

**WILDLIFE CONFLICT, RURAL LIVELIHOOD ECONOMICS, AND
CONSTITUTIONAL RIGHTS IN ASIA: A STUDY OF EMERGING LEGAL TRENDS
ACROSS THE ASIAN REGION**

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1. Introduction

Human wildlife conflict (HWC) has emerged as one of the most pressing environmental and socio-legal challenges in contemporary India. As human populations expand and developmental activities intensify, the natural habitats of wildlife are increasingly encroached upon, leading to frequent interactions between humans and wild animals. These interactions often result in loss of human life, destruction of crops, livestock depredation, and retaliatory killing of wildlife. The issue is no longer confined to remote forest regions but has become widespread across rural and peri-urban areas.

India, being one of the world's most biodiverse countries, faces a unique challenge in balancing conservation objectives with the livelihood needs of its population. The Wildlife (Protection) Act, 1972 provides a robust legal framework for wildlife conservation; however, it often operates in tension with the socio-economic realities of communities living in close proximity to forests. This tension raises important constitutional questions regarding the reconciliation of environmental protection with fundamental rights, particularly the right to life and livelihood under Article 21.

The constitutional framework in India provides a strong basis for environmental protection. Article 21 has been expansively interpreted by the judiciary to include the right to a clean and healthy environment, while Article 48A and Article 51A(g) impose duties on the State and citizens to protect wildlife and ecological balance. However, the practical implementation of these principles often leads to conflicts between conservation priorities and human welfare.

This paper seeks to critically analyse the legal and constitutional dimensions of human-wildlife conflict in India. It examines the evolving jurisprudence, highlights key challenges, and explores recent trends that are reshaping the discourse. It also evaluates how the law attempts to strike a balance between competing interests and offers recommendations for a more integrated and sustainable approach.

2. Conceptual Framework of Human Wildlife Conflict

Human–wildlife conflict refers to situations where the needs and behavior of wildlife adversely impact human populations, or where human activities threaten the survival of wildlife. This conflict is not merely ecological but deeply intertwined with socio-economic and legal dimensions. It reflects the broader struggle between development and conservation, and between anthropocentric and ecocentric approaches to law.

The primary causes of human–wildlife conflict include habitat fragmentation, deforestation, urban expansion, infrastructure development, and climate change. As forests shrink and natural resources become scarce, animals are forced to venture into human settlements in search of food and water. This leads to increased encounters, often with harmful consequences for both humans and wildlife.

The impact of such conflicts is disproportionately borne by marginalized communities, including farmers, tribal populations, and forest dwellers. These groups depend heavily on natural resources for their livelihood and are more vulnerable to economic losses caused by wildlife. In many cases, compensation mechanisms are inadequate or delayed, further exacerbating the problem.

From a legal perspective, human–wildlife conflict raises complex questions about rights and responsibilities. While wildlife is protected under statutory and constitutional provisions, humans affected by such conflicts also have legitimate claims to safety, livelihood, and dignity. This creates a need for a balanced legal framework that accommodates both conservation and human welfare.

3. Constitutional Framework and Legal Balancing

The Indian Constitution provides a comprehensive framework for environmental protection and wildlife conservation. Article 21, which guarantees the right to life and personal liberty, has been interpreted to include the right to a clean and healthy environment. This interpretation has been instrumental in shaping environmental jurisprudence in India.

In addition to fundamental rights, Directive Principles of State Policy and Fundamental Duties also play a crucial role. Article 48A directs the State to protect and improve the environment and safeguard forests and wildlife, while Article 51A(g) imposes a duty on citizens to protect the natural environment and show compassion for living creatures.

The judiciary has played a key role in harmonizing these provisions. Courts have consistently emphasized that environmental protection is not merely a policy objective but a constitutional obligation. At the same time, they have recognized that conservation efforts must not come at the cost of human dignity and livelihood.

The challenge lies in balancing competing rights. On one hand, there is a need to protect biodiversity and ecological balance; on the other, there is a need to ensure that individuals and communities are not deprived of their means of livelihood. This balancing act is particularly complex in the context of human–wildlife conflict, where both interests are equally compelling.

