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〈Articles〉

Wildlife Protection Law and Tiger Tourism in India

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- I. Introduction
- II. Tigers in India and the Wildlife Protection Act of 1972
- III. Tiger Tourism and the Prayatna Public Interest Litigation
- IV. Field Visit to Bandhavgarh National Park, India
- V. Conclusion

I. Introduction

The tiger, like the Taj Mahal and the Ganges River, serves as one of the great iconic images of India. Newspaper advertisements and internet homepages promoting tourism in India make liberal use of photographs of tigers to help attract foreign visitors to the country. Each year, thousands of people from around the world travel to India's national parks, hoping to



Vista seen in Magadhi zone of Bandhavgarh National Park.

get a close-up look at this majestic animal. The fact that the tiger is recognized as an endangered species by the International Union for Conservation of Nature (IUCN)¹⁾ further increases its appeal. Ironically, the tiger's great appeal may also be a threat to its survival. Increasing numbers of tourists entering India's tiger reserves caused greater pressure on the grassland environment in which the tigers hunt, with noisy jeeps full of holiday tourists racing around parks to get to the best viewing spots. One environmentalist, claiming that these mad scrambles interrupted tigers' hunting activities and scared away prey animals, initiated a contentious lawsuit which raised serious questions about whether tourism was good or bad for tiger conservation.

1) See IUCN Red List of Threatened Species, <http://www.iucnredlist.org/details/15955/0> (viewed 14 February 2013).

In this article, I will: 1) discuss the historical decline in tiger numbers in India and the laws introduced to protect them; 2) explain the characteristics of tiger tourism and the lawsuit which sought to ban such tourism in the tiger reserves; and 3) report on the conditions observed in one Indian tiger reserve, the Bandhavgarh National Park, during a field visit conducted in early March 2013.

II. Tigers in India and the Wildlife Protection Act of 1972

About one hundred years ago, tigers could be found in most parts of Asia: Turkey and the Caspian area, the Indian subcontinent, China, Indochina, Indonesia, the Korean Peninsula, and the Russian Far East.²⁾ It is believed that there were about 100,000 tigers at the beginning of the 20th Century.³⁾ In the years since, human activities such as forest clearing for agriculture and timber harvesting, and the development of road networks, have resulted in the loss of 93% of the tiger's former habitat range.⁴⁾ This loss of habitat range, coupled with hunting (and more recently poaching), have resulted in a dramatic decrease in tiger numbers. According to the IUCN, the present global population of tigers in the wild is estimated to be approximately 4,000 individuals.⁵⁾ Of even

2) WWF (formerly World Wildlife Fund) homepage at http://www.panda.org/what_we_do/endangered_species/tigers/about_tigers/tiger_habitat/ (viewed 14 February 2013).

3) WWF homepage at http://www.panda.org/what_we_do/endangered_species/tigers/about_tigers/tiger_population/ (viewed 14 February 2013).

4) <http://www.iucnredlist.org/details/15955/0> (viewed 14 February 2013).

5) <http://www.iucnredlist.org/apps/redlist/details/15955/0> (viewed 14 February 2013).

greater concern is that when the numbers are adjusted to count only those individuals likely to breed and reproduce, the effective breeding population size could be as few as 2,154 adults.

Looking specifically at the tiger population of India, game hunting that continued until the 1970's was a large factor in their numerical decrease. Although tiger hunting in India goes back hundreds of years, it became increasingly destructive when new hunting practices were adopted with the introduction of modern European firearms. By 1757, the British in Bengal had started giving special bounties for each tiger killed.⁶⁾ A Colonel Rice is reported to have killed and wounded ninety-three tigers between 1850 and 1859, and a Lieutenant Colonel Gordon Cummings was reported to have killed 173 tigers in 1863 alone.⁷⁾ The Maharajah of Udaipur reportedly shot at least 1,000 tigers in his lifetime and the Maharajah of Surguja is said to have shot 1,150.⁸⁾ The total number of tigers lost in the killing spree that occurred in the fifty-year period between 1875 and 1925 was estimated to be 80,000.⁹⁾ It is estimated that the number of tigers in the Indian subcontinent dramatically declined from about 40,000 individuals at the start of the 1900's to about 4,000 tigers in 1964.¹⁰⁾ This number further decreased to 2,500 individuals in

6) Valmik Thapar, *Tiger: The Ultimate Guide* (2004) at 187.

7) Valmik Thapar, *Tiger: The Ultimate Guide* (2004) at 193.

8) Belinda Wright, *Will the Tiger Survive in India?: TIGERS OF THE WORLD: THE SCIENCE, POLITICS, AND CONSERVATION OF PANTHERA TIGRIS* (2010) at 88.

9) Valmik Thapar, *Tiger: The Ultimate Guide* (2004) at 193.

10) Peter Jackson, *Fifty Years in the Tiger World: An Introduction, TIGERS OF THE WORLD: THE SCIENCE, POLITICS, AND CONSERVATION OF PANTHERA TIGRIS* (2010) at 3.

