

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary
Peer Reviewed

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CONFLICT ON THE FRINGES: LEGAL REMEDIES FOR HUMAN-WILDLIFE CONFLICTS IN INDIA

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I. Introduction

Human-wildlife conflict (HWC) is fast becoming a critical threat to the survival of many globally endangered species. According to World Conservation Union, HWC occurs when wildlife's requirements overlap with those of human populations, creating costs to residents and wild animals. Direct contact with wildlife occurs in both urban and rural areas, but it is generally more common inside and around protected areas, where wildlife population density is higher and animals often stray into adjacent cultivated fields or grazing areas.

HWC has far reaching environmental impacts. Species most exposed to conflict are also shown to be more prone to extinction. It can happen in various forms such as intentional or accidental, capture in snares set for other species or from falling into farm wells, caused by retaliatory shooting, poison or capture. Such human-induced mortality affects not only the population viability of some of the most endangered species, but also has broader environmental impacts on ecosystem equilibrium and biodiversity preservation.

HWC also undermine human welfare, health and safety, and have economic and social costs. Nuisance encounters with small animals, exposure to zoonotic diseases, physical injury or even death caused by large predators' attacks have high financial costs for individuals and society in the form of medical treatments to cure and prevent infections transmitted from animals. Humans can be economically affected through destruction and damage to property and infrastructure, livestock depredation, transmission of domestic animal diseases such as foot and mouth.

II. Driving forces for Human- Wildlife Conflict

A set of global trends has contributed to the escalation of HWC worldwide. These can be grouped into human population growth, land use transformation, species habitat loss,

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degradation and fragmentation, growing interest in ecotourism and increasing access to nature reserves, increasing livestock population and competitive exclusion of wild herbivores, abundance and distribution of wild prey, increasing wildlife population as a result of conservation programmes, climatic factors and stochastic events.

- a) **Human population growth** - Demographic and social changes place more people in direct contact with wildlife as human population grows and settlements expand into and around protected areas. Human population growth has led to encroachment into wildlife habitats, constriction of species into marginal habitat patches and direct competition with local communities. Conflicts are not restricted to nature reserves or rural areas but often occur in urban conglomerates as well.²
- b) **Land use transformation** - The transformation of forests and other ecosystems into agrarian areas or urban agglomerates is a consequence of the increasing demand for land, food production, energy and raw materials. Conflict is intensified by land use fragmentation and the development of small-scale farming. Due to the rapid and extensive change in land use associated with the conversion of cultivation, it creates favourable habitat for predators and play a major role in influencing the natural distribution and rise in the wildlife population.³
- c) **Species habitat loss, degradation and fragmentation** – They are also interconnected with population growth and land use change. The alteration of forest areas into agriculture and grazing land has restricted the animals near a limited number of water sources and thus they are easily found and killed. It is also observed that when rain fills seasonal pools, lions disperse into their habitat, change their diet, and prey on easier targets. The correlation between seasonal changes and intensity of livestock depredation is also found to be strong. The wild predators are more likely to attack domestic animals in the dry season, when the vegetative cover does not facilitate the hunting strategies of especially lions and leopards.⁴
- d) **Growing interest in ecotourism and increasing access to nature reserves**- Recreational activities and growing public interest in charismatic species have increased the human presence in protected areas and raised concern about capacities to

² Siex K S & Struhsaker TT, Columbus monkeys and Coconuts: A Study of Perceived Human–Wildlife Conflicts, *Journal of Applied Ecology*, (1999)

³ Vijayan & Pati BP, Impact of Changing Cropping Patterns on Man-Animal Conflicts Around Gir Protected Area with Specific Reference to Talala Sub-District, Gujarat, India, *Population and Environment*, (2002)

⁴ Nyphus P & Tilson R, Agroforestry, Elephants, and Tigers: Balancing Conservation Theory and Practice in Human-Dominated Landscapes of Southeast Asia, *Agriculture, Ecosystems & Environment*, (2004)

manage and regulate public access and large-scale use of protected areas. There is alteration of natural food and water availability.

