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ASSESSING THE NEED FOR A COMPREHENSIVE LEGAL FRAMEWORK FOR WILDLIFE CORRIDORS IN INDIA: ADDRESSING HABITAT CONNECTIVITY AND CONSERVATION CHALLENGES

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1. INTRODUCTION

As per the India State of Forest Report, 2021, the total forest cover of India is 7,13,789 sq.km which amounts to 21.71% of the geographical area of the country.¹ However, since 2000, India has lost 2.33 million hectares of forest cover, which is equivalent to 6% decrease in the tree cover.² Due to the rise in the human population and urban settlement, wildlife sanctuaries, national parks, tiger reserves, etc., are being intruded by the human settlements, which ultimately results in the large forests being broken down to small patches. However, this fragmentation has a negative impact on the wildlife. As forests get fragmented, the animal population also breaks up, becoming smaller isolated sub-populations, which is not ideal for the long-term survival.

But, these fragments of forests may sometimes have a connection, which may be just few trees and bushes that sometimes look unimportant, but they are critical for the long-term survival of wild life species. These are called wildlife corridors. They allow animals to move between populations, helps to prevent issues like interbreeding and low genetic diversity, and further helps animals to migrate from one place to another and establish a new group.

Though many of the international convention provides for conservation of biodiversity, none of them expressly provides for the protection of corridors. Further, India, being a signatory to the conventions enacted several legislations in furtherance of the objectives, including the Wild Life (Protection) Act, 1972, which provides for notification and management of protected areas such as national park, tiger reserve and sanctuaries, but fails to address habitat connectivity in

¹ IFSR, 2021, Forest Survey of India, available at <https://fsi.nic.in/forest-report-2021-details> (last accessed on 17th September, 2024)

² India lost 2.33 million hectares of tree cover since 2000: Global Forest Watch, The Indian Express, 2024, available at <https://indianexpress.com/article/india/india-lost-2-million-hectares-of-tree-cover-since-2000-global-forest-watch-9266750/> (last accessed on 17th September, 2024)

an explicit manner. Even though a bill which explicitly provides for wildlife corridor has been introduced, it was not passed as an act. It may not be out of place to mention that even the present legislation passed³ further accelerate fragmentation of this forest and wildlife corridor by not mandating forest clearance for certain projects by the Government.⁴

Encroachment into the animal space though not currently comes under the protected area leads to various problems like human-animal conflict, loss of biodiversity, etc. This paper aims at analysing the role and importance of wildlife corridor, status of the current wildlife corridors and the existing legal frameworks regarding the conservation of the corridor and suggests possible solutions.

2. ROLE AND IMPORTANCE OF WILDLIFE CORRIDORS

Wildlife species like Tiger (> 0.5 hectares)⁵ and grizzly bears (50 to 300 sq. miles for females, and 200 to 500 sq. miles for males)⁶ need expansive or extensive areas to survive. These are the first to disappear due to fragmented protected areas. Even if the protected areas are larger in size, they are still susceptible to danger, as the fragmented areas are isolated, which could invite dangers like stochastic events and genetic drift.⁷ As stochastic events can happen even without human intervention, with the use of wildlife corridors, populations can move from one area to another in response to natural disasters and environmental change, and can recolonize habitats.⁸ Further, these corridors also serves the organisms to a greater extent in helping them find another habitat, in order to combat the events of global warming.⁹ In addition to that, wildlife corridors helps in mitigating human wildlife conflicts by providing pathways for animals, thereby reducing the intrusion of animals into the human settlements.

Not all the corridors are made of trees, open space corridors as well exists, for example, linear wetlands, watercourses, artificial environments, etc. It is used as a part of habitat by most of

³ The Forest Conservation (Amendment) Act, 1980

⁴ Snigdendu Bhattacharya, Govt Reports Warn How India's New Forest Law Will Accelerate Fragmentation of Critical Animal Corridors, The Truth Needs Telling, 2023, available at <https://article-14.com/post/govt-reports-warn-how-india-s-new-forest-law-will-accelerate-fragmentation-of-critical-animal-corridors-64fe7c5fbb331> (last accessed on 17th September, 2024)

⁵ Dr John C M Lewis, *Guidelines: Facility Design and Location*, WOLRD TIGER HEALTH PROJECT.

⁶ grizzly_bear, U.S. FISH & WILDLIFE SERVICE GRIZZLY BEAR (2007).

