
HUMAN-WILDLIFE CONFLICT: A REVIEW OF ECONOMIC IMPLICATIONS FOR LOSS IN THE STATE OF KERALA

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ABSTRACT

Human-wildlife conflict (HWC) poses a significant challenge to both biodiversity conservation and human well-being, particularly in biodiverse regions with high population density. This article reviews the economic implications of HWC in the State of Kerala, India, a region characterized by its rich wildlife and extensive human settlement near forest areas. The study synthesizes existing literature and data to analyse the direct and indirect economic costs borne by local communities. Direct losses include human death, crop damage, livestock depredation, and damage to property, which result in a substantial financial burden on farmers and rural households. The researcher adopted doctrinal method for conducting research by analysing existing legislations, rules, government orders and survey reports.

1.1. INTRODUCTION

Human wildlife conflict is a global concern and is faced by almost all nations in this universe. Earlier, the drastic issues of men-wildlife encounters were faced only by the communities living in the fringe areas of forest or inside the forest cover but now it is faced even in semi urban or in urban areas. Human wildlife conflict is a form of adverse confrontation that happens between human beings and wildlife species, which results in drastic effects upon either the humans or animals, or both. The need or demand for natural benefits rises along with the human population, which leads to an increase in the incidences and intensity of conflicts between men and wildlife species. Various forms of mechanisms are applied to reduce the impact of men-wildlife confrontations including compensatory remedy for loss sustained.

The provisions for compensatory remedy for loss sustained is a form of support provided to the victims to begin a fresh start. This is a necessary provision in case for the victims of human-wildlife conflict also. The victims of wild animal attacks are needed to be compensated for the loss sustained by them in order to maintain a higher level of tolerance towards wildlife and to preserve conservation strategies. In order to serve this purpose, The Kerala Rules for Payment of Compensation to Victims of Attack by Wild Animals, 1980 was enacted by the Government of Kerala. This Rules provides provisions for compensating the victims of wild animal's attacks at a rate fixed by the government.

1.2. EX-GRATIA COMPENSATION FIXED BY UNION GOVERNMENT

The Ministry of Environment, Forest and Climate Change (MoEFCC), provides financial assistance to States and Union Territories under the Centrally Sponsored Schemes like, Development of Wildlife Habitats, Project Elephant and Project Tiger for the management of specific wildlife and its habitats. This Centrally Sponsored Schemes also includes provisions for compensation to be paid as ex-gratia to the victims of wild animal's attack in case of threat to human life and property.¹ As per the Order of Union Ministry dated on 9th February 2018, the Ministry has enhanced the ex-gratia compensation payable to victims of wild animal attacks payable under Centrally Sponsored Schemes. This approach creates a balance between human needs and conservation strategies, which means that compensating the loss caused due to wild animals is considered as an integral part in preserving and management of wildlife habitats

¹MoEFCC. GOI, *Human-Animal conflicts in Karnataka*, Lok Sabha. Unstarred Question No.4003 of 19/03/21. 1, 3 (2023), <https://sansad.in/getFile/loksabhaquestions/annex/175/AU4003.pdf?source=pqals>.

under Centrally Sponsored Schemes for development and management of wildlife habitats. The enhanced ex-gratia compensation rates as follows;²

Sl. No.	Nature of damage caused	Ex-gratia relief provided
1.	In case of death or permanent incapacitation of human beings	Rs. 5 lakhs
2.	Grievous injury	Rs. 2 lakhs
3.	Minor injury	Treatment cost up to Rs. 25000/-
4.	Crops/Property damage	Can be prescribed by each States/Union Territories.

The respective State Governments can formulate policies for providing compensation to the victims of attacks by wild animals based on these rates fixed by the Union Ministry.

1.3. THE KERALA RULES FOR PAYMENT OF COMPENSATION TO VICTIMS OF ATTACK BY WILD ANIMALS (KRPCA), 1980

The Kerala Rules for Payment of Compensation to Victims of Attack by Wild animals, 1980³ was enacted by the State of Kerala, as per the powers conferred upon the State under the Wildlife Protection Act, 1972,⁴ with a view to provide financial assistance and support to the victims who sustained loss due to attack of wild animals. This Rule provides ex-gratia compensation for a wide range of losses sustained by attack of wild animals such as human death, permanent incapacitation, bodily injuries, cattle loss and damage to crops and properties.