- e) **Increasing livestock population and competitive exclusion of wild herbivores -** Growing densities in livestock populations can create an overlap of diets and forage competition with wild herbivores, resulting in overgrazing and decline or local extinction in wild herbivore population. In few cases, domestic animals outnumber wild animals within protected areas and in such circumstances, livestock becomes an important source of prey for predators.⁵
- f) **Abundance and distribution of wild prey –** When native prey is abundant, wild predators consume it in preference to livestock and that impoverishment of prey populations is one of the major causes of carnivores shifting their diets to livestock. Clearly, this is due to the ease of capture and limited escape abilities of livestock. The correlation between alteration of prey availability and local livestock depredation is evident by the fact that the highest depredation rates have been recorded in areas where prey abundance and diversity are relatively low.⁶
- g) **Increasing wildlife population as a result of conservation programmes -** Effective protection and habitat management within the Gir National Park and Sanctuary in Gujarat doubled the Asian lion population between 1970 and 1993. The social organization, habitat and prey requirements of the species were difficult to accommodate within the human-defined home range, and resulted in many lions straying out of the reserve into local villages.⁷
- h) **Climatic factors -** Seasonal changes in rainfall are directly correlated with predation intensity. There is a positive association between monthly rainfall and attacks, demonstrating that lions are more likely to attack livestock during seasonal rains. During drought periods, ungulates spend most of their time near a limited number of water sources and thus they are easily found and killed. The wild predators are more likely to attract attention and attack domestic animals in the dry season months, when the vegetative cover does not facilitate the hunting strategies of lions and leopards that are based on surprise.⁸

⁵ Mishra, C *et al.*, The role of incentive programs in conserving the Snow Leopard, Conservation Biology (2003)

⁶ Polisar, J. *et al.*, Jaguars, Pumas, Their Prey Base, and Cattle Ranching: Ecological Interpretations of A Management Problem, Biological Conservation (2003)

⁷ Musiani, M. *et al.*, Wolf Depredation Trends and the use of Fladry Barriers to Protect Livestock in Western North America, Conservation Biology

⁸ Butler J, The economic costs of wildlife predation on livestock in Gokwe communal land, Zimbabwe, African Journal of Ecology (2000)

- i) **Stochastic events** - These sporadic events are difficult to forecast and prevent, yet also have an impact on human drought and fires, a combination of factors, which resulted in the destruction of large areas of forests. During that period, tigers fleeing burning areas near Berbak National Park were reported to have killed humans and animals.⁹

III. Strategies to combat Human-Wildlife Conflict

A wide range of practices have been developed to address HWC, but most of these are strongly site or species specific and are not widely applicable. Mitigative strategies attempt to reduce the level of impact and lessen the problem; while preventative strategies endeavour to prevent the conflict occurring in the first place and take action towards addressing its root causes.

A) Mitigative Strategies

Mitigation strategies for HWC differ greatly depending on the location and type of conflict. Although passive and non-intrusive prevention measures are always preferred, active intervention is also required in conjunction. Nonetheless, a variety of management techniques are frequently used to resolve conflicts.

- i) **Translocation of problematic animals** - Migrating such “challenge” animals from a conflict site to a new location has been used in the past, but recent research has shown that this approach can have negative effects on species and is largely ineffective. Translocation can reduce the species’ survival rate and lead to extreme dispersal movement, and “problem” animals frequently resume conflict behaviour in their new location.
- ii) **Effective land use planning** - Changes in land use can help to reduce conflict between humans and crop-raiding animals. For example, after discovering that elephants dislike and avoid plants containing capsaicin, people began to grow more chili pepper plants. This ingenious and effective method both deters elephants from trampling community farmers’ fields and protects the species.
- iii) **Compensation** - Government entities have been set up to provide budgetary compensation for the damages caused by HWC. These systems hope to reduce the need for retaliatory animal killings by financially enticing the coexistence of humans and wildlife. However, it has not been very effective due to under-

⁹ Elisa Distefano, Human-Wildlife Conflict Worldwide: Collection of Case Studies, Analysis of Management Strategies and Good Practices available at <http://openknowledge.fao.org/items/084f469f-1225-4b2a-b8fe-ff4e10fdc4b1>

compensation, lack of local participation, or the government's failure to provide timely payments.

