



## **3<sup>rd</sup> Wildlife Protection Government Law College National Online Moot Court Competition, 2021**

**26<sup>th</sup> - 28<sup>th</sup> November 2021**

### **Moot Proposition**

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In the High Court of Maya  
Public Interest Litigation No. 115 of 2021

The Mayan Society of Conservation

Versus

Government of Maya

1. With a burgeoning population and associated urbanisation, the Country of Extracta stands as the second largest populated country and the sixth-largest economy in the world. It is categorized globally as a developing country. Extracta also has one of the largest networks of forests in the world which allows it to house the largest number of big cats, large mammals and diverse flora and fauna.
2. On its path to quick development, urbanisation and business opportunities have increased. For that, Extracta is building transport roads at an accelerated pace. The roads cut-through its rich ecosystems of forests, grasslands, wetlands and give rise to increased settlements around these ecosystems.
3. Naturally, rural settlements carried out activities such as agriculture, livestock grazing, collection of forest produce, extraction of fuelwood, hunting for wild animals for subsistence and so on. In large parts of Extracta, people living around forests, though dependent on them, did not decimate the forest. In certain parts of Extracta, various plants and wild animals are even worshipped.
4. However, in some regions of Central Extracta, the relationship between humans and animals was strife. Villages and settlements around forests in Central Extracta faced crop

and property damage, livestock predation, and human injury and death due to increasing exposure to wild animals as the population continued to increase and put more pressure on the forest. It is estimated that the State Governments annually spend Rs. 38 crores as compensation.

5. But compensation as a tool to mitigate human-wildlife conflict has been failing in Central Extracta largely due to ad-hoc policies and lengthy, ambiguous procedures in receiving the ex-gratia payments. The region has seen a rise in poaching activities. The animals, many of which are already threatened or endangered, are often killed by humans in retaliation or to 'avoid' future conflicts. Villagers also install electric fences around farms to keep wild animals away from crops and livestock. This has resulted in the death of many wild animals.
6. Another contributing factor to increasing human-wildlife conflict is the climatic conditions of Central Extracta which regularly experiences heat waves. Recent studies have shown that animals, particularly elephants, need to drink more water during periods of extreme heat resulting in increased migration from drought-prone regions.
7. In one region of Central Extracta called Magardole in the State of Maya, one incident of human-wildlife conflict in early-2020 caused uproar in the State. Magardole recently had also started receiving limelight for its growing local economy, benefitting the State of Maya. In the hot month of May, a herd of elephants reached the outskirts of a settlement and trampled some hutments on way to the village waterbody to quench their thirst. In the process, a child was killed under a collapsed wall, while his mother, who was also the bread-earner in the family, got permanently paralyzed waist downwards.
8. This particular incident received major media attention due to local politics. Despite the media attention to adopt proper and effective measures to mitigate conflict and ease the procedure for compensation, the family of deceased and injured persons had not received compensation payments until early-2021. When they did, it was a meagre amount as the compensation policy did not have any standardised manner of calculating compensation for permanently disabled people. All these incidents increased hostility towards the forest animals. They also largely impacted conservation efforts of noted conservation organisations working towards protection and restoration of biodiversity in the region.

9. Concerned with the rise in such incidents and demands made by local activists and noted NGOs, the Government of Maya urgently formulated the Mayan Compensation of Human-Wildlife Conflict Regulations, 2021 (“CHWC Regulations”). The CHWC Regulations a) consolidated ad-hoc state compensation circulars, b) crystallized the procedure for grievance redressal, c) mandated the appointment of grievance redressal officers for each taluk in the district, among other relevant beneficial provisions such as defining the term “wildlife”, setting out, simplifying procedures, introducing strict timelines for officers to follow up and disburse the compensation amount.
10. Despite the well-intentioned introduction of the CHWC Regulations to adequately compensate victims of human-wildlife conflict within time, the CHWC Regulations faced vehement opposition by multiple stakeholders primarily on the grounds that the provisions were inadequate, arbitrary and did not prevent occurrences of human-wildlife conflict. Particular grievances were raised on the following points:
  - i. The CHWC Regulations failed to provide any mechanism for determination of compensation, and has left the discretion of determining the amounts of compensation, if any, to the grievance redressal officer at every taluk. As per the regulation:

*“The Grievance Redressal Officer, may, after making an independent assessment award a sum of compensation to the victim and his/her family”*
  - ii. Several stakeholders contended that the CHWC Regulations were exclusively anthropocentric, and did nothing to address the root cause of human-wildlife conflict. This would lead to continued destruction of wildlife and would amount to no significant measures being taken towards wildlife conservation.
11. Taking into account the grievances, The Mayan Society of Conservation filed a writ petition before the High Court of Maya, against the Government of Maya for the following:
  - a. That the Government of Maya lay down specific criteria for calculation along with relevant sums of compensation, so that the discretion for calculation of compensation would not lie with the Government Redressal Officer would not result in ambiguity and arbitrary decisions and the decision making had adequate basis in law.

- b. That the Government of Maya include measures to prevent and mitigate occurrences of human-wildlife conflict for protection of both humans and animals instead of including only reactionary and detrimental compensation measures.

12. In response to the Petition filed by the Mayan Society of Conservation, the Government of Maya filed the following response before the High Court of Maya:

- a. That it was not possible to lay down specific criteria for calculating compensation owing to the varied nature of the damage caused by wildlife when they encroach upon human habitats.
- b. The Government of Maya contended that reducing human-wildlife conflict was not within the objective or purview of the CHWC Regulations, and therefore, they are not required to include measures to reduce human-wildlife conflict within the ambit of this CHWC Regulations. The government also contended that development was an essential part of the economy and including stricter measures to mitigate conflict in Magardole would involve resettlement of villages and uprooting of livelihoods and local flourishing economies.

13. The Court decided to hear the matter on the following questions:

- a. Whether the provision granting discretion to the grievance redressal officer is legitimate? If yes, what could be the criteria for calculation of compensation?
- b. Whether compensation as a mitigation tool for human-wildlife conflict strikes a balance between the right to life and the State's duty to protect the environment? If not, what additional preventative measures could be undertaken to address the root causes of this conflict in the State?
- c. What orders, if any, can the Court pass in these proceedings?

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Note: The laws of Extracta and the laws of India are in *pari materia*.

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