1969.¹¹⁾ In 1971, the Indian government declared a moratorium on tiger hunting which later became a permanent ban, and a 1971 all-India census produced an estimate of only 1,827 tigers remaining in the country.¹²⁾

The next year, the Indian government passed the Wildlife Protection Act of 1972 with the objective of controlling poaching and illegal trade in wildlife and its derivatives.¹³⁾ This law was updated in 2003¹⁴⁾ and again in 2006¹⁵⁾. The Wildlife Protection Act (WLPA) provides a legal framework for the prohibition of hunting, the protection and management of wildlife habitats, the establishment of protected areas, the regulation and control of trade in parts and products derived from wildlife, and even the management of zoos. With respect to hunting activities, the WLPA specifically prohibits the hunting of any animals which are listed in schedules I, II, III and IV of the Act.¹⁶⁾ Tigers are listed in Schedule I. The Act provides that a person found guilty of killing a tiger in a sanctuary or National Park is “punishable with imprisonment for a term which shall not be less than three years but may extend to seven years and also with fine which shall not be less than ten thousand rupees”. In

11) *Ibid* at 3.

12) *Ibid* at 5.

13) See The Wildlife (Protection) Act, 1972 (No. 53 of 1972) (9th September, 1972).

14) See The Wildlife (Protection) Amendment Act, 2002 (No. 16 of 2003) (20th January 2003). The texts of both Acts are available at the homepage of the Ministry of Environment and Forests, Government of India, <http://envfor.nic.in/modules/rules-and-regulations/wildlife/> (Viewed 14 February 2013).

15) See The Wildlife (Protection) Amendment Act, 2006 (No. 39 of 2006) (3rd September 2006).

16) Wildlife (Protection) Act, Chapter III Hunting of Wild Animals, Section 9 Prohibition of Hunting.

the case of a second or subsequent offense, “the term of imprisonment shall not be less than three years but may extend to seven years and also with fine which shall not be less than twenty-five thousand rupees”.¹⁷⁾

In 1973, India started “Project Tiger”, a government sponsored undertaking intended to “ensure a viable population of tiger in India for scientific, economic, aesthetic, cultural and ecological values” and to “preserve for all time, areas of biological importance as a natural heritage for the benefit, education and enjoyment of the people”.¹⁸⁾ Project Tiger began with 9 tiger reserves that covered an area of 16,339 square kilometers, with a population of 268 tigers.¹⁹⁾ By 2012, the number of tiger reserves increased to 41, including a total area of over 35,123 square kilometers.²⁰⁾ Each tiger reserve has a “core” area which is to be free of human activities and biotic disturbances, and a “buffer” area which allows “conservation oriented land use”.²¹⁾ A 2010 census of India’s tiger population estimated the number of tigers in India to be 1,706 individuals (in a range of 1,520 to 1,909 individuals).²²⁾

17) Wildlife (Protection) Act, Chapter IV Prevention and Detection of Offences, Section 51 Penalties.

18) Project Tiger homepage at <http://projecttiger.nic.in/introduction.htm> (Viewed 15 February 2013).

19) *Ibid.*

20) *Stripes, Bi-Monthly Outreach Journal of National Tiger Conservation Authority*, (Sept. – Oct. 2012) Vol. 3, Issue 6, available at <http://projecttiger.nic.in/publication.htm> (Viewed 20 February 2013).

21) Project Tiger, Past, Present and Future at <http://projecttiger.nic.in/past.htm> (Viewed 15 February 2013).

22) Y.V. Jhala, Q. Qureshi, R. Gopal, and P.R. Sinha, (Eds.) (2011), *Status of the Tigers, Co-predators, and Prey in India 2010*. National Tiger Conservation Authority, Government of India, New Delhi, and Wildlife Institute of India, Dehradun, at page xi.



Sign at entrance to Magadhi zone of Bandhavgarh Tiger Reserve.

Another significant development in 1973 was the adoption of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).²³⁾ CITES was drafted as the result of a resolution adopted in 1963 at a meeting of the International Union for Conservation of Nature (IUCN).²⁴⁾ The text of the Convention was finally agreed upon at a meeting of representatives from 80 countries in Washington, D.C., United States of America, on March 3, 1973.²⁵⁾ CITES places strict

23) Convention on International Trade in Endangered Species of Wild Fauna and Flora, March 3, 1973, 27 U.S.T. 1087, 993 U.N.T.S. 243.

24) CITES web page at <http://www.cites.org/eng/disc/what.shtml> (Viewed 18 February 2013).

25) This treaty is often referred to in Japan as the "Washington Joyaku" 「ワシントン条約」, see web-site for Japan Ministry of Foreign Affairs: <http://www.mofa.go.jp/mofaj/gaiko/kankyo/jyoyaku/wasntn.html> (Viewed 18 February 2013).

restrictions on the international commercial import and export of plant and animal species that are believed to be actually or potentially harmed by trade. In 2013, there are now 177 countries that have joined the Convention and have agreed to be legally bound by its terms.²⁶⁾ India ratified CITES on July 20, 1976.²⁷⁾

The tiger, *Panthera tigris*, was listed in Appendix I of CITES on July 1, 1975.²⁸⁾ Animal species listed in CITES Appendix I are those that are threatened with extinction which are or may be affected by trade. Trade in specimens of these species must be subject to particularly strict regulation in order not to endanger further their survival and must only be authorized in exceptional circumstances.²⁹⁾ Trade of Appendix I specimens requires both an export permit from the country of export as well as an import permit from the country of import.³⁰⁾ The CITES definition of an Appendix I animal “specimen” means not only the animal “whether alive or dead”, but also “any recognizable part or derivative thereof”.³¹⁾

26) CITES web-site at <http://www.cites.org/eng/disc/parties/index.php> (Viewed 18 February 2013).