- iv) **Spatial analyses and mapping conflict hotspots** - HWC has been successfully mitigated by mapping interactions and developing spatial models. Human-elephant conflict was predicted by combining grid-based geographic information systems with the simple statistical analyses.
- v) **Use of technology** - Innovation in information technology in the form of drones and smartphone applications can be used to recognize animal movements and alert highway and railway authorities to prevent animal collisions with vehicles and trains. SMS, WhatsApp and early warning wireless systems have also been used to notify people of the presence of animals in the surrounding area.¹⁰
- vi) **Insurance programmes** - It covers crops and livestock from the risk of wildlife attacks and involves the villagers and local governing bodies paying a premium share of the insurance and allows rural inhabitants to make a minimum annual cost and to be refunded in the event of crop or livestock losses. It acts as a substitute for compensation schemes. Moreover, they get monetary rewards for better anti-predatory herding and have learned simple rules to reduce domestic animal vulnerability, such as being aware of sick, young or pregnant animals and not to collect the carcasses of killed yaks, horses, cattle or donkeys. As a result they have become progressively more responsible in safeguarding wildlife and have modified their husbandry and guarding behaviour.
- vii) **Incentive programmes**- They are based on subsidies. They offset the cost of conservation and demand the adoption of conservation-friendly practices, creating tolerance towards wildlife through the exchange of benefits. Two interesting incentive programmes have been developed in India, where agro pastoralists and pastoralists live within the snow leopard's territory in the state of Himachal Pradesh, the programme succeeded in reducing the forage overlap among other human uses. The villagers received financial benefits for their loss of herding land and the money was used for collective work. As a consequence, wild herbivore densities increased, resulting in more naturally available prey for predators and thus reducing the pressure of carnivores on livestock. However one weakness of the

¹⁰ Yogeshpriya Somu & Selvaraj Palanisamy, Human-Wild Animal Conflict, Chapter Metrics Overview available at [https://www.intechopen.com/chapters/84204\(2022\)](https://www.intechopen.com/chapters/84204(2022))

incentives programme is the need for subsidies from external sources, from either conservation funds or government.

viii) Community based natural resource management schemes - This scheme entails a system of returning benefits to rural communities in order to motivate them to protect wildlife outside protected areas and to discourage poaching. It is still at an early stage, but it is expected to have a real potential in mitigating the conflict.

B) Preventative Strategies

These measures aim at preventing the probable HWC so that the necessary consequences and damages can be avoided.

i) Improving community education and perception of animals - Different cultures have different perspectives and values on the natural world, and how wildlife is perceived can play an important role in exacerbating or alleviating HWC. Conservationists worked with community leaders in one Masaai community to shift perceptions and allow young men to achieve the same social status by protecting lions instead of killing them.

ii) Artificial and natural barriers - Spatial separation has been proved to be a successful strategy when physical barriers enclose a large reserve. Building barriers around cattle sheds, establishing distinct wildlife corridors, and erecting box-shaped fences around farms to deter elephants have all proven to be cost-effective strategies for reducing HWC. In addition to these conventional types, electric fencing can be considered as a more sophisticated solution. It is more durable, due to the reduced physical pressure from animals, it deters a wider range of species and is more aesthetically appealing. However, the cost of installation is higher compared to the simple fences and the maintenance implies a need for constant insulation. However, the physical barriers are not always economical, require additional labour and does not ensure complete protection.¹¹

iii) Guarding- Monitoring herds and active defence are essential features of animal husbandry where human herders are effective and fearless in warding off predators. Herders may challenge and scare away dangerous carnivores with simple weapons.

¹¹ Treves, A. & Karanth, Human-Carnivore Conflict And Perspectives on Carnivore Management Worldwide, Conservation Biology

The presence of human guards, predator-detering guard dogs and human activity ensure lower rates of livestock attacks by large predators.¹²

- iv) **Relocation** - Where alternative land and incentives are available, relocation of local communities to areas offering better access to natural resources and socio-economic opportunities can be an adequate solution to HWC. Resettlement schemes can be successful in the long run if some essential assumptions are met: firstly the villagers should gain substantial benefits, such as better access to resources, secondly they should be relocated to an area where the risk of losing property is lower and thirdly they should not face any opposition.¹³
- v) **Waste management systems that restrict wildlife access to refuse** - Good standards of waste management are important to avoid attracting wild animals to human settlements and to prevent wild population being augmented and artificially sustained by human induced food availability. Each stage of waste handling should be addressed, from collection and transportation to disposal.¹⁴ Managing garbage and artificial feeding is important. Managing garbage disposal and artificial primate feeding can also reduce conflict and disease transmission opportunities.