⁷ dw, *Why Are Wildlife Corridors so Important for Conservation?*, WILDLIFE SOS (2020).

⁸ JENNIFER SCHLOTTERBECK, *Preserving Biological Diversity with Wildlife Corridors: Amending the Guidelines to the California Environmental Quality Act*, 30 SOURCE: ECOLOGY LAW QUARTERLY (2003), <https://www.jstor.org/stable/24114275> (last accessed on 14th October, 2024)

⁹ DANIEL SIMBERLOFF ET AL., *Society for Conservation Biology Movement Corridors: Conservation Bargains or Poor Investments?*, 6 BIOLOGY (1992).

the species, and the only sites for habitat by certain species.¹⁰

3. LEGAL FRAMEWORKS

The concept of marking certain patches of forest land for protection of the wildlife habitat was first introduced in India with the enactment of Indian Forest Act, 1927.¹¹ In spite of the fact that we have several legislative frameworks for biodiversity conservation, none of the frameworks expressly speaks about wildlife corridors.

- a. **International Frameworks:** The major international instruments relating to biodiversity like the Convention on Biological Diversity, 1992; the Convention on the Conservation of Migratory Species, 1979; the Convention on Wetlands of International Importance, 1971; the World Heritage Convention, 1972 doesn't explicitly refer to wildlife corridors. Article 8(a) of CBD provides for the establishment of protected areas or areas as a special measure to conserve biological diversity. Further, Article 10 of the Directive of the European Union Council 92/43/EEC provides for management of linear and continuous structures that are essential for dispersal, genetic exchange and migration of wild species. In addition to that, as per Article 3 of the Ramsar Convention, State shall be informed of any change in the ecological character of wetland resulting from human interference, pollution or technological development.¹²
- b. **Indian Law:** India, being a signatory to all the conventions provided above, in furtherance of the objectives, enacted the WLPA. The act provides for conservation of species by notifying and management of protected areas i.e., wildlife sanctuaries, national parks, tiger reserves. Section 38V(3)(b) of the Act provides as follows:
“The State Government shall prepare a Tiger Conservation Plan including staff development and deployment for the proper management of each area referred to in sub-section (1), so as to ensure – ecologically compatible land uses in the tiger reserves and areas linking one protected area or tiger reserve with another for addressing the livelihood concerns of local people, so as to provide dispersal habitats and corridor for spill over population of wild animals from the designated core areas

¹⁰ LENA GUSTAFSSON & LENNART HANSSON, *Corridors as a Conservation Tool*, PROCESSES AND CONSERVATION OF BIODIVERSITY (1997), <https://about.jstor.org/terms>.

¹¹ NANDAN NELIVIGI, *BIODIVERSITY, WILDLIFE AND PROTECTED AREA MANAGEMENT IN INDIA : A PEOPLE CENTRED APPROACH*, 37 SOURCE: JOURNAL OF THE INDIAN LAW INSTITUTE.

¹² Srivastava and Tyagi, *supra* note 1.

of tiger reserves or from tiger breeding habitats within other protected areas”¹³

Further the Guideline issued by the National Tiger Conservation Authority expressly specifies the need for the conservation of wildlife corridors.¹⁴ Though the guidelines generally lack in-built sanctions, those which has the roots in a statute are enforceable.¹⁵

In the 21st IBW meeting, 2002, a strategy plan which provides for notification of lands within 10kms of the boundaries of Wildlife Sanctuaries and National Parks, as eco-fragile zones were adopted. However, later on, it was modified stating that the delineation is site specific, and it relates to regulation rather than prohibition.

It is pertinent to point out that, a comprehensive legislation focusing on corridor has been introduced in the Lok Sabha, but the same has not become an Act.¹⁶ This bill explicitly prohibits the use of corridors by person, and aims at constituting a Board for identifying the areas for developing corridors for wildlife. This being said, most of the activities at present are within 10km radius which is prohibited by this bill. However, this Bill has not become an Act.

