

15 -ാം കേരള നിയമസഭ

13 -ാം സമ്മേളനം

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19-03-2025 - ൽ മറുപടിയ്ക്ക്

വന്യജീവി ആക്രമണങ്ങൾ തടയുന്നതിന് നടപടികൾ

ചോദ്യം		ഉത്തരം	
ശ്രീ. എച്ച്. സലാം		ശ്രീ. എ. കെ. ശശീന്ദ്രൻ (വനം-വന്യജീവി വകുപ്പ് മന്ത്രി)	
(എ)	<p>സംസ്ഥാനത്ത് വർദ്ധിച്ചുവരുന്ന വന്യജീവി ആക്രമണങ്ങൾ തടയുന്നതിന് കേന്ദ്ര സർക്കാർ പാസ്സാക്കിയിട്ടുള്ള ഏതൊക്കെ നിയമങ്ങൾ/ നിർദ്ദേശങ്ങൾ ആണ് സംസ്ഥാന സർക്കാരിന് പ്രതിസന്ധി സൃഷ്ടിക്കുന്നതെന്ന് വ്യക്തമാക്കുമോ; അവയുടെ പ്രസക്ത ഭാഗങ്ങളുടെ പകർപ്പ് ലഭ്യമാക്കുമോ?</p>	(എ)	<p>1972-ലെ വന്യജീവി (സംരക്ഷണം) നിയമത്തിന്റെ ഷെഡ്യൂൾ 1-ൽ ഉൾപ്പെടുന്ന, മനുഷ്യ ജീവന് ഭീഷണിയായ വന്യമൃഗത്തെ മയക്കവെടി വച്ചോ അല്ലാതെയോ പിടികൂടുന്നതിനും മറ്റൊരു സ്ഥലത്തേയ്ക്ക് മാറ്റുന്നതിനും മറ്റുമായി പ്രസ്തുത നിയമത്തിലെ സെക്ഷൻ 11(1)(a) പ്രകാരമാണ് ചീഫ് വൈൽഡ് ലൈഫ് വാർഡൻ ഉത്തരവ് പുറപ്പെടുവിക്കുന്നത്. ഇത്തരം നടപടികൾ സ്വീകരിക്കുമ്പോൾ, കേന്ദ്ര വനം-പരിസ്ഥിതി കാലാവസ്ഥ വ്യതിയാന മന്ത്രാലയത്തിന്റെ വന്യജീവി വിഭാഗവും നാഷണൽ ടൈഗർ കൺസർവേഷൻ അതോറിറ്റിയും കാലാകാലങ്ങളിൽ നിർദ്ദേശിക്കുന്ന മാർഗ്ഗരേഖകളും പുറപ്പെടുവിക്കുന്ന Standard Operating Procedure (SOP)-ഉം കർശനമായി പാലിക്കേണ്ടതുണ്ട്. കൂടാതെ, ഇത് ചിലപ്പോഴൊക്കെ കാലതാമസത്തിനിടയാക്കാറുണ്ട്. പ്രസ്തുത നിയമത്തിലെ ഷെഡ്യൂൾ-II-ൽ ആയിരുന്ന നാടൻ കരങ്ങളുള്ള വന്യജീവി (സംരക്ഷണം) നിയമത്തിന്റെ ഷെഡ്യൂൾ-I ലേയ്ക്ക് മാറ്റിയതും ഷെഡ്യൂൾ-II-ൽ ഉൾപ്പെട്ട കാട്ടുപ്പന്നികളെ ക്ഷുദ്രജീവികളായി പ്രഖ്യാപിച്ചിട്ടില്ലാത്തതും വന്യമൃഗങ്ങളെ ഫലപ്രദമായ രീതിയിൽ പ്രതിരോധിക്കുന്നതിന് തടസ്സമാകുന്നു. ടി നിയമം അനുയോജ്യമായ രീതിയിൽ ഭേദഗതി ചെയ്യുന്നതിനുള്ള പ്രമേയം 2024 ഫെബ്രുവരി മാസം 14 നു നിയമസഭ ഏകകണ്ഠേന പാസ്സാക്കി കേന്ദ്ര സർക്കാരിന് 27.02.2024-ൽ സമർപ്പിച്ചിരുന്നതുമാണ്. 1972-ലെ വന്യജീവി (സംരക്ഷണം) കേന്ദ്ര നിയമത്തിന്റെ പ്രസക്ത ഭാഗങ്ങളുടെ പകർപ്പ് ഇതോടൊപ്പം അനുബന്ധമായി ചേർക്കുന്നു.</p>

