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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

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# **"MITIGATING HUMAN-WILDLIFE CONFLICT: STRATEGIES FOR COEXISTENCE IN KERALA AND BEYOND"**

AUTHORED BY - NEENA. S,  
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## **Abstract:**

The escalating human-wildlife conflict in regions like Kerala, India, underscores the urgency of finding sustainable solutions to facilitate harmonious coexistence. Factors such as habitat encroachment, agricultural expansion, climate change, and inadequate awareness contribute to an increasing number of wild animals attacking domestic animals. This abstract explores the root causes of the conflict and outlines multifaceted strategies to address the challenges faced by local communities.

This article explores the intricate interplay between wildlife conservation and the mounting challenges of human-wildlife conflict in regions like Kerala and across India. Highlighting the importance of judicial acts in shaping legal frameworks for wildlife protection, the discussion encompasses diverse strategies and initiatives to preserve Earth's biodiversity. From habitat protection to community-based conservation, the article emphasizes the need for a holistic approach to strike a balance between human development and the preservation of natural habitats.

The first section underscores the critical role of wildlife conservation in addressing a myriad of threats, including habitat loss, poaching, climate change, pollution, and invasive species. Key strategies, such as sustainable practices, education, and research, are outlined as essential components of comprehensive conservation efforts.

The second section delves into specific judicial acts and legislative initiatives in India, emphasizing the role of legal frameworks in wildlife protection. Notable case laws illustrate the judiciary's commitment to upholding constitutional validity and addressing challenges posed by human activities.



The article then shifts its focus to the recent surge in human-wildlife conflicts, particularly instances of wild animals attacking domestic animals in Kerala. It identifies habitat encroachment, agricultural expansion, and climate change as primary contributors to these conflicts, impacting local communities, especially farmers.

Solutions to mitigate human-wildlife conflict are proposed, including habitat protection, community awareness programs, early warning systems, and compensation schemes. Case studies and best practices are incorporated to provide practical insights into successful coexistence strategies.

In conclusion, the article emphasizes the urgency of collaborative efforts involving local communities, conservation organizations, and governments to address the escalating human-wildlife conflict. It calls for continued public awareness, sustained implementation of legal measures, and a commitment to preserving our planet's diverse ecosystems and species. The comprehensive exploration serves as a valuable resource for understanding and contributing to the complex dynamics of wildlife conservation and human-wildlife interactions.

### **Introduction:**

Wildlife conservation and the rising instances of human-wildlife conflict stand at the forefront of environmental concerns, especially in regions like Kerala and across India. Preserving Earth's diverse ecosystems is not just a matter of ethical responsibility; it is now a pressing necessity. Judicial acts play a pivotal role in shaping the legal frameworks that govern wildlife protection, yet recent challenges, such as wild animals attacking domestic animals, underscore the need for a more nuanced and comprehensive approach.

### **Wildlife Conservation:**

Wildlife conservation remains a critical endeavor to preserve Earth's biodiversity. Various threats, including habitat loss, poaching, climate change, pollution, and the spread of invasive species, collectively jeopardize the well-being and survival of numerous species. The importance of collective efforts and responsible practices cannot be overstated.



## **Key Challenges:**

Habitat encroachment due to urbanization and deforestation.

Agricultural expansion disrupting natural habitats.

Climate change altering animal migration patterns.

Lack of awareness among local communities.

Illegal activities, such as poaching, exacerbating conflicts.

Proposed Solutions:

Stricter enforcement of habitat protection laws.

Community awareness programs on wildlife behavior and coexistence.

Implementation of early warning systems for wildlife presence.

Establishment of wildlife corridors to connect fragmented habitats.

Livestock protection measures, including secure enclosures.

Compensation and insurance schemes for affected farmers.

Continuous research on animal behavior and migration patterns.

Government policies addressing root causes and supporting coexistence.