27) CITES web-site at <http://www.cites.org/eng/disc/parties/chronolo.php> (Viewed 18 February 2013).

28) See Checklist of CITES Species 2011 at http://www.cites.org/eng/resources/pub/checklist11/History_of_CITES_listings.pdf (Viewed 18 February 2013). Initially, the Amur (Siberian) tiger subspecies was listed separately in Appendix II on the same date, but was later included with the other subspecies in Appendix I on October 22, 1987.

29) CITES Article II(1).

30) CITES Article III(1) – (3).

31) CITES Article I(b)

Despite the adoption of the WLPA and the ratification of CITES, illegal poaching of tigers in India continues even to the present day. This is mainly due to a demand for tiger skins and body parts as home decorations and in traditional Chinese herbal medicine. The Chinese believe that tiger bone can be used to treat pain and inflammation, and to strengthen muscles, tendons and bones.³²⁾ According to a 2006 report produced by the Environmental Investigation Agency (an independent campaigning organization), “(t)he illegal trade in poached skins between India, Nepal and China is the most significant immediate threat to the continued existence of the tiger in the wild.”³³⁾ The report stated that poaching of tigers was controlled by organized criminal networks that were motivated by the high profits involved. “A poacher in India could be paid US \$1,500 for one tiger skin, whilst a trader in China may offer the same skin for as much as US \$16,000 – a profit margin of over 900 per cent. This profit greatly outweighs the potential financial penalties upon prosecution.”³⁴⁾

In 1993, the Chinese State Council issued a notice banning the manufacturing or trading of tiger bone medicines³⁵⁾ and in 1995, the

32) Belinda Wright, *Will the Tiger Survive in India?: TIGERS OF THE WORLD: THE SCIENCE, POLITICS, AND CONSERVATION OF PANTHERA TIGRIS* (2010) at 89.

33) D. Banks and B. Wright, *Skinning the Cat: Crime and Politics of the Big Cat Skin Trade* (2006), available at web-site of Environmental Investigation Agency, <http://www.eia-international.org/skinning-the-cat> (Accessed 18 February 2013).

34) *Ibid.* at 15.

35) Kristin Nowell, *Tiger Farms and Pharmacies: The Central Importance of China's Trade Policy for Tiger Conservation*, *TIGERS OF THE WORLD: THE SCIENCE, POLITICS, AND CONSERVATION OF PANTHERA TIGRIS* (2010) at 465.

China Health Ministry removed tiger bone from the list of ingredients in traditional Chinese medicines.³⁶⁾ Despite these actions by the Chinese government, the persistent demand for tiger products in China and throughout Southeast Asia continues to provide a lucrative market for poached tiger parts.³⁷⁾ This continuing demand for tiger has put a lot of pressure on the tiger reserves in India. In 2005, it was revealed that poachers had killed all of the tigers in the Sariska Tiger Reserve.³⁸⁾ By the beginning of 2009, it was confirmed that the Panna tiger reserve had also lost its last tiger.³⁹⁾ Statistics kept by the Wildlife Protection Society of India indicate that at least 967 tigers in India were lost to poaching and seizure in the period from 1994 to 2012, and 9 tigers were lost in the first two months of 2013 alone.⁴⁰⁾ Sadly, even tigers living in the tiger reserves are not safe.

36) Report by International Fund for Animal Welfare, *Made In China: Farming Tigers to Extinction* (2007) available at <http://www.ifaw.org/united-states/resource-centre/made-china-farming-tigers-extinctions> (Viewed 19 February 2013).

37) The International Fund for Animal Welfare discovered a December 3, 2011 auction in Beijing in which at least 400 bottles of "tiger bone wine" from various traditional Chinese Medicine manufacturers was scheduled to be sold. The IFAW account of the auction can be accessed at: <http://www.ifaw.org/united-states/news/chinese-auction-flouts-tiger-trade-ban> (Viewed 19 February 2013). A reporter's account of the auction can be accessed at: <http://www.guardian.co.uk/environment/blog/2011/dec/06/china-tiger-bone-wine-auction> (Viewed 19 February 2013).

38) Bittu Sahgal and Jennifer Scarlott, *This Heaven and This Earth: Will India Keep Its Promise to Panthera tigris?*, TIGERS OF THE WORLD: THE SCIENCE, POLITICS, AND CONSERVATION OF PANTHERA TIGRIS (2010) at 304.

39) Belinda Wright, *Will the Tiger Survive in India?*: TIGERS OF THE WORLD: THE SCIENCE, POLITICS, AND CONSERVATION OF PANTHERA TIGRIS (2010) at 99.

40) Wildlife Protection Society of India, *WPSI's Tiger Poaching Statistics*, available at <http://www.wpsi-india.org/statistics/index.php> (Viewed 19 February 2013).