²*Supra* note 1

³The Kerala Rules for Payment of Compensation to Victims of Attack by Wild Animals, 1980, Government of Kerala, (India).

⁴Wildlife Protection Act, 1972, s.64, No. 53, Acts of Parliament, 1972(India).

Since its enactment, this Rule was amended many times to provide a substantial remedy to victims of attack by wild animals. This shows the commitment of State in improving the compensation framework and enforcing its effectiveness in addressing the issues and needs of the victims. Timely and adequate payment of compensation to victims plays an integral role in mitigating human-wildlife conflicts. Thus, payment of compensation serves dual purpose as providing financial assistance to victims that can help them in rehabilitation and recovery as well as creating a sense of tolerance towards wildlife which in turn encourages conservation strategies.

The recent amendment of KRPCA Rules in 2018, provides for an enhanced compensation payment to the victims who sustained death, injury, cattle loss or crops or property damage due to wild animal attacks.⁵ As per this amendment of 2018, in case of loss of human life due to the attack of wild animals, compensation of Rs 10,00,000/- lakhs shall be paid to the legal heirs of the deceased person. If human death is caused on account of snake bites occurred outside forest areas, an amount of Rs 2,00,000/- lakhs shall be paid to the legal heirs of deceased persons as compensation.⁶ As per the Cabinet decision of Kerala Government, government decided to provide a compensation of Rs 10,00,000 lakhs to the legal heirs of deceased persons due to attack of bee and wasp occurred inside forest areas and also to provide a compensation of Rs 2,00,000/- lakhs to the legal heirs of deceased persons due to attack of wasp and bee occurred outside forest areas.⁷

And in case of permanent incapacitation caused to a person due to wild animal attacks a compensation up to Rs 2,00,000/- lakhs is provided to the victims.⁸ And in case of loss of cattle or damages to crops, houses, huts or other properties, a compensation of 100% of loss assessed to a maximum of Rs 1,00,000/- lakh is provided.⁹

In case of any bodily injury caused to a person due to attack of wild animals, the expenses incurred for medical treatment of the person shall be reimbursed to a maximum of Rs 1,00,000/- lakhs and in case of bodily injury caused to tribals due to attack of wild animals 100% of expenses incurred for medical treatment shall be reimbursed upon submission of a certificate

⁵*Supra* note 3, with reference to GO(MS)17/2018 F&WL, dated on 05/04/2018.

⁶*Id.*, Rule 3(a)1.

⁷ Information and Public Relation Department, Government of Kerala, Cabinet decisions dated on 18/01/2024, <https://prdlive.kerala.gov.in/news/category/cabinet-decision>. (last visited on January 18, 2025).

⁸*Supra* note 3, Rule 3(a)2.

⁹*Id.* Rule 3(a)3.

to that effect issued by a Government doctor not below the rank of civil surgeon in State service.¹⁰

As per the order issued by Kerala High Court in Writ Petition No.16692/2014, directed the Kerala government to issue orders for fixing compensation rates for crop damages caused by wild animals.¹¹ In order to comply with this order of the High Court, the Kerala Forest and Wildlife Department under G.O (MS) No.02/2015/F&WLD, has increased the compensation for crop loss due to the attack of wild animals to 10% over the rate fixed by the Revenue Department.¹² The rate fixed by the Kerala Forest and Wildlife Department for crop damage by wild animals as follows;

Name of Crop	Rate of compensation to be payable for loss of crops
Paddy (per ha.)	11000
Coconut (Bearing per No.)	770
Coconut (Not Bearing per No.)	385
Coconut (up to one year per No.)	110
Banana (Bunched per No.)	110
Banana (Non-Bunched per No.)	83
Rubber (Tapping Per no)	330
Rubber (Non-tapping per No.)	220
Cashew (bearing per No.)	165
Cashew (Non-bearing above 3 years per No.)	110
Arecanut (bearing per No.)	165
Arecanut (Non-bearing per No.)	110
Cocoa (Bearing per No.)	110
Coffee (per No)	110
Pepper (bearing per No)	83
Ginger (for 10 cents)	165
Turmeric (for 10 cents)	132
Tapioca (grown above two months)	165

¹⁰Id. Rule 3(a)4.

¹¹ Smt. Laissy Thomas v. State of Kerala, WP(Civil) No.16692/2014, KHC.

¹² As per G.O (MS) No.02/2015/F&WLD, dated on 08/01/2015.