## **Methods to Protect Species and Ecosystems:**

Implementing various methods contributes to safeguarding species and ecosystems:

**Protected Areas:** Establishing national parks, wildlife reserves, and sanctuaries.

**Corridor Creation:** Connecting fragmented habitats through wildlife corridors.

**Species Reintroduction:** Reintroduce endangered species after captive breeding.

**Ecosystem Restoration:** Restore degraded ecosystems through reforestation and other measures.

**Community-Based Conservation:** Involve local communities in conservation efforts.

**Research and Monitoring:** Understand species' needs and behaviors for effective conservation.

**Technology and Innovation:** Use tools like camera traps, drones, and satellite tracking.

**Legal Frameworks:** Implement and enforce laws against poaching, habitat destruction, and illegal trade.

**Education and Outreach:** Raise public awareness about wildlife conservation.

**Collaboration:** Foster collaboration between governments, NGOs, scientists, and communities.

**Climate Change Mitigation:** Address climate change to prevent its adverse effects.

## Judicial Acts:

Judicial acts play a crucial role in wildlife conservation:

**Wildlife Protection Acts:** Specific laws regulating hunting, trade, and habitat destruction.

**CITES (Convention on International Trade in Endangered Species):** An international agreement regulating the trade of endangered species.

**Habitat Protection Laws:** Legislation designating and protecting critical habitats.

**Anti-Poaching Laws:** Strict measures against poaching activities.

**Environmental Impact Assessment (EIA):** Laws requiring assessments for projects impacting the environment.

**Bans on Harmful Practices:** Prohibitions on practices harming wildlife or their habitats.

The growing human-wildlife conflict in Kerala, shedding light on recent incidents like the tragic death of a 50-year-old farmer in Wayanad. Over the past 18 months, the state has witnessed a concerning toll, with 123 lives lost, including over 60 fatalities from snake bites. Despite substantial investments in multi-crore projects designed to tackle the issue, the effectiveness of these efforts is under scrutiny, leaving communities exposed to wildlife attacks<sup>1</sup>.

The narrative explores the intricate dynamics of the conflict, considering factors such as habitat encroachment, agricultural expansion, and climate change. It emphasizes the urgency for a comprehensive strategy that not only safeguards human lives but also addresses the underlying causes of these conflicts.

Data from the Forest department reveals a staggering 88,287 cases of human-wildlife conflict between June 2021 and December 2022, with 8,707 incidents of crop and property damage reported. The Eastern Forest Circle, encompassing Palakkad, Nilambur, Mannarkkad, and Nenmara forest divisions, emerged as the worst-hit region, with 43 fatalities and nearly 15% of crop and property damage cases. The Southern Forest Circle follows closely with 30 fatalities and 1,252 cases of crop loss.

Compounding the crisis is the prolonged delay in compensating victims, with 8,231 applications still pending, a significant number originating from Wayanad, one of the districts severely impacted by wildlife attacks.

T.C. Jose, the chairman of the Wayanad Action Committee to Prevent Wildlife Attack<sup>ii</sup>, emphasizes the inefficacy of current measures and calls for urgent steps to control the wildlife population. Proposals include the implementation of crash guard rope fencing modeled after Mankulam, deemed effective in preventing wildlife

A comprehensive overview of recent legal developments related to human-wildlife conflict and conservation efforts in Kerala. Two notable cases, K.V. Sebastian v. State of Kerala<sup>iii</sup> and C.R. Neelakandan & Anr. v. Union Of India & Ors.,<sup>iv</sup> along with the subsequent developments, shed light on the complex issues surrounding wildlife protection and human livelihoods.

In the K.V. Sebastian case, farmers sought relief from the destruction of crops caused by wild boars. The Kerala High Court, considering the ineffectiveness of measures under the Wild Life (Protection) Act, 1972, directed the Chief Wildlife Warden to permit farmers to hunt wild boars in specified areas. This interim order underscores the challenges faced by farmers and the need for pragmatic solutions to mitigate human-wildlife conflict.

The instant petition was initiated by the agriculturists holding lands in Malappuram and Kozhikode districts. The grievance voiced by the petitioners was with regard to the destruction of the crops in their agricultural lands on account of the large scale intrusion of wild boars from the nearby forest. The case set out by the petitioners was that various steps taken by the respondents to avert the menace posed by wild boars under Section 11(1)(b) of the Wild Life (Protection) Act, 1972 (the Act) did not yield any result and the petitioners were consequently put to irreparable injury and loss.

Considering that the properties of the petitioners were under threat of the attack of the wild boars and insofar as the stand of the State Government was that the steps taken under Section 11(1)(b) of the Act to avert the said menace did not yield any result and that the only alternative to protect the interests of the farmers was to declare wild boars as vermin in specified areas in the State, the Bench passed an interim order directing the Chief Wildlife Warden to permit the petitioners to hunt wild boars in the areas where their agricultural lands were situated, as provided for in Section 11(1)(b) of the Act.