Forest in Bandhavgarh Tiger Reserve.

III. Tiger Tourism and the Prayatna Public Interest Litigation

At the same time that the numbers of tigers in India declined, the number of tourists who traveled to India's tiger reserves to see the tigers increased. Overall, the number of foreign tourist arrivals in India grew from 4.45 million in 2006 to 6.29 million in 2011, representing an average annual growth rate of 7.2%⁴¹⁾ Domestic visits in 2011 were estimated to

41) OECD (2012), "India", in *OECD Tourism Trends and Policies 2012*, OECD Publishing. Available at http://www.oecd-ilibrary.org/industry-and-services/oecd-tourism-trends-and-policies-2012/india_tour-2012-49-en (Viewed 19 February 2013).

be 740.2 million, a 10.7% increase over the previous year.⁴²⁾ By 2012, the tourism industry in India was estimated to employ 38.6 million people. Specifically with respect to “tiger tourism”, it was estimated by the Tiger Task Force in 2005 that more than 1 million visitors a year visited India’s then existing 28 tiger reserves.⁴³⁾ Of this amount, more than 80% were domestic tourists and less than 20% were tourists from abroad. Most resort facilities are privately owned, about 70% were established after 2000, and about 85% are located within 5 kilometers of park boundaries. Despite the diversity of wildlife in these parks, the sole purpose for most of the tourists in these protected areas was to view the tigers.⁴⁴⁾

Tourists who entered the tiger reserves usually viewed the tigers while riding in the open back seat of a 4-wheel drive jeep (these vehicles are also called “gypsies”). This is referred to as a “Jeep Safari”.⁴⁵⁾ In some tiger reserves, tourists were also sometimes given the opportunity to view tigers while riding on the back of an elephant. This is referred to as an “Elephant Safari”.⁴⁶⁾ Sometimes, when a tiger was located some distance from the jeep trails and could be better seen from the back of an elephant, jeep safari participants were allowed to pay a little extra to go on a short

42) *Ibid.*

43) Krithi K. Karanth and Ruth DeFries, *Nature-based tourism in Indian protected areas: New challenges for park management*, CONSERVATION LETTERS 00 (2010) 1-13. Available at <http://www.toftigers.org/documents/STUDY%20ON%20NATURE%20TOURISM%20Karanth%202010.pdf> (Viewed 19 February 2013).

44) *Ibid.*

45) See homepage of Bandhavgarh National Park at: <http://www.bandhavgarh-national-park.com/jeep-safari-in-bandhavagr.html> (Viewed 20 February 2013).

46) <http://www.bandhavgarh-national-park.com/elephant-safari-in-bandhavgarh.html> (Viewed 20 February 2013).



Line of jeeps waiting for 6:30a.m. entry into Magadhi zone of Bandhavgarh Tiger Reserve.

“tiger show” where they transferred from jeep to elephant for a few minutes to get a closer look.⁴⁷⁾ These “tiger shows” became controversial because of reports that some elephant handlers would chase tigers away from the easily visible open areas into the deeper brush away from the jeep trails. This tactic would force jeep safari participants to pay extra for a short ride on the elephant, and the unsuspecting tourists would give generous tips to the elephant handlers.⁴⁸⁾

47) See description of “tiger sightseeing” at <http://bandhavgarh.co.uk/bandhavgarh-safari.html> (Viewed 20 February 2013).

48) Rupankar Mahanta, *India Travel Diary, Bandhavgarh Trip Report: April 2012*, <http://seven-sisters.blogspot.jp/2012/04/bandhavgarh-trip-report-april-2012.html> (Viewed 27 March 2013).

Costs for safaris varied at each tiger reserve with different prices for Indian nationals and foreigners, and at the Bandhavgarh National Park, there was even differential pricing for different zones of the park. The Tala zone, which has a reputation among tourists for providing the greatest odds of spotting tigers, was designated a “Premium Safari Zone”. Entry into the Tala zone cost an Indian national 4,300 rupees and a foreign visitor 6,300 rupees (price for entrance ticket, mandatory guide fee, and vehicle fee).⁴⁹⁾ Entry into Bandhavgarh’s other two zones, Magadhi and Khitauli, cost an Indian national 3,400 rupees and a foreign visitor 4,500 rupees.⁵⁰⁾

Unfortunately, the increasing quantity of tourists to the tiger reserves apparently did not translate into increasing quality. According to The International Ecotourism Society (TIES), ecotourism is defined as “responsible travel to natural areas that conserves the environment and improves the well-being of local people”.⁵¹⁾ One of the key principles of ecotourism is minimizing impact to the environment. In accordance with this principle, visitors to tiger reserves are advised to talk quietly, avoid making rapid movements, and to avoid wearing brightly-colored clothes that will disturb the animals.⁵²⁾ But, according to one report, the vast

49) See Bandhavgarh Tour Guide, Park Safari/ Game Drive, <http://bandhavgarh.co.uk/bandhavgarh-safari.html> (Viewed 20 February 2013).

50) *Ibid.*

51) TIES homepage: <http://www.ecotourism.org/what-is-ecotourism> (Viewed 20 February 2013).

