 for a period of one year | Harm to life and property including large scale destruction of agriculture due to overpopulation of wild pigs in areas outside forests
Nilgai and Wild pig | Parts of Bihar | Issued on 1st December, 2015 for a period of one year | Harm to life and property including large scale destruction of agriculture due to overpopulation of Nilgai and wild pigs in areas outside forests
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 be made on the recommendation of the Wildlife Advisory Board, which is set up by the State governments under the WLPA.
COMPENSATION MEASURES

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>

MoEFCC द्वारा निर्धारित मुआवज़ा ताशि क्या है?

MoEFCC द्वारा 9 फरवरी, 2018 को जारी किए गए परिपत्र संख्या [F.No.14-2/2011 W-I (Pt-II)], के अनुसार, मानव — वन्यजीव मुठभेड़ की घटनाओं के लिए केंद्रीय स्कीम में मुआवजे की राशि को बढ़ाया गया है। यह राशियां नीचे दी जा रही हैं। यह राशियां राष्ट्रीय राज्यों द्वारा इस प्रकार की प्रति निर्धारित किए जाने के लिए दिशानिर्देश हैं। इस दस्तावेज में नुकसान का प्रकार को परिभाषित नहीं किया गया है।

<table>
<thead>
<tr>
<th>नुकसान का प्रकार</th>
<th>ताशि</th>
</tr>
</thead>
<tbody>
<tr>
<td>गुलाम या मनुष्यों की स्थायी अस्थायी अश्लीलता</td>
<td>रु. 5 लाख</td>
</tr>
<tr>
<td>गंभीर चोट</td>
<td>रु. 2 लाख</td>
</tr>
<tr>
<td>छोटी चोट</td>
<td>रु. 25,000 प्रति व्यक्ति, इलाज के लिए</td>
</tr>
<tr>
<td>संपत्ति/फसल को नुकसान</td>
<td>राज्य/केंद्र शासित प्रदेश की सरकार उनके द्वारा निर्धारित राशि का पालन करें</td>
</tr>
</tbody>
</table>
what is the procedure laid down in Chhattisgarh for obtaining compensation?

A procedure is laid down to access compensation in case of human wildlife conflict in Chhattisgarh, through various government orders. 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.

The MoEFCC has the power to determine, alter or transfer Schedules. In Chhattisgarh, in case of wild elephants, Nilgai, wild boar and jackals causing damage to crops or property, there is provision for compensation to the damage so caused.

Which authority should be approached?

The Forest Range Officer should be informed. On receiving information about the damage, the Forest Range Officer registers the complaint in the form annexed to this notification :- http://www.cgforest.com/WildLife//media/scanvnapradh29-05-2015.pdf
**Kya**

**Koई सबूत भी देना चाहिए?**

Not as per the information available. However it is preferable that the following is attached as is indicated in other states. This can strengthen the claim.

- For Death or injury of humans- Medical certificate, photograph of the affected person, police enquiry report (in case of death)
- For crop damage-Photograph of damaged land,
- For Cattle injury/death- Post mortem report certifying that the domestic animal has died due to wild animal attack, photograph of the domestic animal at the place of incidence
- For property-Photograph of damaged property

**Nûksân**

**का आंकलन कैसे किया जाता है?**

The Forest Range Officer informs the District Collector. The District Collector informs the Sub-Divisional Magistrate and Tahasildar (Executive Magistrate), who then informs the concerned Patwari (Land Record Officer).

The damages are jointly assessed by the Village Forest Committee/Forest Protection Committee Village, Patwari (Land Record Officer), Sarpanch, Range Assistant/Forest Guard and head of the Village Forest Committee/Forest Protection Committee. The presence of Patwari, Sarpanch and Range Assistant are compulsory.

To assess the damage to crops, house and property, rates mentioned in the revenue records (as amended) will be utilised.
After the committee assesses the damage, the Range Assistant deposits the case documents with the Range Officer. The Range Officer, through the Deputy Conservator of Forests, will send the case to Conservator of Forests for acceptance of the claim. After that, the Range officer will disburse the amount.

As per an Administrative order dated 24.4.2015 (under the Public Services Guarantee Act, Section 6, Chapter 4), after the bill has passed from the treasury, the amount of compensation has to be disbursed within 10 days in cases of death or injury and 15 days in cases of damage to crops, property and cattle.
क्या पूरी प्रक्रिया के लिए कोई समयावधि निर्धारित की गई है?
प्राप्त जानकारी के अनुसार, नहीं।

क्या मुआवजा न मिलने की हितार्थता के लिए कोई प्रक्रिया निर्धारित की गई है?
प्राप्त जानकारी के अनुसार, नहीं।

<table>
<thead>
<tr>
<th>वन्यजीवों द्वारा किए गए नुकसान का प्रकार</th>
<th>मुआवजे की राशि</th>
</tr>
</thead>
<tbody>
<tr>
<td>मृत्यु</td>
<td>रू. 4 लाख</td>
</tr>
<tr>
<td>स्थायी अक्षमता</td>
<td>रू. 2 लाख</td>
</tr>
<tr>
<td>चोट</td>
<td>रू. 59,100/-</td>
</tr>
<tr>
<td>पालतू पशुओं को नुकसान</td>
<td>रू. 30,000/-</td>
</tr>
</tbody>
</table>

नेचुर अनुच्छेद जरूरतमंदीः

<table>
<thead>
<tr>
<th>प्रकार</th>
<th>मात्रा</th>
</tr>
</thead>
<tbody>
<tr>
<td>मृत्यु</td>
<td>रू. 4 लाख</td>
</tr>
<tr>
<td>स्थायी अक्षमता</td>
<td>रू. 2 लाख</td>
</tr>
<tr>
<td>चोट</td>
<td>रू. 59,100/-</td>
</tr>
<tr>
<td>पालतू पशुओं को नुकसान</td>
<td>रू. 30,000/-</td>
</tr>
</tbody>
</table>

WHAT
ARE THE AMOUNTS OF COMPENSATION
IN CHHATTISGARH?

NATURE OF DAMAGE
CAUSED BY WILD ANIMAL
AMOUNT OF
COMPENSATION

<table>
<thead>
<tr>
<th>प्रकार</th>
<th>मात्रा</th>
</tr>
</thead>
<tbody>
<tr>
<td>Death</td>
<td>रू. 4 लाख</td>
</tr>
<tr>
<td>Permanent incapacitation</td>
<td>रू. 2 लाख</td>
</tr>
<tr>
<td>Injury</td>
<td>रू. 59,100/-</td>
</tr>
<tr>
<td>Damage to domestic animals</td>
<td>रू. 30,000/-</td>
</tr>
</tbody>
</table>

IS
THERE ANY MECHANISM
IN CASE OF COMPENSATION
NOT BEING RECEIVED?
Not as per the available information.