4. STATUS OF WILDLIFE CORRIDOR AND EXISTING CHALLENGES

India recognises tiger and elephant corridors. As those are umbrella species, the conservation would benefit other flora and fauna that inhabit the same landscape.¹⁷ At present, in India, there are 32 tiger corridors¹⁸ and 150 elephant corridors. Some of the notable corridors in India are Kaziranga-Karbi Anglong Corridor, Terai Arc Landscapes, Kanha Pench Corridor, Sawantwadi-Dodamarg Corridor, Periyar-Agasthyamalai Corridor, Sanjay Gandhi National Park, etc. These corridors which are designed for the purpose of serving tiger and elephant

¹³ Wild Life Protection Act, 1972, Section 38V(3)(b)

¹⁴ MINISTRY OF ENVIRONMENT AND FORESTS (NATIONAL TIGER CONSERVATION AUTHORITY), MINISTRY OF ENVIRONMENT AND FORESTS, (2012).

¹⁵ Ajay Kumar Mittal, Knittex Overseas Pvt. Ltd. vs State Bank Of Patiala And Ors., 59 AIR (2007).

¹⁶ The Wild Life Corridors Bill, 2019, available at <https://sansad.in/getFile/BillsTexts/LSBillTexts/Asintroduced/298%20of%202019%20as.pdf?source=legislation> (last accessed on Oct 13, 2024).

¹⁷ Divya Kilikar, (Explainer) What are wildlife corridors? 2024, Mogabay, available at <https://india.mogabay.com/2024/04/explainer-what-are-wildlife-corridors/> (last accessed on 17th September, 2024)

¹⁸ Tiger Corridors in Country, Press Information Bureau, Government of India, Ministry of Environment, Forest and Climate Change, 2019, available at <https://pib.gov.in/Pressreleaseshare.aspx?PRID=1594508> (last accessed on 17th September, 2024)

serve other species as well, however, as there is a growing recognition of the unique features and movement of other taxa., eg. Reptiles and amphibians, special measures for mitigation may be necessary.¹⁹



Since the corridors take away the need to integrate all the isolated patches of habitats into a large protected area, it serves as an opportunity for people in accommodating and carrying out activities in between the patches.²⁰

Linear infrastructure projects like trains, roads and power lines, intrude deeper into the forests across the country, thereby causing fragmentation of forests, mountain erosion, land degradation, wildlife casualties, train accidents and electrocution. This is further exacerbated by the approval granted by the NBW for projects which are inside or within 10km of the protected area. Out of the 26 proposals approved, 9 of them are for limestone mining near Mukundra Tiger Reserve. The pictorial representation of the areas in which project activities are carried out are provided hereunder.²¹

Some of the examples for human intrusions into some notable corridors are provided hereunder.

¹⁹ ECO-FRIENDLY MEASURES TO MITIGATE IMPACTS OF LINEAR INFRASTRUCTURE ON WILDLIFE, WILDLIFE INSTITUTE OF INDIA (2016).

²⁰ NELIVIGI, *supra* note 8.

²¹ Nandhini Mehrotra, *Conservation in Practice*, 26 PROJECTS APPROVED BY THE INDIAN NATIONAL BOARD OF WILDLIFE ON APRIL 7TH 2020 (Oct. 6, 2020), available at <https://www.techforwildlife.com/blog/2020/6/10/26-projects-approved-by-the-indian-national-board-of-wildlife-on-april-7th-2020> (last accessed on Oct 13, 2024).

Corridor	Human Intrusion
Kaziranga-Karbi Anglong, Assam	NH 37 (now 715) ²²
Bandipur-Nagarhole-Wayanad-Mudumalai Corridor	NH 67 and NH 212 ²³
Chilla-Motichur Corridor	Rishikesh-Haridwar-Dehradun Railway Line ²⁴

Apart from the bringing in of linear infrastructure and mining projects, increasing illegal human encroachment has considerable adverse effects as well. The *Numaligarh Refinery case*,²⁵ wherein the elephants died while trying to cross the illegal wall construction portrays the existing state of corridor management in India. In many cases, human settlements were also relocated to another place and they were provided with monetary compensation, land for agriculture, employment in tourism, etc. For example, in 2002, Van Gujjars who are the indigenous forest pastoralists were displaced from Chilla Range and resettled to Gaindikhata, and were granted land to carry out agriculture.²⁶

Though the Guideline provides for a radius of 10km around the protected area, from the bare perusal of the draft notifications, it could be inferred, that most of the states have notified only an area of 100 meters to 4km as ESZ, which is insufficient for large species like elephants and tigers.²⁷

It may not be out of place to mention that, the existing wildlife laws provide for relocation of people living in and around the protected areas. During the last 3 decades, only 2904 families have been relocated. Further, as per the estimate of the tiger task force, there are still 1500

²² BILAL HABIB, *ASSESSMENT OF IMPACTS OF NATIONAL HIGHWAY 715 (EARLIER NH 37) ON WILDLIFE PASSING THROUGH KAZIRANGA TIGER RESERVE, ASSAM*, (2020).

