

Wildlife attacks, a natural disaster from governance failure | C R Bijoy

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#socialtags

Abstract

Wildlife attacks across the country are no longer isolated incidents, but a natural disaster now sweeping across the rapidly expanding highly protected preserves, the Tiger Reserves, National Parks and Wildlife Sanctuaries. Increasing outrage at the governance failure resulting in wildlife being driven to the fringes of human habitations seek to address the cause even while providing expeditious acceptable just relief to the victims. Forests and its wildlife are the victims of the outrageously oppressive colonial forest regime. Legally, democracy in the forests was ushered in two decades ago even as the hegemony of the colonial regime assimilated and subsumed into this democratic community forest governance that conservation demands. The governments and judiciary too have not brought a remarkable change in governance going beyond the outdated law and order approach to protection of forest and wildlife.

Wildlife attacks have reached alarming levels across the country resulting in thousands of deaths, tens of thousands impaired for life and bedridden, long-term psychological trauma not to mention economic loss from crop damage, destruction of properties etc. Most affected are the forest fringe villages located within five kilometers from the forest boundary. A third of the 6,65,000 villages, nearly 2,05,250 villages (1), are forest fringe villages across the country. Over 20 percent of the population or 30 crores inhabit these villages. They are the most vulnerable to wildlife attack. Too often these attacks are straying far away from the forest, marauding the nearby villages and urban settlements.

Wildlife attack or human-wildlife conflict

'Wildlife attacks' are broadcast widely as 'human-wildlife conflict' when the wildlife generally terrorizes the people, and the State, under public order and beat back the threat, or dart, cage and relocate the marauder. When all these fail, or if branded a serial killer, then encountered and neutrally declared 'vermin', culled or exterminated to manageable numbers. What comes widely under the scanner are the attacks by the much talked about income generating iconic wildlife as the Bengal Tiger, the Asian Elephant, the Indian Leopard, the Great One-Horned Rhinoceros, the Asiatic Lion and immigrant Cheetahs from Namibia, South Africa and Botswana.

Packaged and promoted wildly and persistently as 'human-wildlife conflict', wildlife attacks ceases to be a terrifying experience for those who live in forest fringe areas are scripted and dramatized as conflict zones where those human beings under threat – the victims – and wildlife are supposedly engaged in a pitched battle when it is not. And that of the State rushing in valiantly to aid its threatened citizens and containing the wildlife after the deed.

This narrative, repeated ad nauseam, seeks to obliterate those acts by those humans that make the forest unbearable for wildlife, forcing them to seek succor and prey in the surrounding areas. They, who are the threat to wildlife, are those who divert the forests to be obliterated, and in the name of serving the nation's transit to be the vishwaguru as the numero uno economic giant. That includes mining, from coal to rare earth minerals; the insatiable thirst of the affluent urban centers, to power the energy intensive home, urban facilities and the industries; irrigate the water-intensive agriculture; natural forest with carbon credit generating sinks, actually wood lots painted forests. There is the high-growth high-end money-spinning economy whose disposable income is accumulating faster than they can dispose them off.

Wildlife attack is neither an accident nor an offence. The wildlife, we are assured, makes these visits on their own volition, for which the forest is fully blamed. They also assure that all-out efforts are on to remove the right-holding forest-dwellers to make the forests 'inviolable' for these animals. These most often forced removals are recorded, come what may, as 'voluntary relocation' which alone is what the law permits. This serves well the commitment of the government and judiciary when it comes to the laws of forest and wildlife protection, unfazed by empathy for those under threat in sharp contrast to the concerns they have for the venerated wildlife and those threatening wildlife.

Governance failure

The majestic celebrated wildlife is much in demand. When it comes to them, the judiciary too flips, law or no law. Such awe and reverence, rarely shown for the other worldly. More and more wildlife outlets are opened up: Tiger Reserves rapidly expanded from 9 in 1973 to around 15 by the early 2000s. There are schemes to restock those Tiger Reserves where tigers have all but vanished into thin air, and to populate those forests where there are no tigers. In 1970, there were 6 National Parks and 59 Sanctuaries, now stands at 88 in 2010 now stands at 150 [2]. From just 6 National Parks and 59 Sanctuaries in 1970, reaching 85 National Parks and 462 Sanctuaries in 2010.