Groundnut (per ha.)	2200
Sesamum (for 50 cents)	1320
Vegetables (for 10 cents)	220
Nutmeg (bearing per No)	440
Nut meg (non-bearing)	165
Clove (bearing per No)	220
Clove (non-bearing per No)	110
Cardamom (per ha.)	2750
Betel vine (1 cent)	330
Pulses (per 1 ha.)	1100
Tuber Crops (Colossiayam etc) for 10 cents	165
Sugar cane (per ha)	2750
Pineapple (for 10 cents)	825
Fodder grass (for 10 cents)	165
Mulberry (for 50 cents)	825
Tobacco (for 10 cents)	1650
Cotton (for 10 cents)	330

Mechanism for awarding compensation under KRPCA, 1980

The Rule 4 of KRPCA, 1960 provides the mechanism for awarding compensation to victims of wild animal's attack as;

1. The individual seeking compensation in accordance with this Rule must submit their application for compensation in the designated format within a three-month timeframe from the occurrence of the incident. And in the event of a compensation claim for the loss of a human life, the lawful successors of the deceased must apply to the Forest Range Officer or the Assistant Wildlife Protection Officer having jurisdiction over the relevant area, accompanied with required supporting documentation.¹³
2. Upon receiving the compensation application, the Forest Range Officer, Assistant Game Warden, or Assistant Wildlife Protection Officer is required to carry out a sufficient enquiry

¹³*Supra* note 3, Rule 4(b)

and subsequently submit the application, along with their recommendations, to the Divisional Forest Officer, Game Warden, or Wildlife Protection Officer who holds authority over the relevant jurisdiction.¹⁴

3. In case of application of compensation for loss of life, the Divisional Forest Officer or Game Warden or Wildlife Protection Officer shall within 15 days from receiving the recommendations from the Range Officer shall pass an appropriate order on compensation claim. After receiving the recommendations from the Range Officer and on receiving the relationship certificate of the deceased person from the concerned village officer, the DFO/Game Warden/ Wildlife Protection Officer shall pay 50% of the compensation claim to the legal heirs of the deceased person. And the remaining 50% of compensation shall be paid within 7 days of submitting an heirship certificate of the deceased person.¹⁵

4. During the enquiry process of a compensation claim, it is mandatory for the rightful legal heirs of the deceased individual to provide official documents certifying their status as legal heirs.¹⁶

5. An individual who has sustained enduring incapacitation or injury as a result of untamed animal attack is required to present a medical certificate verifying such conditions. This certificate must be issued by a medical officer holding a rank not lower than that of a Civil Surgeon within the State's service.¹⁷

6. A particular individual can apply for compensation under Rule 3 of KRPCA, 1980 only 4 times a year.¹⁸

Now all applications for claiming compensation for attack by wild animals shall be submitted online through e-District portal with relevant documents supporting the claims. An individual who feels dissatisfied with the orders or determinations issued by the Divisional Forest Officer (DFO), Game Warden, or Wildlife Protection Officer on compensation claim have the right to lodge an appeal with the appropriate appellate authority within a period of 30 days from the

¹⁴*Id.* Rule 4(c)

¹⁵*Supra* note 3, at Rule 4(d)

¹⁶*Id.* Rule 4(e)

¹⁷*Id.* Rule 4(f)

¹⁸*Id.* Rule 4(g), with reference to GO (MS) No.32/2013/F&WLD, dated on 22/03/2013.

date of receiving said order. The order rendered by the appellate authority shall be deemed conclusive and binding.¹⁹

Persons not eligible for compensations under KRPCA, 1980;

The Rule 5 of KRPCA, 1980 provides certain categories of persons who are not eligible for compensations for loss sustained by attack of wild animals under this Rule.

1. An individual who have been convicted or involved in any violations of the Wildlife Protection Act, 1972 or Kerala Forest Act, 1961, are not entitled to receive any form of compensation according to this Rule. However, if the aforementioned individual does not have a history of habitual forest offences or if his death was caused by wild animals unrelated to the commission of any forest offences, the relevant forest officer has the authority to investigate the matter and provide compensation if deemed eligible.²⁰
2. Compensations will not be provided to individuals who encroach upon forest lands or sustain loss or injury while engaging in the illegal activity of smuggling forest resources or unauthorized entry into reserve forest areas. Additionally, compensation will not be granted for the loss sustained to crops or improvements made illegally on forest land, unless the affected individuals are tribals who have traditionally resided in forest lands or individuals who possess forest lands legally under authorisation of relevant authority.²¹
3. The owners of agricultural lands will not receive any form of compensation for crop damage in the event that they possess a gun license, which is issued with an intend for safeguarding their crops.²²
4. Compensations will not be granted to an individual for any harm or detriment incurred as a result of the presence of captive wild animals.²³

According to the data's of MoEFCC, it is clear that almost 555 cases of human death and 30589 cases of physical damage was reported during the period of 5 years (2019 – 2023) due to attack of wild animals in State of Kerala and an amount of Rs 1,383.61 lakhs was paid as

¹⁹*Id.* Rule 7.