സെക്ഷൻ ഓഫീസർ

(3) No act or proceeding of the Board shall be invalid merely by reason of the existence of any vacancy therein or any defect in the constitution thereof or any irregularity in the procedure of the Board not affecting the merits of the case.

8. Duties of ¹[State Board for Wild Life].—It shall be the duty of ¹[State Board for Wild Life] to advise the State Government,—

²[(a) in the selection and management of areas to be declared as protected areas;]

³[(b) in formulation of the policy for protection and conservation of the wild life and specified plants;]

(c) in any matter relating to the amendment of any Schedule; ⁴***

⁵[(cc) in relation to the measures to be taken for harmonising the needs of the tribals and other dwellers of the forest with the protection and conservation of wild life; and]

(d) in any other matter connected with the protection of wild life, which may be referred to it by the State Government.

CHAPTER III

HUNTING OF WILD ANIMALS

⁶[9. Prohibition of hunting.]—No person shall hunt any wild animal specified in ⁷[Schedules I and II] except as provided under section 11 and section 12.]

[10. *Maintenance of records of wild animals killed or captured.*]—Omitted by the *Wild Life (Protection) Amendment Act, 1991* (44 of 1991), s. 10 (w.e.f. 2-10-1991).

11. Hunting of wild animals to be permitted in certain cases.—(1) Notwithstanding anything contained in any other law for the time being in force and subject to the provisions of Chapter IV,—

(a) the Chief Wild Life Warden may, if he is satisfied that any wild animal specified in Schedule I has become dangerous to human life or is so disabled or diseased as to be beyond recovery, by Order in writing and stating the reasons therefor, permit any person to hunt such animal or cause such animal to be hunted;

⁸[Provided that no wild animal shall be ordered to be killed unless the Chief Wild Life Warden is satisfied that such animal cannot be captured, tranquilised or translocated:

Provided further that no such captured animal shall be kept in captivity unless the Chief Wild Life Warden is satisfied that such animal cannot be rehabilitated in the wild and the reasons for the same are recorded in writing.

Explanation.—For the purposes of clause (a), the process of capture or translocation, as the case may be, of such animal shall be made in such manner as to cause minimum trauma to the said animal]

(b) the Chief Wild Life Warden or the authorised officer may, if he is satisfied that any wild animal specified in Schedule II, ⁹***, has become dangerous to human life or to property (including standing crops on any land) or is so disabled or diseased as to be beyond recovery, by order in writing

1. Subs. by Act 16 of 2003, s. 8, for “the Wild Life Advisory Board” (w.e.f. 1-4-2003).

2. Subs. by s. 8, *ibid.*, for clause (a) (w.e.f. 1-4-2003).

3. Subs. by Act 44 of 1991, s. 8, for clause (b) (w.e.f. 2-10-1991).

4. The word “and” omitted by s. 8, *ibid.* (w.e.f. 2-10-1991).

5. Ins. by s. 8, *ibid.* (w.e.f. 2-10-1991).

6. Subs. by s. 9, *ibid.*, for section 9 (w.e.f. 2-10-1991).

7. Subs. by Act 18 of 2022, s. 6, for “Schedules I, II, III and IV” (w.e.f. 1-4-2023).

8. Ins. by Act 16 of 2003, s. 9 (w.e.f. 1-4-2003).

9. The words and figures “Schedule III, or Schedule IV” omitted by Act 18 of 2022, s. 7 (w.e.f. 1-4-2023).

and stating the reasons therefor, permit any person to hunt ¹[such animal or group of animals in a specified area or cause such animal or group of animals in that specified area to be hunted].