IV. Legal and Policy Framework for Mitigation of Human-Wildlife Conflict

The Government of India has introduced various types of legislations and policies in response to the growing human-wildlife conflict. These are:

1. Wildlife (Protection) Act, 1972

The definitions of key terms within the Act such as 'animal', 'hunting', 'wildlife', etc. explain the policy scope that applies.¹⁵ No person shall hunt, attempt to hunt, or molest any Schedule animal specified in the Act.¹⁶ It empowers the state government to declare as a wildlife sanctuary any area for the purpose of protecting, propagating or developing

¹² Ogada, M. *et al.*, Limiting Depredation by African Carnivores: the Role of Livestock Husbandry, Conservation Biology

¹³ Madhusudhan M D, Living Amidst Large Wildlife: Livestock and Crop Depredation by Large Mammals in the Interior Villages of Bhadra Tiger Reserve, South India, Environmental Management (2003)

¹⁴ Yogeshpriya Somu & Selvaraj Palanisamy, Human-Wild Animal Conflict, 2022, Chapter Metrics Overview available at <https://www.intechopen.com/chapters/84204>

¹⁵ S.2, Wildlife Protection Act, 1972

¹⁶ S.9, Wildlife Protection Act, 1972

wild animals or birds.¹⁷ The state governments are authorized to declare national parks, specifying the enforcement of more stringent conservation norms than in the wildlife sanctuaries.¹⁸ The National Board for Wildlife is constituted to promote wildlife and forests conservation and development.¹⁹ There is restriction on sale, trade, commerce etc., of trophies, animal articles etc., derived from certain animals without license from chief wildlife warden of that state.²⁰ The central government has the power to make rules in relation to forest hazards and seasonal hardships.²¹ The Wildlife Protection (Amendment) Bill, 2023 seeks to address the shortcomings in the Wildlife (Protection) Act, 1972. The Bill seeks to strengthen wildlife conservation efforts by enhancing penalties for wildlife crimes, expanding the scope of protected species, and creating a more robust framework for the management of protected areas. Crucially, the Bill introduces provisions to address human-wildlife conflict mitigation, which include increased financial support for communities affected by human-wildlife conflict and has enhanced the role of local governments in managing and preventing conflicts.²²

2. Forest Rights Act, 2006

It is one of the landmark legislations in India to redress historical ignores and recognize rights of forest dependent communities over forest land and forest produce that they have traditionally used. It recognizes the rights over minor forest produce, including the individual or common occupation of forest land for habitation or self-cultivation.²³ It lays down the procedure relating to recognition and vesting of forest rights by laying down the criteria for eligibility for such rights, the manner in which such claims may be made, and the authorities which may recognize and vest the rights.²⁴ It gives traditional forest dwellers and gram sabhas the ability to conserve wildlife, forest and biodiversity, uphold norms and traditions, and manage community forests.²⁵ It affirms the right to in situ rehabilitation and resettlement in instances where members of Scheduled Tribes and other indigenous dwellers have been illegally evicted or displaced

¹⁷ S.18, Wildlife Protection Act, 1972

¹⁸ S.35, Wildlife Protection Act, 1972

¹⁹ S.38, Wildlife Protection Act, 1972

²⁰ S.48-A, Wildlife Protection Act, 1972

²¹ S.61, Wildlife Protection Act, 1972

²² Dubey, A. K, Sustainable development of natural resources and wildlife conservation (1st ed. 2015)

²³ S.3, Forest Rights Act, 2006

²⁴ S.4, Forest Rights Act, 2006

²⁵ S.5, Forest Rights Act, 2006

from forest land.²⁶

The Forest Rights Act, 2006, changed the course of forest governance, by including the rights of forest-dwelling communities in the conservation process. It recognizes the pivotal role forest-dwellers play not only in conserving the forests and maintaining ecological balance, but also in preserving their right to livelihood, culture and identity.²⁷

3. Indian Forest Act, 1927

It was framed with the objective of managing timber and other forest resources. The state governments shall notify any forest land as reserved or protected forests and all land rights in such land are subject to the provisions of the Act. The Forest (Conservation) Act, 1980, was enacted to prevent large-scale deforestation. It requires the central government's approval for any diversion of forest land for non-forest purposes. The Forest (Conservation) Amendment Bill, 2023 amends the Forest (Conservation) Act, 1980 to make it applicable to certain types of land. These include land notified as a forest under the Indian Forest Act, 1927 or in government records after the 1980 Act came into effect. The Act will not be applicable for land converted to non-forest use before December 12, 1996. It also exempts certain types of land from the purview of the Act. These include land within 100 kms of India's border needed for national security projects, small roadside amenities, and public roads leading to a habitation.²⁸

4. Bharatiya Nyaya Sanhita, 2023

Although the BNS focuses primarily on crimes like terrorism, corruption, and organized crime, it may influence HWC cases by setting precedents for public nuisance, negligence, and property damage. Provisions that deal with causing harm to public safety or the environment may be applicable to HWC scenario, particularly when negligence or intentional harm to wildlife leads to endangerment of human lives or vice versa. The BNS focuses on modernizing penal provisions around negligence, which could extend to the actions of individuals or corporations responsible for habitat