²⁰*Supra* note 3 Rule 5(a).

²¹*Id.* Rule 5(b).

²²*Id.* Rule 5(c).

²³*Id.* Rule 5(d).

compensation for death caused during this period.²⁴ So, considering the number of human deaths and ex-gratia compensations paid for such deaths caused by the attack of wild animals, there seems a drastic differences in statistical data that means that the average amount of compensation fixed by KRPCA, 1980 is not even paid to the legal heirs of deceased as compensation. Out of these, 555 cases of human death, in the State, majority of cases are due to snake bite which is paid with a low ex-gratia compensation (2 lakhs) as compared to compensation paid in death cases caused by other wild animals (10 lakhs).

As per the report of MoEFCC, almost 108 death was reported in State of Kerala due to attacks of elephants and tigers during this period (2019 - 2023).²⁵ So, if we consider this, 108 cases of human deaths which is to be paid with a compensation of Rs.10 lakhs each as per KRPCA, 1980, an amount of Rs. 1,080lakhs are itself needed to be paid to the legal heirs of the deceased. And if the compensation amount paid to the legal heirs of deceased due to snake bite is also taken into consideration, a huge difference between the statistical data of number of human deaths caused due to attack of wild animals and ex-gratia compensation paid for such death can be found. So, it makes clear that the average amount of ex-gratia compensation provided by the KRPCA 1980, is not adequately paid to the victims of wild animal attacks in the State of Kerala and thus, creating an injustice the victims who sustained substantial loss due to the attack of wild animals.

1.4. JUDICIAL PERSPECTIVES TOWARDS HUMAN-WILDLIFE ENCOUNTERS

In the case of M. T Thomas and Others v. Principal Chief Conservator of Forest, Thiruvananthapuram,²⁶ a writ petition was filed before the honourable High Court of Kerala by some farmers who held lands adjacent to reserved forest areas. And they faced regular instances of crop loss caused by wild animals intruding into their cultivable land from adjacent forest areas. As a result of this attack from wildlife they faced a huge economic crisis and many of them left agricultural activities. Many applications and requests were made to forest

²⁴MoEFCC. GOI, *Loss of life and property in Kerala due to wild animals*, Rajya Sabha, Unstarred Question No.2109 of 21/12/2023. 1, 3 Annexure-I (2023)
http://www.indiaenvironmentportal.org.in/files/file/winter_session_2023/RajyasabhaLoss%20of%20life%20in%20Kerala%20due%20to%20wild%20animals.pdf.

²⁵Ministry of Environment, Forest and Climate Change, GOI, *Wild animal attacks in the Country*, Rajya Sabha Unstarred Question No.918 of 27/07/23. 3 & 4 (2023),
<https://sansad.in/getFile/annex/260/AU918.pdf?source=pqars>

²⁶ M. T Thomas and Ors v. Principal Chief Conservator of Forest, Thiruvananthapuram, WP(Civil) No.8442/2010 KHC.

authorities to tackle this issue and to prevent entry of wild animals into cultivable lands. But no effective steps were taken by the concerned forest authorities. Thus, the petitioners approached the honourable High Court with a prayer to direct the forest authorities to take speedy and effective steps or mechanisms to prevent the entry of wild animals into agricultural lands and thus to reduce crop loss and property damages and also to adequately compensate for the loss sustained by them. The honourable High Court in its order, made it clear that it is the essential duty of the State to prevent the straying of wild animals in humans inhabited areas and protect citizens against the attack of wildlife. The Court also directed the Forest authorities to provide speedy and adequate compensation proportional to the loss sustained by the petitioners due to the attack of wild animals.