In 2021-22 wild elephants claimed the life of 35 people and injured 44 around 334 farmers suffered

crop damage. New report published by the Forest Department claims that there has been a reduction in human-wild life conflict in the state of Kerala. The number of human wild life conflicts as reduced from 9333 incidents in 2017-18 to 8076 in 2021-22. During 2021-22, 114 lost their lives in attack of wild animals like snake wild boars and wild buffalos. Furthermore state paid more than Rs.13 crore as compensation to the victim's families.<sup>v</sup>

In response to 'Operation Arikomban'<sup>vi</sup>, aimed at capturing the elephant 'Arikomban,' an animal rights organization filed a petition challenging the operation. The Kerala High Court stayed the operation until further hearings, highlighting the ongoing legal battles surrounding conservation practices and wildlife protection in the state.

The Public Interest Litigation (PIL)<sup>vii</sup> seeking protection for elephant corridors and the return of 'Arikomban'<sup>viii</sup> to its natural habitat.

The Supreme Court refused to entertain the PIL, emphasizing the complexity of balancing conservation goals and human settlements.

The 'Arikomban' case took a turn when the Kerala High Court warned the state about strict action if the area where tribal were resettled is found to be an elephant habitat. The court scrutinized the resettlement decisions made in 2000, asserting that the root of the human-elephant conflict lay in resettling people in areas known to be elephant habitats.

The intricate relationship between Kerala's extensive forest cover, comprising nearly 30% of the state's geographical area, and the escalating challenges of human-wildlife coexistence. The unique geographical features of Kerala, with an average width of around 70 km and a population exceeding 3.46 crore, present a complex scenario where densely populated human settlements coexist closely with protected forest regions.

The discussion unfolds against the backdrop of numerous human settlements situated in proximity to the state's protected forest areas. This geographical intertwining sets the stage for heightened human-wildlife interactions, leading to an increased risk of conflicts. Furthermore, the article explores the



additional challenge posed by the presence of agricultural plantations adjacent to wildlife habitats, creating a dynamic where human activities and wildlife territories intersect.

As the human-wildlife conflict continues to intensify, the article emphasizes the need for a nuanced and sustainable approach to coexistence. It calls for a comprehensive strategy that considers the unique landscape of Kerala, involving both protective measures for human settlements and conservation efforts for wildlife habitats.

In conclusion, the imperative is clear: a balanced strategy must be pursued to not only safeguard human lives but also uphold the delicate ecological balance in Kerala. The legal challenges posed by human-wildlife conflicts in Kerala. It underscores the need for a delicate balance between wildlife conservation and human welfare. This necessitates concerted efforts from stakeholders, policymakers, and local communities. Together, they must forge collaborative initiatives to develop sustainable solutions that effectively tackle the surging human-wildlife conflict. The goal is to foster a harmonious coexistence that preserves the rich diversity of Kerala's ecosystems while ensuring the safety and well-being of its residents. By highlighting the correlation between the extent of forest boundaries and the number of forest stations, a comprehensive approach to forest management. It underscores the need for increased investment in infrastructure, technology, and personnel to adequately address the rising instances of human-wildlife conflicts.

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<sup>i</sup> Ajith Kannan, [newindianexpress.com](https://www.newindianexpress.com), 16/01/2023.

<sup>ii</sup> The Wayanad Action Committee to Prevent Wildlife Attack, a farmer organisation in the district of Wayanad Kerala State.

<sup>iii</sup> 2021 SCC OnLine Ker 2863

<sup>iv</sup> . W.P.(C) No. 000632 - / 2023

<sup>v</sup> T.G.baby kutty's report [english.mathrubummi.com](https://www.english.mathrubummi.com) dated 11/01/2024.

<sup>vi</sup> The Kerala Forest Department's mission to capture the wild elephant, Arikomban, which has been terrorizing high-range villages in the Idukki district for the last five years. The elephant named Arikomban **literarily** mean rise tusker due to its habit of raiding shops for rice and other grains in the villages of Chinnakanal and Santhanpara of Kerala.

<sup>vii</sup> C. R. Neelakandan & Anr. v. Union Of India & Ors. [W.P.(C) No. 000632 - / 2023

<sup>viii</sup> Arikomban, the rice-eating wild elephant was translocated from Kerala to Tamil Nadu, following months of protests from conflict areas and heavy media attention.