²⁶ Viswanath, K., Cutting trees for building roads and buildings is not sustainable, Hindustan Times (2018)

²⁷ Mritunjay Walia¹ & Dr. Ratnesh Kumar Srivastava, Conflict on the Fringes: Legal Remedies for Human-Wildlife Conflicts in India, International Journal of Law Management & Humanities available at <https://www.ijlmh.com> (2024)

²⁸ Palak Sharma, Hunting Prohibition in India: Balancing Human-Wildlife Conflict and Biodiversity Conservation, International Journal of Research Publication and Reviews, available at www.ijrpr.com (2025)

destruction, leading to wildlife intrusion into human areas. Under the BNS, if such negligence results in injury or death (to either humans or wildlife), stricter penalties might be enforced.²⁹

The National Wildlife Action Plan (NWAP) provides the strategy for wildlife conservation in India. The current version of the NWAP (2017-2031) put HWC on the conservation agenda and expressed that a multi-pronged approach for conflict mitigation needs to be pursued including habitat improvement, research and monitoring and technology-based conflict management along with enhancement of compensation. Flagship conservation projects such as Project Elephant and Project Tiger are playing a largely positive role in the strengthening of laws towards protection of these key species and their habitats. There have been attempts to develop wildlife corridors that allow animals to roam between sanctuaries; there have been management plans to deal with hotspots of conflict between people and animals; and there have been initiatives designed to involve stakeholder communities in conservation efforts. Project Cheetah aimed to reintroduce the species into the country in a phased manner to ecologically viable habitats in various parts of India. It also promoted restoration and conservation of grassland habitats which are important for cheetah survival.³⁰

V. Conclusion and Recommendations

Being a part of nature, it is natural for humans to come into contact with animals. However, because we do not fully understand animal behavior, we often feel threatened by their antics and the damage they cause to our property. We do not realize that some of our actions, even unconscious ones, may make animals feel threatened and lead to retaliation on their part. Human-wildlife conflict is one of the biggest threats to wildlife. HWC is a complex issue that requires a multifaceted approach. The following measures may be adopted:

- To address the gaps in the current legal framework, there is a need for stronger legislation that specifically deals with HWC either by amendment to the WLPA, 1972 or by introduction of a separate law governing conflict management. The Wildlife Protection (Amendment) Bill, 2023, provides a promising start in this direction.

²⁹ Praveen Bhargav, Legal Framework for Wildlife Conservation in India available at <https://www.conservationindia.org> › author › praveenb...

³⁰ *Supra Note 27*

- To strengthen policy framework related to wildlife conservation and management by including provisions for compensation, conflict resolution mechanism, and enforcement of regulations.
- The Cross-State Wildlife Management Task Force would help coordinate conservation efforts, ensure uniform enforcement of laws, and facilitate the sharing of resources and data.
- To improve the efficiency and accessibility of compensation schemes, ensuring that affected communities receive timely and adequate relief.
- Simplified application process and usage of technology to expedite verification which could reduce bureaucratic delays.
- Restoring degraded habitats is a long-term solution to HWC. By investing in reforestation and creating buffer zones, we can reduce the likelihood of wildlife venturing into human settlements.
- To conduct educational programs and awareness campaigns to educate communities about the importance of wildlife conservation and promote coexistence with wildlife.
- To provide training and capacity building for local communities, farmers, and forest department personnel on conflict mitigation techniques and wildlife-friendly practices.
- Merging traditional ecological wisdom with modern science may pave the way for sustainable solutions that foster coexistence rather than conflict.
- Establish early warning systems to alert communities about the presence of wildlife in their vicinity and prevent potential conflict. We should implement systems for monitoring and reporting HWC incidents to track trends, identify hotspots, and inform targeted interventions.
- Provide livelihood support and alternative income sources for communities living in areas prone to HWC such as ecotourism, agro forestry, or sustainable agriculture practices. Empower local communities to engage in wildlife-friendly livelihood activities that contribute to conservation efforts. Considering the rising HWC in forest fringe areas, the government should give priority to conflict mitigation measures in the budget.
- Implement community-based conservation initiatives that involve local communities in wildlife management and decision-making processes. Foster partnerships between local communities, government agencies, NGOs, and other stakeholders to collaboratively address HWC.