(2) The killing or wounding in good faith of any wild animal in defence of oneself or of any other person shall not be an offence:

Provided that nothing in this sub-section shall exonerate any person who, when such defence becomes necessary, was committing any act in contravention of any provision of this Act or any rule or order made thereunder.

(3) Any wild animal killed or wounded in defence of any person shall be Government property.

12. Grant of permit for special purposes.—Notwithstanding anything contained elsewhere in this Act, it shall be lawful for the Chief Wild Life Warden, to grant ^{2***} a permit, by an order in writing stating the reasons therefor, to any person, on payment of such fee as may be prescribed, which shall entitle the holder of such permit to hunt subject to such conditions as may be specified therein, any wild animal specified in such permit, for the purpose of,—

(a) education;

³[(b) scientific research;

(bb) scientific management.

Explanation.—For the purposes of clause (bb), the expression, “scientific management” means—

(i) translocation of any wild animals to an alternative suitable habitat; or

(ii) population management of wildlife, without killing or poisoning or destroying any wild animals;]

⁴[(c) collection of specimens—

(i) for recognised zoos subject to the permission under section 38-I; or

(ii) for museums and similar institutions;

(d) derivation, collection or preparation of snake-venom for the manufacture of life-saving drugs:]

⁵[Provided that no such permit shall be granted—

(a) in respect of any wild animal specified in Schedule I, except with the previous permission of the Central Government, and

(b) in respect of any other wild animal, except with the previous permission of the State Government;]

(d) derivation, collection or preparation of snake-venom for the manufacture of life-saving drugs:]

13. [Suspension or cancellation of licence].—*Omitted by the Wild Life (Protection) Amendment Act, 1991 (44 of 1991), s. 12 (w.e.f. 2-10-1991).*

14. [Appeals].—*Omitted by, s. 12, ibid. (w.e.f. 2-10-1991).*

1. Subs. by Act 16 of 2003, s.9, for “such animal or cause such animal to be hunted” (w.e.f. 1-4-2003).

2. The words “, with the previous permission of the State Government” omitted by Act 23 of 1982, s. 2 (w.e.f. 21-5-1982).

3. Subs. by s. 2, *ibid.*, for clause (b) (w.e.f. 21-5-1982).

4. Subs. by Act 44 of 1991, s. 11, for clause (c) (w.e.f. 2-10-1991).

5. Ins. by Act 23 of 1982, s. 2 (w.e.f. 21-5-1982).

¹[60B. Reward by State Government.]—The State Government may empower the Chief Wild Life Warden to order payment of reward not exceeding ten thousand rupees to be paid to a person who renders assistance in the detection of the offence or the apprehension of the offender, from such fund and in such manner as may be prescribed.]

61. Power to alter entries in Schedules.—(1) The Central Government may, if it is of opinion that it is expedient so to do, by notification, ²[³amend any Schedule or add] or delete any entry to or from any Schedule] or transfer any entry from one Part of a Schedule to another Part of the same Schedule or from one Schedule to another.

4* * * * *

(3) On the issue of a notification under sub-section (1) ^{5***}, the relevant Schedule shall be deemed to be altered accordingly, provided that every such alteration shall be without prejudice to anything done or omitted to be done before such alteration.

6* * * * *

Provided that any such alteration made by the State Government, if it has been made with the previous consent of the Central Government, shall prevail in that State:

Provided further that nothing in the foregoing proviso shall prevent the Central Government from modifying or cancelling, at any time, the alteration made by the State Government.

62. Declaration of certain wild animals to be vermin.—⁷[The Central Government] may, by notification, declare any wild animal ⁸[specified in Schedule II] to be vermin for any area and for such period as may be specified therein and so long as such notification is in force, such wild animal shall be ⁹[deemed not to be included in Schedule II for such area and for such period as specified in the notification].

