

**IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR.JUSTICE DEVAN RAMACHANDRAN**

Friday, the 16th day of February 2024 / 27th Magha, 1945
WP(C).NO.36422 OF 2023(C)

PETITIONERS:

1. M.N. JAYACHANDRAN, [REDACTED]
2. PREETHI SREEVALSAN, AGED 44 YEARS, FOUNDER, PEOPLE FOR ANIMAL WELFARE SERVICES (PAWS) RAJ VIHAR, P.O. POOTHOLE, THRISSUR, PIN - 680004

RESPONDENTS:

1. UNION OF INDIA REPRESENTED BY SECRETARY TO GOVERNMENT OF INDIA, MINISTRY OF ENVIRONMENT FOREST AND – CLIMATE CHANGE (WILD LIFE DIVISION), VAYU BLOCK, INDHIRA PARIYAVARAN, JORBAGH ROAD, NEW DELHI, PIN - 110 001
2. STATE OF KERALA REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
3. THE ADDITIONAL CHIEF SECRETARY TO GOVERNMENT OF KERALA LOCAL SELF GOVERNMENT DEPARTMENT GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
4. THE PRINCIPAL SECRETARY TO GOVERNMENT OF KERALA FOREST AND WILD LIFE DEPARTMENT GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
5. THE PRINCIPAL CHIEF CONSERVATOR (WILD LIFE) AND – CHIEF WILD LIFE WARDEN, THIRUVANANTHAPURAM, PIN - 695014
6. THE DIRECTOR URBAN AFFAIRS SWARAJ BHAVAN, NANTHANCODU, KOWDIAR(P.O.) THIRUVANANTHAPURAM, PIN - 695003
7. THE DIRECTOR OF PANCHAYATH SWARAJ BHAVAN, GROUND FLOOR, NANTHANCODU, KOWDIAR P.O., THIRUVANANTHAPURAM, PIN - 695003
8. ANIMAL WELFARE BOARD OF INDIA 42 KM STONE, DELHI-AGRA HIGHWAY, NATIONAL HIGHWAY-2, VILLAGE-SEEKRI, BALLABHGARH, FARIDABAD, HARYANA - INDIA REPRESENTED BY ITS SECRETARY, PIN - 121004
9. THE PRESIDENT KAAMAKSHY PANCHAYATH KAAMAKSHY P.O., THANKAMONI, IDUKKI, PIN - 685609

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to stay the operation and implementation of Ext.P3 and further action based on it, pending disposal of the Writ Petition (C)

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of SRI.K.JAJU BABU (SENIOR ADVOCATE), along with M/S.SACHIN RAMESH & BRIJESH MOHAN, Advocates for the petitioners, DEPUTY SOLICITOR GENERAL OF INDIA for R1, SRI.T.P.SAJAN, GOVERNMENT PLEADER for R2 & R7, SRI. JOICE GEORGE, Advocate for R9 and of SRI.GEORGIE JOHNY as AMICUS CURIAE, the court passed the following:

DEVAN RAMACHANDRAN, J.

WP (C) No.36422 & 37950 of 2023

Dated this the 16th day of February, 2024

ORDER

Though these cases apparently project conflict between human habitation and wild pigs; and call into question actions taken by the Government to confer the status of Honorary Wildlife Wardens on certain categories of persons, the larger issue is as to how to manage these apparent 'conflicts'; and bring a coalesced and harmonious existence between the various species that inhabit this earth.

2. Normatively, killing and culling of wild animals, which trespass into human habitat, as the sole method of defence can never be thought of as a panacea; and this is virtually without contest at the Bar today.

3. After these matters were heard for some time, there emerged a virtual consensus that what really is now required is for the

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Government to formulate a Policy, particularly for the management of such issues, as is now mandated under the Wild Life Protection Act, through its amendments of the year 2023; and it is conceded by the learned Special Government Pleader - Sri.T.P.Sajan, to a pointed question from this Court, that a comprehensive Policy with respect to the increasing instances of seeming conflicts between humans and animals, has not yet been put into place, except having certain decisions taken specifically to encounter specified circumstances.

4. In fact, the pleadings in these cases would themselves show that the decision, to nominate certain categories of persons as Honorary Wildlife Warden, was taken not on the basis of a comprehensive evaluation of the 'man-animal conflict' as a whole, but to get over the specific problem encountered of wild pigs straying into human areas and causing damage, if not injury.

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5. Since the issues projected as afore have become very important, going by certain recent developments which are fresh in the public mind, I request Sri.Gerogie Johny, learned counsel of this Court, to assist this Court as an *Amicus Curiae*. The Registry will furnish to him the pleadings in these cases within a period of one week.

6. That said, as I have already indicated above, it is now for the Government to act and come out with a comprehensive Policy with respect to the instances as are projected in these cases, not only *qua* wild pigs, but every other species of wild animals. If action is not taken now, it might become difficult, if not impossible, in a few years, with the number of instances going up. This will certainly require deep thought, extensive reflection and evaluation of all germane inputs and materials; and obviously, not something which this Court can do - but can only commend, which I hereby do.

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7. The Government must be certainly aware that unless the issue is dealt with immediately and forthwith, it might become difficult as time progresses, to deal with it effectively.

List this matter, therefore, for further consideration on 12.03.2024; within which time, I request the Government to obtain the view of the Government regarding a proper Policy in such matters and inform this Court, not only from the angle of wild boars and pigs as reflected in these cases, but generally and comprehensively.



Sd/-

DEVAN RAMACHANDRAN
JUDGE

H/o
akv

APPENDIX OF WP(C) 36422/2023

Exhibit P3

**TRUE COPY OF THE ORDER OF THE 5TH RESPONDENT VIDE
NO.KFDHQ/3331/2021-CWW/WL11 DATED 31.05.2022.**