²³ Sowmya Chatterjee, *Explained: Why Environmentalists Don't Want Vehicles to Enter Bandipur Forest at Night*, THE NEWS MINUTE (2019), available at <https://www.thenewsminute.com/karnataka/explained-why-environmentalists-don-t-want-vehicles-enter-bandipur-forest-night-110107> (last accessed on 14th October, 2024)

²⁴ ASHOK PS KUMAR VIVEK MENON ANIRUDDHA MOOKERJEE EASA ANIL KUMAR SINGH A J T JOHNSINGH & JOHN KUNJUKUNJU, OCCASIONAL REPORT - SECURING THE CHILLA-MOTICHUR CORRIDOR TO PROTECT ELEPHANTS OF RAJAJI NATIONAL PARK, (2010).

²⁵ Rohit Choudhury v. Union of India, MA No.787 of 2015 in Application No.38 of 2011, National Green Tribunal

²⁶ Ritesh Joshi & Rambir Singh, *Gujjar Community Rehabilitation from Rajaji National Park: Moving Towards an Integrated Approach for Asian Elephant (Elephas Maximus) Conservation*, 28 JOURNAL OF HUMAN ECOLOGY (2009), available at https://www.researchgate.net/publication/237248001_Gujjar_Community_Rehabilitation_from_Rajaji_National_Park_Moving_Towards_an_Integrated_Approach_for_Asian_Elephant_Elephas_maximus_Conservation#:~:text=In%202002%20the%20Van%20Gujjars,were%20granted%20land%20for%20agriculture. (last accessed on Oct 14, 2024).

²⁷ GUIDELINES FOR ECO-SENSITIVE ZONES AROUND PROTECTED AREAS, (2011).

villages inside the core or buffer zones, and a sum of Rs.1,663/- to resettle them.²⁸

In spite of certain guidelines and mandate by the State Government to protect the connecting areas and the wildlife habitat, human intrusion in the name of development activities is still carried out. This could be evident from the cases mentioned below.

In *Binay Kumar Dalei and Others v. State of Odisha & Ors.*,²⁹ the Hon'ble Supreme Court of India, while hearing the issue regarding mining activities that are carried down in the elephant corridor had noted that the corridor existing between Hadgarh & Kuldiha is used by the elephants for movement round their year. The issue revolving around the case was non-implementation of Comprehensive Wildlife Management Plan, even though mining activities are carried out in the vicinity of ESZ.

While dealing with the issue of whether the GO issued by the State Government notifying elephant corridor, and direction to private land owners and resort owners to vacate and hand over the vacant possession of land which falls within the ambit of the notified corridor is valid or not, the Hon'ble Supreme Court held that the State Government has the power under Entries 17A and 17B of the Concurrent list for the protection and improvement of forest and wildlife.³⁰ There are also instances where the Hon'ble SC had rejected the doubling of railway line between Castlerock to Kulem, an important tiger corridor connecting Goa, Maharashtra and Karnataka by taking into account the impact on habitat and the damage to environment.³¹

It may not be out of place to mention that, while taking into consideration, the conservation of species, the socio-economic impact of human settlement in and around the protected area should not be completely negated, as most of them could be pure pastoralists depending solely on the area for their livelihood.³²

²⁸ P K Mathur & P R Sinha, Looking beyond Protected Area Networks: A Paradigm Shift in Approach for Biodiversity Conservation, 10 (2008), available at <https://www.jstor.org/stable/43740344> (last accessed on 13th October, 2024)

²⁹ (2022) 5 Supreme Court Cases 33

³⁰ Hospitality Association of Mudumalai v. In Defence of Environment and Animals and Ors., (2020) 10 Supreme Court Cases 589

³¹ T.N. Godavarman Thirumulpad v. Union of India and Others, (2022) 9 Supreme Court Cases 306.