¹⁰[62A. Regulation or prohibition of import, etc., of invasive alien species.]—(1) The Central Government may, by notification, regulate or prohibit the import, trade, possession or proliferation of invasive alien species which pose a threat to the wild life or habitat in India.

(2) The Central Government may authorise the Director or any other officer to seize and dispose of, including through destruction, the species referred to in the notification issued under sub-section (1).

62B. Power to issue directions.—Notwithstanding any other provision of this Act, the Central Government may call for any information or report from a State Government or any such other agency or body or issue any direction to a State Government or any such other agency or body for effective implementation of the provisions of the Act for the protection, conservation and management of wild life in the country.]

63. Power of Central Government to make rules.—¹¹[(1) The Central Government may, by notification, make rules for all or any of the following matters, namely:—

(a) conditions and other matters subject to which a licensee may keep any specified plant in his custody or possession under section 17F;

1. Ins. by Act 16 of 2003, s. 36, (w.e.f. 1-4-2003).

2. Subs. by Act 44 of 1991, s. 44, for "add any entry to any Schedule" (w.e.f. 2-10-1991).

3. Subs. by Act 18 of 2022, s. 37, for "add" (w.e.f. 1-4-2023).

4. Sub-section (2) omitted by Act 44 of 1991, s. 44, (w.e.f. 2-10-1991).

5. The words brackets and figure "or sub-section (2)" omitted by Act 44 of 1991, s. 44 (w.e.f. 2-10-1991).

6. Sub-section (4) omitted by s. 44, *ibid.* (w.e.f. 2-10-1991).

7. Subs. by Act 44 of 1991, s. 45, for certain words (w.e.f. 2-10-1991).

8. Subs. by Act 18 of 2022, s. 38, for "other than those specified in Schedule I and Part II of Schedule II" (w.e.f. 1-4-2023).

9. Subs. by s. 38, *ibid.*, for "deemed to have been included in Schedule V" (w.e.f. 1-4-2023).

10. Ins. by s. 39, *ibid.* (w.e.f. 1-4-2023).

11. Subs. by Act 44 of 1991, s. 46, for sub-section (1) (w.e.f. 2-10-1991).



STANDARD OPERATING PROCEDURE TO DEAL WITH EMERGENCY ARISING DUE TO STRAYING OF TIGERS IN HUMAN DOMINATED LANDSCAPES

1. **Title:** Standard Operating Procedure to deal with emergency arising due to straying of tigers in human dominated landscapes
2. **Subject:** Dealing with emergency arising due to straying of tigers in human dominated landscapes
3. **Reference:** Advisories of National Tiger Conservation Authority/Project Tiger on the subject
4. **Purpose:** To ensure that straying tigers are handled in the most appropriate manner to avoid casualty/injury to human beings, tiger, cattle and property.
5. **Short Summary:** This Standard Operating Procedure (SOP) provides the basic, minimum steps which are required to be taken at the field level (tiger reserve or elsewhere) for dealing with incidents of tiger straying in human dominated landscapes.
6. **Scope:** The SOP applies to all forest field formations including tiger reserves besides other areas where such incidents occur.
7. **Responsibilities:** The Field Director would be responsible in the case of a tiger reserve/fringe areas. For a protected area (National Park/Wildlife Sanctuary), the concerned protected area manager would be responsible. In the case of other areas (revenue land/conservation reserve/community reserve/village/township) the Wildlife Warden, as per the Wildlife (Protection) Act, 1972, or Divisional Forest Officer/Deputy Conservator of Forests (under whose jurisdiction the area falls), would be responsible. The overall responsibility at the



State level would rest with the Chief Wildlife Warden of the concerned State.

8. Suggested field actions to deal with strayed wild carnivores (tiger/leopard)

(a) At the outset, constitute a Committee immediately for technical guidance and monitoring on day to day basis, as under:-

- i. A nominee of the Chief Wildlife Warden
- ii. A nominee of the National Tiger Conservation Authority
- iii. A veterinarian
- iv. Local NGO representative
- v. A representative of the local Panchayat
- vi. Field Director/Protected Area Manager/DFO I/C - Chairman

(b) Since it may not be always possible for experts from the Wildlife Institute of India to provide assistance, it is advised that some outside experts may be involved in the ongoing monitoring.