In recent years, the constitutional framework governing environmental protection has been increasingly shaped by emerging global and domestic challenges such as climate change, biodiversity loss, and sustainable development. Indian courts have begun to adopt a more **ecocentric approach**, moving beyond a purely human-centered interpretation of rights. This shift is evident in judicial recognition of the intrinsic value of nature and the interconnectedness between human survival and ecological stability. The expanding scope of Article 21 now reflects not only the right to a healthy environment but also the necessity of preserving ecosystems as a prerequisite for intergenerational equity. Consequently, wildlife protection is being viewed as an essential component of constitutional governance rather than merely a statutory obligation.

Another important trend is the growing integration of **technology and environmental governance** within the constitutional framework. Courts and regulatory authorities are increasingly relying on tools such as satellite monitoring, geographic information systems (GIS), and digital databases to track deforestation, wildlife movement, and illegal activities. This technological shift has enhanced transparency and accountability in environmental decision-making. At the same time, it has raised new constitutional questions concerning data governance, privacy, and the role of the State in regulating digital surveillance for conservation purposes. These developments highlight the evolving nature of environmental rights and the need to align constitutional protections with technological advancements.

Furthermore, there has been a noticeable emphasis on **community-based conservation and participatory governance** in recent legal and policy discourse. Recognizing that local communities are often the first stakeholders affected by conservation policies, courts and policymakers are increasingly advocating for inclusive approaches that respect traditional knowledge and livelihood rights. The interaction between the Wildlife (Protection) Act, 1972 and laws such as the Forest Rights Act, 2006 reflects an ongoing attempt to reconcile conservation with social justice. However, tensions persist, particularly in cases involving displacement, restricted access to forest resources, and human-wildlife conflict. This underscores the need for a more nuanced constitutional balancing that ensures both ecological preservation and protection of human rights.

- ***Animal Welfare Board of India v. A. Nagaraja (2014)***

This landmark judgment marked a significant shift in Indian environmental jurisprudence by recognizing the intrinsic rights of animals. The Supreme Court held that animals have a right to live with dignity and that Article 21 extends to include animal life. The Court emphasized that human interests cannot override the rights of animals and highlighted the importance of compassion as a constitutional value.

- ***Rural Litigation and Entitlement Kendra v. State of U.P. (1985)***

Also known as the Dehradun Quarrying Case, this case established the principle that environmental degradation can violate fundamental rights. The Supreme Court ordered the closure of environmentally harmful mining activities and recognized the right to a healthy environment as part of Article 21.

4. Recommendations

Addressing human–wildlife conflict requires a holistic and integrated approach that balances ecological and socio-economic considerations. One of the key recommendations is the need to reform existing laws to incorporate provisions specifically addressing human–wildlife conflict. This includes establishing clear guidelines for compensation, rehabilitation, and conflict resolution.

Strengthening institutional capacity is also essential. This involves providing adequate training and resources to enforcement agencies, as well as enhancing coordination between different departments. The use of technology should be encouraged to improve monitoring and response mechanisms.

Community participation must be at the center of conservation strategies. Involving local communities in decision-making processes and providing alternative livelihood opportunities can significantly reduce conflict. Education and awareness programs can also play a crucial role in promoting coexistence.

Finally, there is a need for greater judicial sensitivity and expertise in dealing with wildlife-related cases. Establishing specialized environmental courts or tribunals can help ensure more effective and timely adjudication.

Conclusion

Human–wildlife conflict represents a complex intersection of environmental, legal, and socio-economic issues. While the Indian Constitution and legal framework provide a strong foundation for wildlife protection, their effectiveness depends on how well they accommodate the needs and rights of affected communities.

The judiciary has played a crucial role in expanding the scope of constitutional rights to include environmental protection and animal welfare. However, the challenge lies in translating these principles into practical solutions that balance conservation with human welfare.

As India continues to develop, the need for a more adaptive and inclusive approach to wildlife protection becomes increasingly important. By integrating legal reforms, technological innovation, and community participation, it is possible to achieve a sustainable balance between humans and wildlife.

Ultimately, the success of wildlife conservation efforts will depend on the ability to harmonize ecological preservation with the fundamental rights and livelihoods of people, ensuring a future where both humans and wildlife can coexist peacefully.

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