³² Abhishek Harihar, et al, *Human Resettlement and Tiger Conservation – Socio-Economic Assessment of Pastoralists Reveals a Rare Conservation Opportunity in a Human-Dominated Landscape*, Biological Conservation, 169 (2014), available at <https://www.sciencedirect.com/science/article/abs/pii/S0006320713003911> (last accessed on 13th October, 2024)

5. POSSIBLE SOLUTIONS

The inclusion of corridors in the reserve designs is one of the most important conservation tactics for the protection and preservation of corridors.³³ In most of the cases, the area surrounding the protected areas are ignored by the authorities, but creation of buffer zone not only minimises external disturbances due to human intrusion, but also safeguards the land surrounding the protected areas as against the damage caused by animals which feed from neighbourhood crops.³⁴

Community based conservation and joint forest management are emerging options for protecting the habitat along with the people who have the knowledge over it.³⁵

In addition to the above, the success of man-made corridors., eg. Yellowstone to Yukon Corridor in North America, U.S. Highway 93 North, Natuurbrug Zanderij Crailio, etc., could be taken as an example and implemented. However, construction of corridor itself is not suffice, as it does not per se drive away the human intrusion. This is evident from the case of *Re: T.N. Godavarman Thirumulpad*,³⁶ wherein the Hon'ble Supreme Court of India restrained the mining and other activities in and around Kaziranga National Park, and further directed that permission for no new construction shall be accorded on private lands that form part of 9 identified animal corridors.

Hence, proper enforcement and implementation of the provisions should be monitored.

6. SUGGESTION AND CONCLUSION

India is a home to around 31,000 elephants and 75% (2,960) of the global tiger population. The relentless stride of urbanisation, infrastructural development projects and expansion of agricultural land contributes to fragmentation of animal habitats and corridors, this ultimately leads to human animal conflict.³⁷

³³ Daniel K Rosenberg, Barry R Noon & E Charles Meslow, Biological Corridors: Form, Function, and Efficacy, 47 (1997), available at <https://www.jstor.org/stable/1313208> (last accessed on 12th October, 2024)

³⁴ NELIVIGI, *supra* note 8.

³⁵ McKenzieF Johnson, KrithiK Karanth & Erika Weinthal, Compensation as a Policy for Mitigating Human-Wildlife Conflict Around Four Protected Areas in Rajasthan, India, 16 Conservation and Society 305 (2018), available at <https://www.jstor.org/stable/26500643> (last accessed on 13th October, 2024)

³⁶ Re: T.N. Godavarman Thirumulpad v. Union of India and Others, 2019 SCC OnLine SC 2344

³⁷ Amal Chandra, *India Must Adopt Holistic Approaches to Handle Human-Wildlife Conflicts*, DOWN TO EARTH (2024), available at <https://www.downtoearth.org.in/wildlife-biodiversity/india-must-adopt-holistic-approaches-to-handle-human-wildlife-conflicts-95542> (last accessed on Oct 13, 2024).

Even though corridors help in the movement of animals across the isolated habitats, the fact that it could also pave way for the spread of contagious disease cannot be completely negated. As the habitat decreases, the organisms find themselves crowded in small patches, which could lead to occurrence and transmission of disease, that spreads through the movement of animals across the corridors. The spread of deadliest rinderpest from Tanzania and Zambia, and the measures taken to eradicate that should be taken into consideration.³⁸ Further, the forest has an impact on the fire dynamics. Hence, for a conservation project to be carried out, both the benefits and disadvantages has to be compared.³⁹

Wildlife corridors are indispensable part for maintain the balance of ecosystem, maintenance of ecological connectivity and survival of species for a long term. Even though the judiciary is playing a vital role in protecting the habitat by removal of encroachment and determining the validity of infrastructure projects on corridors, the cases even during the recent times show that problem of encroachment and illegal exploitation of corridors still exists. This could be attributed to the lack of exclusive legislation to address the issue pertaining to wildlife corridors. It is emphasized that the lack of protection to wildlife corridors further exacerbate the situation and encourages fragmentation of patches of forest lands. In addition to all these measures, the problem pertaining to socio-economic impacts on human settlements around forest areas shall not be overlooked while developing measures to conserve the forest land.

³⁸ George R Hess, Conservation Corridors and Contagious Disease: A Cautionary Note, available at <https://www.jstor.org/stable/2386739> (last accessed on 12th October, 2024)

³⁹ LARS A BRUDVIG, STEPHANIE A WAGNER & ELLEN I DAMSCHEN, *Corridors Promote Fire via Connectivity and Edge Effects*, 22 SOURCE: ECOLOGICAL APPLICATIONS (2012).