Protected Area Network [3] now straddles 1,134 sites of an area of 1,87,162.73 sq km, or 5.69 percent of the country. Of them, 106 are National Parks, 574 Wildlife Sanctuaries in 1,27,241 sq. km. 58 Tiger Reserves [4], another statutory category, securing 84,487.83 sq km, is over Conservation Reserves on government-owned land of about 7,054.60 sq. km and 309 Community Reserves on privately or communally owned land. Around 600 Eco-Sensitive Zones spread over 1,11,000 sq. km or so, an additional 3.4 percent land area, surround the National Parks and Wildlife reserves, forming a protective shield. In all, over 9 percent of the country is under legally stringent protective and conservation regimes. On top of all these, India as on 2023 registered an increase by 156 sq km over 2021 according to the India State of Forest Report 2023 of the Forest Survey of India [5]. These achievements in securing forests for wildlife, wildlife on the contrary are increasingly venturing out that wildlife attack is now an issue of national importance and a remarkable governance failure.

Of law and other things

The State forest and wildlife departments have had untrammelled exclusive power, including policing powers, and control over the forest and wildlife. Government and judiciary repose untrammelled faith in them on all matters of forest and wildlife. Timber harvesting, forest working plans, forest clearances, afforestation (carbon sinks), ecotourism, forest conservation and wildlife management admittedly are their key activities. All these are guarded fortresses.

'Wild life includes any animal, aquatic or land vegetation which forms part of any habitat' [Sec.2(37) of Wildlife Protection Act 1972 (WLPA) [6], specified in Schedule I to IV and found wild in nature [Sec.2(36) of WLPA]. The subject of 'wildlife' is now divided between two distinctly different departments: the forest department and the Gram Sabhas of forest dwellers, under their respective jurisdiction since the enactment of Forest Rights Act, 2006 (FRA). The Ministry estimated that around 40 million hectares [8] out of 77.5 million hectares of forests fall within the purview of the Gram Sabhas.

WLPA is limited to wildlife protection and their management. The forest and wildlife bureaucracy are empowered to prevent and take action on wildlife attacks but do not cover wildlife attack except when the concerned wildlife authorities decide to notify a particular wildlife as a threat or as a 'vermin' in order to prevent its damage.

The Gram Sabhas, under the FRA, are to 'protect the wild life, forest and biodiversity', the 'adjoining catchments area, water sources and other resources', the 'habitat', and to 'regulate access' to these areas and 'stop any activity which adversely affects the wild animals, forest and the biodiversity'. The Ministry is yet to issue directions elaborating operational procedures under FRA. The Gram Sabhas are also 'to protect, regenerate or conserve or manage any forest or forest land [Sec.3(1)(i) of FRA] in the forests under their jurisdiction, whether notified as forest or not. That includes the Protected Areas too. FRA at one end empowers forest dwellers, hitherto unjustly criminalized, right into the heart of forest governance.

Two decades later, the Indian Forest Act 1927 and similar state laws, the WLPA, and Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980, (Ministry of Environment and Regulation) Act, 1957, Environment Protection Act, 1986, and National Biodiversity Act, 2002 are yet to be suitably amended to comply with the requirements of forest governance failure.

Wildlife attack and after

The scope of these institutions of governance, the forest department and the Gram Sabhas, at best extends to measures to prevent or reduce wildlife attacks on forest lands under their respective jurisdiction, and not post wildlife attack. This remains to be defined. The Centrally Sponsored Schemes 'Project Tiger and Elephant' include payment of ex-gratia relief for loss of life and property caused by wild animals, awareness and capacity building programmes. Most states have no legal provisions to provide compensation. Maharashtra Payment of Compensation for Loss, Injury or Damage to Property by Wild Animals Act, 2023 [9] and the Kerala Rules for Payment of Compensation to Victims of Attack by Wild Animals, 1980 [10], are some exceptions commensurate with the actual loss and sufferings of the victims and their families. In recent times, there have been strident demands for enactment of a law to address this.

The Supreme Court asked the States on November 16, 2025 [11] to consider 'notifying 'human wildlife conflict' (sic) as a 'natural disaster'. 'Natural Disaster Management Act, 2005, (DMA) [12] means 'a catastrophe, mishap, calamity or grave occurrence in any area, arising from natural or human-made causes or negligence which results in substantial loss of life or human suffering or damage to, and destruction of, property, or damage to, or degradation of, the environment, such a nature or magnitude as to be beyond the coping capacity of the community of the affected area'. Wildlife attack falls very well within the purview of 'disaster management' as 'a continuous and integrated process of planning, organising, coordinating and implementing measures which are aimed at the prevention of danger or threat, mitigation or reduction of risk or its severity or consequences, capacity-building, preparedness to deal with, or the severity or magnitude of the disaster besides evacuation, rescue, relief, rehabilitation and reconstruction. The forest areas falling within the primary zones amenable to prevention, management, mitigation and reduction of risk besides being most vulnerable to wildlife attack require special attention. Hence, these Gram Sabhas ought to be legally empowered to requisition the District Disaster Management Authority under DMA to extend the funds.

(Author: C.R. Bijoy examines natural resource conflicts and governance issues)

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