52) As an example, please see “Tips for Wildlife Viewing” at homepage of Bandhavgarh National Park: <http://www.bandhavgarh-national-park.com/wildlife-tips-bandhavgarh.html> (Viewed 20 February 2013).

majority of visitors to India's protected areas were "simple pleasure seekers ignorant about conservation, with attitudes and behavior incompatible with responsible ecotourism".⁵³⁾ Another report describing the same behavior specifically mentioned visitors observed at India's Taboda-Andhari Tiger Reserve who were "eager, laughing, gaily dressed for a day's outing, and talking loudly as they drove around the reserve".⁵⁴⁾ Visitors were also reportedly seen throwing plastic litter in the reserve.⁵⁵⁾

Besides the excessive noise and litter, the increased tourism also resulted in "waves of tiger sighting frenzy common during the tourist season where tigers are chased and surrounded by jeeps and elephants for photo-ops, with significant impacts on wildlife behavior and habitat."⁵⁶⁾ Drivers often sped around the tiger reserves in order to secure the best viewing spots, and would continue to jockey for the best photographic vantage point even after a tiger was spotted. One visitor to the Bandhavgarh Tiger Reserve in April 2012 described a crowd of jeeps staking out a waterhole well-known for tiger appearances: "(b)ut this being only point to have a tiger sighting, all of 65 vehicles would converge there creating a scene of chaos. Entire stretch of 100 meters or so was blocked by gypsies leaving no passage for tigers to cross. The result was

53) Abhijit Banerjee, *Tourism in Protected Areas: Worsening Prospects for Tigers?*, ECONOMIC & POLITICAL WEEKLY (March 6, 2010) Vol. XLV, No. 10. at 28.

54) Emma Mawdsley, Deepshikha Mehra, Kim Beazley, *Nature Lovers, Picnickers and Bourgeois Environmentalism*, ECONOMIC & POLITICAL WEEKLY (March 14, 2009) Vol. XLIV No. 11 at 53.

55) *Ibid* at 56.

56) Abhijit Banerjee, *Tourism in Protected Areas: Worsening Prospects for Tigers?*, ECONOMIC & POLITICAL WEEKLY (March 6, 2010) Vol. XLV, No. 10. at 28.

that, in the late afternoon one tiger came out from the bushes and as there was no passage for it to move to the pond, it went back."⁵⁷⁾

Another criticism was that while ecotourism is supposed to provide financial benefits and empowerment for local people,⁵⁸⁾ most of the revenues generated by tiger tourism either flowed to the government or to private tour operators or lodgings owners.⁵⁹⁾ Members of the local communities received meager benefits in the form of jobs as cooks, porters, janitors, and jeep drivers. With all of the money flowing around, forest authorities at the popular tiger reserves were unable to resist pressures to increase tourism for higher revenue generation.⁶⁰⁾ Additionally, the increase of visitors encouraged more investors to build more lodging facilities in the area surrounding the tiger reserves, resulting in greater competition for precious water resources. Accordingly to one source, in the span of 10 years, about 150 resorts were built in the area around the Corbett Tiger Reserve.⁶¹⁾ When there is too much development surrounding a tiger reserve, the tigers become "fenced in",

57) Rupankar Mahanta, *India Travel Diary, Bandhavgarh Trip Report: April 2012*, <http://seven-sisters.blogspot.jp/2012/04/bandhavgarh-trip-report-april-2012.html> (Viewed 27 March 2013). For a video depiction of a similar chaotic tiger sighting, please see, *A Critical Look at Bandhavgarh National Park, India*, a video posted on the popular YouTube site available at: <http://www.youtube.com/watch?v=rpFcbO2O9p4> (Uploaded 14 July 2008.)

58) TIES homepage: <http://www.ecotourism.org/what-is-ecotourism> (Viewed 20 February 2013).

59) Abhijit Banerjee, *Tourism in Protected Areas: Worsening Prospects for Tigers?*, *ECONOMIC & POLITICAL WEEKLY* (March 6, 2010) Vol. XLV, No. 10. at 28.

60) *Ibid.*

61) Champati Sarath, *Ban on tourists no boon for tigers*, *THE HINDU*, <http://www.thehindu.com/opinion/op-ed/ban-on-tourists-no-boon-for-tigers/article3704421.ece> (Posted July 31, 2012).



Cheetal deer (*Axis axis*) observed in Bandhavgarh Tiger Reserve.

and are unable to migrate to neighboring areas that also have tiger populations. This becomes problematic because, without periodic infusions of new blood and DNA, the population of tigers in a closed area will become increasingly inbred and subject to the occurrence of genetic weaknesses.