(c) Establish identity of the tiger by comparing camera trap photographs with National Repository of Camera Trap Photographs of Tigers (NRCTPT)/ Reserve level photo database and find out the source area of the animal.

(d) Collect recent cattle/livestock depredation or human injury/fatal encounter data, if any, in the area. If it is an area historically prone to such incidences, detailed research work has to be carried out in order to assess the reasons for the frequent tiger emergencies in the area.



- (e) In case of confirmed livestock depredation/human injury/fatal encounters or frequent straying of tiger near human settlements, set traps (automatic closure) with appropriate luring while avoiding disturbance, to trap the animal.
- (f) Set up camera traps near kill site to confirm/establish the ID of the animal.
- (g) Ensure unobtrusive guarding of the kill to allow feeding of the carcass (if not close to a human settlement) besides safeguarding from poisoning (for revenge killing).
- (h) Create 'pressure impression pads (PIPs)' in the area to ascertain the daily movement of the animal, while plotting the same on a map (4" = 1 mile scale or 1 : 50,000 scale).
- (i) Proactively involve District Collector/DM and SSP/SP of the area to maintain law and order in the area, besides avoiding crowding by local mobs. Acquaint them with human-tiger conflict issues and guidelines of the NTCA to deal with the situation.
- (j) In all instances of wild carnivores like tiger/leopard straying into a human dominated landscape, the district authorities need to ensure law and order by imposing section 144 of the Cr.PC. This is essential to avoid agitation/excited local people surrounding the animal spot which hampers capture operation, leading to serious injuries on people and staff. It is also necessary that police and local administration be involved at an early stage. Effective coordination with them is critical to control mobs which as has been seen in several instances, worsen the situation and lead to avoidable fatalities/tragedies.



- (k) Take help of the district level officials to alert the villages in the vicinity of the area having the spatial presence of the tiger.
- (l) If successive trapping efforts fail, chemical immobilization of the wild carnivore should be done by an expert team having a veterinarian, as per the protocol at **Annexure-I**.
- (m) In case, the tranquilised tiger is found to be healthy in prime or young age without any incapacitation (loss of canine, injury, broken paw etc.), as confirmed/certified by the Committee as constituted at para (1), then it may be released after radio collaring in a suitable habitat with adequate prey base, away from the territory of a resident male tiger (if any) or human settlements, under intimation to the National Tiger Conservation Authority. (Under no circumstances an injured/incapacitated tiger should be released back, and the same needs to be sent to a recognized zoo).
- (n) Under no circumstances, a tiger should be eliminated by invoking the Wildlife (Protection) Act, 1972, if it is not habituated for causing human death. The guidelines for dealing with animals which have become 'Dangerous to Human Life' are annexed for compliance/guidance in this regard (**Annexure-II**).
- (o) In case of a healthy tiger/encumbered tigress occupying a sugar cane field or similar habitat, attempt should be made first to attract it to nearby forest area, while avoiding disturbance. If such operations fail, the animal should be captured through immobilization for release in low density



area of a nearby tiger reserve/protected area after radio collaring.

- (p) An authorized spokesperson of the Forest Department, should periodically update the media (if required) to prevent dissemination of distorted information relating to the operation/incidents. Sensalization or distorted information can lead to further damage.
 - (q) In case monitoring using camera traps (Phase-IV) is ongoing in the area, the minimum tiger numbers based on individual tiger captures, should not be given undue publicity without due cross checking with the National Tiger Conservation Authority.
 - (r) The Chief Wildlife Warden has to take the final decision on whether a tiger has to be released back in the wild or transferred to a zoo.
 - (s) It is important to have properly designed suitable cages and transport mechanism which cause least stress to the captured carnivore.
9. **Preventive/Proactive Measures** to be followed in tiger straying incidents/areas prone are at **Annexure-III**.
10. Guidelines for prioritizing areas for tiger monitoring are at **Annexure-IV**.