In the case of *Smt. Laissy Thomas v. State of Kerala*²⁷, this writ petition was filed before the honourable High Court of Kerala by the petitioner seeking an enhanced ex-gratia payment for the crop loss sustained by the attack of wild animals. The High Court, viewed that it is the duty of the State to protect its citizens and sufficiently compensate for loss sustained due to attack of wild animals. The Court directed the State Government to pass appropriate government orders specifying enhanced ex-gratia compensation rates fixed for each crop variety damaged by attack of wild animals, enhanced from those fixed by the revenue department. Following this order, the Kerala Forest and Wildlife Department passed a government order specifying the enhanced ex-gratia rate for each crop damaged by wild animals with an increase of 10% of rates fixed by the revenue department.

In the case of *Anuja Arun Redij v. State of Maharashtra and Another*²⁸, this writ petition was filed by the widow of deceased, who was dead in an accident caused by the attack of wild boar on 5th February 2019. Anuja Redij, the widow of the deceased made an application to the Regional Forest Officer seeking compensation for death caused by attack of wild animals. This application for compensation was rejected by the Forest authorities stating that death was caused due to an accident not due to the attack of wild animals. While dealing with this case, the honourable High Court made it clear that, it is the duty of the State to protect and uphold the right to life of its citizens guaranteed under Article 21 of the Indian Constitution. The State should perform or serve dual purposes, one to protect wildlife and other is to protect its citizens from the attack of wild animals. If the State fails to protect its citizens from wildlife encounters,

²⁷*Supra* note 11.

²⁸ *Anuja Arun Redij v. State of Maharashtra and Anr*, 2022 SCC Online Bom.2871.

it is actually the failure of the State to protect the enshrined fundamental rights to life under Article 21. And the State is liable to pay reasonable and substantial compensation to victims of wildlife encounters. And the court quashed the order of Regional Forest Officer and directed the State to pay a compensation of Rupees 10 lakhs with an additional cost of 50,000 as litigation cost to petitioner within 3 months of order.

In Case of K.V. Sebastian v State of Kerala,²⁹ a writ petition was filed by the petitioner seeking an effective remedy to prevent the damage caused to crops and properties by wild boars and prayed to declare it as a vermin species. The honourable High Court in this case passed an interim order directing the Chief Wildlife Warden of Kerala State to permit the petitioner to kill wild boars that caused crop and property damage in their lands.

The Kerala State Human Rights Commission recently directed the Kerala State Government to provide an enhanced compensation to the dependants of deceased persons caused by snake bite. The Commission directed the State Government to make provisions to provide at least rupees 5 lakhs as compensation to the legal heirs. The Commission made it clear that almost 60% of death caused in the State by wild animals is due to snake bite, so an enhanced compensation is necessary in this context. And if State machinery is not availed with adequate funds to compensate the victims of snake bite, it should be notified as a disaster and funds should be made available from the Chief Minister's Disaster Relief Funds.³⁰

1.5. CONCLUSION

The incidents of human-wildlife conflicts are on drastic increase in State of Kerala. The State machineries have formulated and implemented various measures and strategies to prevent and reduce the instances of human wildlife conflicts. One of the important mitigation methods that can be adopted to reduce the impact of human-wildlife encounter is to provide adequate compensatory relief to the victims who sustained substantial loss due to attack of wild animals. In order to achieve this objective, the Kerala Rules for Payment of Compensation to the Victims of Attack by Wild Animals, 1980 was formulated. But the achievement of this objective of this Rule is under question. The reports and data of Kerala Forest Department shows a disparity between the Compensation rate fixed by KRPCA 1980, compensation claims submitted and

²⁹ K.V. Sebastian v State of Kerala, 2021 SCC Online Ker.2863.

³⁰ Onmanorama, Kerala govt urged to give at least 5 lakhs as compensation to snakebite victims, published on 23/01/2023, <https://www.onmanorama.com/news/kerala/2023/01/23/kerala-snakebite-deaths-give-5-lakh-compensation-human-rights-commission.html>, (Last visited on 2nd January 2025).

compensations paid on those claims to the victims of wildlife attacks. This makes a significant conclusion that adequate and speedy disbursement of compensation is not provided to the victims who sustained substantial loss by wild animal attacks. Even the compensatory rates fixed for loss sustained by the Kerala Compensation Rule is not provided to the victims and a prolonged delay is present in disposing the claims submitted for compensation. So, it is necessary for an adequate legislative provision and a machinery to provide adequate and timely compensations to the victims of wild animal attacks to ensure fair and just treatment towards mankind as well as to preserve conservation efforts towards wildlife species.