In September 2010, environmental activist Ajay Dubey and his non-profit organization Prayatna⁶²⁾ initiated a Public Interest Litigation (PIL) in the Madhya Pradesh high court in an effort to reign in what he believed to be out-of-control tiger tourism. The basis for this lawsuit was the 2006

62) Prayatna homepage at: <http://www.prayatnaindia.org/> (Viewed 20 February 2013).

amendments to the Wildlife Protection Act⁶³⁾ which inserted new Chapters IVB and IVC into the existing law. Chapter IVB created the National Tiger Conservation Authority which would have the power to “lay down normative standards for tourism activities and guidelines for project tiger from time to time for tiger conservation in the buffer and core area of tiger reserves and ensure their due compliance.”⁶⁴⁾ Chapter IVB also stated that, on the recommendation of the Tiger Conservation Authority, state governments were to notify areas as tiger reserves and that the “core or critical tiger habitat areas of National Parks and sanctuaries... are required to be kept as inviolate for the purposes of tiger conservation”.⁶⁵⁾ Relying upon the provisions of the new chapter, Dubey asserted three demands. First, the 6 tiger reserves in the state of Madhya Pradesh should notify the boundaries for their core and buffer areas; second, tourism should be banned from the core areas; and third, the tiger conservation plan specified by the National Tiger Conservation Authority (NTCA) should be implemented in Madhya Pradesh.⁶⁶⁾

After the Madhya Pradesh court declined to ban tourism from the core areas, Dubey filed a special leave petition with the India Supreme Court in

63) See The Wildlife (Protection) Amendment Act, 2006 (No. 39 of 2006) (3rd September 2006).

64) Wildlife (Protection) Amendment Act, 2006, Section 38O, Powers and functions of Tiger Conservation Authority, subsection (c).

65) Wildlife (Protection) Amendment Act, 2006, Section 38V, Tiger Conservation Plan.

66) Neha Sethi, *Rattling the tiger tourism industry*, available at: <http://betalivemint.com/Politics/ZTgc0QgZRcQ7bonl2LL6oO/Rattling-the-tiger-tourism-industry.html> (First published 24 August 2012).

2011.⁶⁷⁾ The Supreme Court agreed to take up the case, and urged the Ministry of Environment and Forest to establish a set of comprehensive measures for the conservation of tigers and wildlife.⁶⁸⁾ In July 2012, the ministry submitted guidelines that called for a move towards “community based” tourism which would be low-impact, educational, and which would conserve the ecology and environment while directly benefitting the economic development of local communities.⁶⁹⁾ The guidelines also specifically stated that tourism in the core/critical areas need to be phased out and moved to the peripheral/buffer areas⁷⁰⁾, and that “(w)ithin five years, permanent facilities located inside of core-critical tiger habitat/critical wildlife habitat, which are being used for wildlife tourism should be phased out”.⁷¹⁾ Since a number of states had not completely delineated the boundaries of the core areas and buffer areas of their tiger reserves, the Supreme Court ordered them to do so. When a number of states failed to comply, the Supreme Court issued an interim order of July 24, 2012 halting all tourism in the core areas of all of India’s tiger reserves.⁷²⁾ Reaction from the tourism sector was fast and fierce.

67) *Ibid.*

68) Utkarsh Anand, *MoEF for phasing out tiger hub tourism*, <http://www.indianexpress.com/news/moef-for-phasing-out-tiger-hub-tourism/978997/0> (Posted 25 July 2012).

69) Ministry of Environment and Forests, *Guidelines For Ecotourism In And Around Protected Areas*, available at: http://projecttiger.nic.in/whatsnew/Final_&_Revised_Ecotourism_Guidelines_21_5_2012_.pdf (Viewed 23 February 2013).

70) *Ibid.* at 6.

71) *Ibid.* at 7.

72) IBN Live India, *SC bans tourism in corea areas of tiger reserves*, available at: <http://ibnlive.in.com/news/sc-bans-tourism-in-core-areas-of-tiger-reserves/273925-3.html> (Posted 24 July 2012).



Jackal (*Canis aureus*) observed in Bandhavgarh Tiger Reserve.

Advocates of tiger tourism argued that poaching, not tourism, was responsible for the decline in tiger numbers, and that tourists and tour guides served as additional “eyes in the forest” to deter poachers. They pointed out that, in many of the reserves which hosted tiger tourism, the number of tigers went up, not down. One example they cited, Ranthambore National Park, had 26 tigers in the 2005-2006 season, but despite increasing numbers of tourists, the tiger population grew to 53 in 2012.⁷³⁾ Other heavily visited parks also appeared to show increased tiger numbers. According to the National Tiger Conservation Authority’s 2010

73) *India hotels, resorts suffer under tiger tourism ban*, NYDAILY NEWS at: <http://india.nydailynews.com/newsarticle/502a8cd0c3d4ca1038000008/india-hotels-resorts-suffer-under-tiger-tourism-ban> (Posted 14 August 2012).

tiger census, Corbett tiger reserve's 164 tigers in 2006 grew to 214 tigers by 2010.⁷⁴⁾ Bandhavgarh's 47 tigers increased to 59; Pench's 33 tigers grew into 65, and Taboda's 34 tigers increased to 69.⁷⁵⁾

Tourism supporters also argued the enormous economic effects of the ban. They said that revenues from tourism funded programs for local villagers who serve as gatekeepers against poachers and provided compensation so that villagers would not seek revenge when tigers killed their livestock.⁷⁶⁾ One writer described the situation in the Kabini area of Nagarhole Tiger reserve where more than 350 locals were employed at six local resorts. It was estimated that these workers received a combined salary of 4,000,000 rupees each month and that tourism pumped 5,000,000 rupees into the local economy each month.⁷⁷⁾ Without tiger tourism, all of these people would lose their jobs.

