

IN THE HIGH COURT OF UTTARAKHAND

AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI VIPIN SANGHI

AND

HON'BLE SRI JUSTICE RAKESH THAPLIYAL

WRIT PETITION (PIL) NO. 74 OF 2022

14TH JUNE, 2023

BETWEEN:

Anu PantPetitioner.

And

State of Uttarakhand & anotherRespondents.

Counsel for the Petitioner : Mr. Abhijay Negi, learned counsel.

Counsel for the Respondents : Mr. C.S. Rawat, learned Chief Standing Counsel and Mr. S.S. Chauhan, learned Deputy Advocate General.

The Court made the following:

ORDER:(per Hon'ble The Chief Justice Sri Vipin Sanghi)

In compliance of our order dated 22.05.2023, Mr. R.K. Sudhanshu, Principal Secretary, Ministry of Environment, Forest and Climate Change, Government of Uttarakhand, is present before us. He has also filed his detailed affidavit stated to be in compliance of our previous order.

2. The point by point response/ compliance of the Standing Order dated 27.07.2022 (at Page No.123 of the record) has been given in the affidavit.

3. Mr. Negi states that he would like to file rejoinder-affidavit to the same. The rejoinder-affidavit may be filed within six weeks.

4. Since these are not adversarial proceedings, Mr. Negi should highlight the steps that, according to him, the State needs to particularly focus on and to deal with the issue relating to man-animal conflict. If the petitioner finds that there are some areas wherein further steps are required, they may be highlighted in the rejoinder-affidavit.

5. At this stage, we may observe that, our concern is to see that the State and its instrumentalities are looking at the problem of man-animal conflict with all seriousness and sincerity, and that their officers/officials are complying with the Standing Orders and the Standing Operating Procedures, which have been evolved, either by the State itself, or by other authorities, such as the Central Government.

6. Mr. Negi points out from the affidavit filed by the State that there are several claims of people- arising from man- animal conflict, pending, relating to compensation, and cases have been pending since 2016 onwards. Even in relation to the year 2022-23, there are 38 pending claims.

7. The State should expedite the disposal of the claims, one way or another, upon examination of the merits of each of such claims.

8. Mr. Negi further submits that the affidavit filed by Mr. R.K. Sudhanshu discloses that, presently, there are only 8 veterinary doctors in service of the Forest Department in the

State. All of them are on deputation from the Animal Husbandry Department, and they are stationed in three out of the thirteen districts of the State. He submits that veterinary doctors should be available in each of the districts. In this regard, he has referred to the Standard Operating Procedure to deal with Emergency Arising Due to Straying of Tigers in Human Dominated Landscapes, issued by National Tiger Conservation Authority, Ministry of Environment, Forest & Climate Change, Government of India, as well as the Guidelines for Human-Leopard Conflict Management, issued by the Ministry of Environment and Forests, Government of India. Both the SOP and the Guidelines, aforesaid, emphasize on the availability of veterinary doctors to deal with man-animal conflict.

9. Mr. Sudhanshu states that a large number of veterinary doctors are available in each of the districts, who have been trained by the Forest Department to deal with the issue relating to man-animal conflict. He states that the Animal Husbandry Department of the State would be called upon to designate veterinary doctors for each of the districts of the State. He further states that panel of trained veterinary doctors, with their contact details, in each district shall be prepared, which shall be made available to the officials dealing with such conflict, and shall also be uploaded on the website of the Forest Department, so that information is also

available to the public at large. This exercise be completed before the next date, and compliance reported.

10. Mr. Negi has also drawn the attention of the Court to the budget allocated for dealing with the human-wildlife conflict mitigation for the financial year 2022-23. He submits that there appears to be no amount allocated for training and awareness of the local population in areas surrounding forests, and wildlife sanctuaries.

11. The respondents should look into this aspect, and to deal with man-animal conflict, it is essential that training and awareness of the local population is undertaken, so that they are aware of the dos and don'ts, so as to avoid such conflict.

12. One of the reasons for increase man-animal conflict is the release of old cattle and cows which are not milk bearing, and which cannot be used for farming purposes by the owners. Stray cattle wonder into the forests and attract carnivores, such as leopards and tigers. They are easy prey for such carnivores. Such stray cattle give rise to increased man-animal conflict. It also drives the carnivores out of their core areas, into the periphery where the human habitations exist. The State should take definite and stringent measures against all such persons who release their cattle and allow them to wonder into the forest areas. The State should

formulate a policy, where it should be possible for persons, who are not interested in keeping their cattle, to surrender the same in the shelter homes for such old and infirm cattle. Cattle which is found to be straying, should be impounded and taken to such shelter homes, and the persons found responsible for leaving their cattle astray, should be appropriately penalized. Such penalty should have deterrence effect.

13. The State should place its views on the above aspects before this Court in a further affidavit to be filed before the next date.

14. It is also pointed out by Mr. Negi, by reference to the affidavit filed by Mr. Sudhanshu, that the SOP being followed by the State, presently, is not species specific.

15. The State should draw into the expertise of experienced and qualified personnel and experts available with it, to document the general traits and nature of different species of animals, which are involved in man- animal conflict, such as elephants, tigers, leopards and bears, and depending on their habits, needs and traits, literatures should be published indicating the dos and don'ts that human beings should follow, to avoid such conflicts. Such literature should be widely circulated, particularly, in areas which witness man- animal conflict in the State.

16. The rejoinder-affidavit be filed by the petitioner within six weeks.

17. The further affidavit shall be filed by the State at least two weeks before the next date. In the affidavit to be filed by the State, they should clearly state as to which are the identified corridors for movement of wild animals. Other areas where movement of wild animals takes place, from one habitat to another, should also be indicated in the affidavit.

18. List on 17.08.2023.

19. The personal appearance of Mr. Sudhanshu is dispensed with on the next date. However, he shall join the proceedings *virtually*.

(VIPIN SANGHI, C.J.)

(RAKESH THAPLIYAL, J.)

Dated: 14th June, 2023

NISHANT