Since most tiger reserves close during the months from July to September because of the monsoons, the effects of the court's ban were somewhat softened, but most in the tourism sector worried whether the ban would be lifted in time for the 2012-2013 season. As the ban continued

74) Y.V. Jhala, Q. Qureshi, R. Gopal, and P.R. Sinha, (Eds.) (2011), *Status of the Tigers, Co-predators, and Prey in India 2010*. National Tiger Conservation Authority, at 3.

75) *Ibid.* at 39.

76) Ralf Buckley, *Tigers Need Tourist Traps*, available at http://www.slate.com/articles/health_and_science/new_scientist/2012/10/india_s_tiger_tourism_ban_endangered_species_rely_on_tourism_dollars.html (Posted 21 October 2012).

77) Champati Sarath, *Ban on tourists no boon for tigers*, THE HINDU, <http://www.thehindu.com/opinion/op-ed/ban-on-tourists-no-boon-for-tigers/article3704421.ece> (Posted July 31, 2012).



Langur monkey (*Semnopithecus entellus*) observed in Bandhavgarh Tiger reserve.

into the start of October, visitor numbers at Ranthambore National Park bottomed out. Although the park had attracted over 200,000 tourists the previous year, it did not sell a single ticket during the first two weeks it was open in October 2012, an estimated loss of 3.6 million rupees.⁷⁸⁾ It was also estimated that in the immediate area of Ranthambore, about 3,900 locals, from hotel managers to travel guides, depended entirely on tourism and the hospitality industry for their livelihoods.⁷⁹⁾ Because the economic ramifications of the tiger tourism ban extended far beyond the borders of the tiger reserves, the Ministry of Environment and Forests, which initially supported a ban of tourism in the core zones, reversed its

78) Preetika Rana, *Tiger Parks Feel Pinch*, available at <http://blogs.wsj.com/indiarealtime/2012/10/15/tiger-parks-feel-pinch-of-tourism-ban/> (Posted on 15 October 2012).

79) *Ibid.*

position and argued to the court that a complete ban was not necessary.⁸⁰⁾ Eventually, on October 16, 2012, an exasperated Supreme Court lifted the ban on tiger tourism and gave the states six months to prepare tiger conservation plans in line with NTCA guidelines and submit them to the India government.⁸¹⁾

IV. Field Visit to Bandhavgarh

For the purpose of researching this paper, I visited the Bandhavgarh National Park from March 7 to 11, 2013. Even before arrival, I learned that the most important effect of the Prayatna lawsuit and subsequent court orders was the reduction of the number of vehicles allowed into the park each day. Before the lawsuit, about 126 vehicles were allowed into the park for each 4-hour morning safari (25 for the Tala zone, 66 for the Magadhi zone, 35 for the Khitauli zone), and the same number of vehicles were allowed for each 3-hour afternoon safari.⁸²⁾ With the new rules in place, only 58 vehicles are allowed entry during the morning safari (20 for the Tala zone, 20 for the Magadhi zone, 18 for the Khitauli zone), and only 29 vehicles are allowed entry during the evening safari (10 for the Tala zone, 10 for the Magadhi zone, 9 for the Khitauli zone). With afternoon safaris more difficult to book, my travel agent was only able to secure for

80) Dhananjay Mahapatra, *Supreme Court lifts ban on tiger tourism*, THE TIMES OF INDIA website at: http://articles.timesofindia.indiatimes.com/2012-10-16/india/34497640_1_tourism-in-core-areas-areas-of-tiger-reserves-interim-ban-order (Posted 16 October 2012).

81) *Ibid.*

82) Bandhavgarh National Park Wildlife Safari Timing, <http://www.bandhavgarh-national-park.com/wildlife-safari-timing.html> (Viewed 26 March 2013).



Parked jeeps waiting for tell-tale signs of a tiger's appearance.

me one morning entry into the Khitauli zone and three morning entries into the Magadhi zone.

On the negative side, this reduction in vehicle numbers has resulted in a great reduction in the number of tourists coming to Bandhavgarh. The resort manager at the lodge where I stayed explained that before the lawsuit, tourists would first book accommodations and then book a safari. After the lawsuit, because entry to the park is so limited, tourists attempt to book a safari first and then make reservations for a place to stay. Since the main reason for travel to Bandhavgarh is to participate in a safari and look for tigers, tourists who are unable to secure a jeep reservation change their plans and travel elsewhere. The resort manager estimated that hotels in the area have seen occupancy levels cut in half. He explained that there

are about 50 tourist resorts in Bandhavgarh, and that about 15 of the resorts are considered large with 20 or more rooms. It was clear that with the reduction in tourist numbers, many hotels might be closed, and many hotel employees may lose their livelihoods. Another employee of the resort told me that the Bandhavgarh area has a population of about 20,000 people, and that about 3,000 to 4,000 have their livelihoods somehow connected to tiger tourism. Everyone I spoke to about this issue expressed some amount of anxiety about the future.

On the positive side, the reduced number of jeeps appears to have reduced the negative impacts on the environment and improved the quality of the tourist's experience. Outside of the park boundaries, the litter along the sides of the roads was painfully visible. Inside of the parks, I did not observe any litter at all. There also seemed to be a reduction in noise pollution as well. All of the jeep safari tourists that I observed seemed to be very quiet and respectful of nature. The lower number of jeeps in the forest also seemed to make it much easier for individual jeeps to maneuver around the forest and provide the visitors with "exclusive" sightings of wildlife. According to the naturalist who guided me into the forest, before the rule changes, tiger sightings were made by groups of jeeps about 80% of the time and by solo jeeps only about 20% of the time. After the reduction in the jeep numbers, sightings made by solo jeeps increased to about 40% of the time and sightings by groups of jeeps occur about 60% of the time. Indeed, for most of the time I was in the park, there were no other jeeps within sight, and I felt very privileged that what I was observing was "for my eyes only".



Tigress (*Panthera tigris*) observed crossing jeep path in front of four jeeps.

In addition to the rule reducing the number of vehicles allowed into the park, the new rules also require that visitors maintain a minimum distance of 20 meters from all wildlife and that, while spotting wildlife, a minimum distance of 50 meters be maintained between vehicles.⁸³⁾ On the one occasion that we did see a tiger, there were only five jeeps present at the location (out of a total of twenty jeeps in the Magadhi zone that morning), and the drivers carefully positioned their jeeps so that they would not block the tiger's path. It appeared that the jeeps were at least 20 meters distant from the tiger, and it appeared that the corridor for the tiger to travel was at least 50 meters wide (although the distance between jeeps

83) National Tiger Conservation Authority. *Guidelines For Tourism In And Around Tiger Reserves*. Section 2.2.15, issued as Part-B of *Comprehensive Guidelines for tiger conservation and tourism as provided under section 380(1)(c) of the Wild Life (Protection) Act, 1972*, issued 15th October 2012.

that were side-by-side facing the tiger were less than 50 meters).

A third change that I learned about was that the controversial “tiger shows” at Bandhavgarh were discontinued. Hopefully, this will result in more tiger sightings along the jeep paths as the elephant handlers will no longer have a motivation to chase the tigers into the deep brush.

V. Conclusion

The Indian government started Project Tiger in 1973. In the four decades since then, despite large increases in the number of tiger reserves and park acreage, the total number of tigers in India went from 1,827 in 1971 to 1,706 in 2010. Although the main causes of tiger declines may be attributed to illegal poaching and habitat loss, at least some people contend that out-of-control tiger tourism was also greatly harmful to the tigers. Because crowds of jeeps speeding loudly through the tiger reserves could not possibly have had a good effect on tigers, the temporary ban of tiger tourism was, in all likelihood, a necessary wake-up call for the tourism industry to increase self-control and improve how it conducted business.

Based on personal observations made at Bandhavgarh National Park from March 7 to 11, 2013, it was my impression that the reduced level of tourism seems relatively non-disruptive to the environment and provides the visitor with a high quality experience. But at the same time, it is exceedingly clear that the reduced numbers of tourists has caused a reduction in revenues that has the local tourism industry nervously

concerned. Traditionally, the people living in the area near Bandhavgarh mostly survive on subsistence agriculture with small incomes. For these families, lucrative jobs in tiger tourism make a big difference in household revenues. With the occupancy rates at Bandhavgarh hotels dropping to half of what they were pre-ban, one great fear is that some resorts will close shop, and their employees will be let go. It seems that a reinstatement of the tiger tourism ban would be the worst that could possibly happen. Without the revenues that come with tiger tourism, local communities may not have enough incentive to protect the tigers. Farmers may resort to poisoning tigers that kill their cattle, cutting down forest to make firewood, and killing deer and other tiger prey for human consumption. In the worst case, villagers might resort to poaching in order to participate in the highly profitable underground trade of tiger body parts.

Ultimately, the success of tiger tourism as an industry and as a means to help protect the species will require a balancing of economic and environmental interests. Considering the great popularity of the tiger around the world, increases in the number of low-cost air carriers, and the likely future improvements in India's road infrastructure, it is likely that a greater number of foreigners will consider travelling to India's remote tiger reserves. With more people competing for a fixed number of jeep reservations, the price of an entry into the parks (and especially premium zones like Tala) will likely rise. But how high can prices go before even rich foreign tourists give up and travel elsewhere? How high can prices for Indian citizens climb before they spiral out of reach of all but the most



Tigress observed emerging from the forest in Bandhavgarh Tiger Reserve.

wealthy? Can tigers and other animals be coaxed into occupying more of the buffer areas so that resorts will be able to offer a quality experience to a larger number of tourists? Should more villages be sacrificed and relocated to allow tiger reserves to expand to allow more tourism? In order to answer these and other questions of balance and equilibrium, the interested stakeholders will undoubtedly need a lot of commitment, creativity, and compromise.

My personal visit to Bandhavgarh confirmed my suspicion that viewing a tiger in a zoo comes nowhere close to being able to view a tiger in its natural habitat. The experience of having a tigress step out of the forest and stare directly at you, with no iron bars between you, is exciting, and yet at the same time, surprisingly serene. I sincerely hope that I am able

to revisit Bandhavgarh ten years from now. The naturalist that guided me in the tiger reserve said that he believed that there is enough space and prey species for the present 60 tigers to increase to 150 tigers. I like to believe that he is right.