

**REPORT**  
**REVIEW AND REAPPRAISAL OF PENDING WILDLIFE**  
**CRIMES**

**CAPACITY BUILDING PROGRAM IN RAJASTHAN**  
**STATE OF RAJASTHAN IN NORTH-WEST INDIA**

Venue: Van Bhawan, New Pali Road, Jodhpur, Rajasthan

(December 9<sup>th</sup>-10<sup>th</sup>, 2017)



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## FOREWORD

Tiger Trust believes in “Inspiring people to care for wildlife...Naturally!”

The main objective of Tiger Trust is to extend and strengthen the hands of statutory protectors to fight the menace of poaching and protecting, as well as wildlife conservation, particularly the Big Cats—Tigers. This has to be accomplished by extending a better capacity building program and efforts to improve the management and monitoring of investigation and implementation of laws for successful prosecution. To address this critical need for protection, Tiger Trust believes in sharing and taking the support of all stakeholders in the regime of protection.

I reiterate my appeal globally to join us in this noble cause which has been the foremost mission for the last 30 years.

**ANJANA GOSAIN**  
Chief Functionary Officer  
Tiger Trust

## ACKNOWLEDGEMENTS

The Review and Reappraisal of Pending Wildlife Cases – Capacity Building Program was organized with the active support of Rajasthan Forest Department.

Tiger Trust acknowledges the contribution and support extended by:

- 🐾 Mr. R.S. Shekhawat, Additional Principal Chief Conservator of Forest, Jodhpur
- 🐾 Mr. V.K.Bissa, Deputy Conservator of Forest, Jodhpur
- 🐾 Ms. Anjana Gosain, Chief Functionary Officer, Tiger Trust
- 🐾 Mr. Manjit Singh Ahluwalia, Resource Person, Tiger Trust
- 🐾 Ms. Shalini Nair, Coordinator, Tiger Trust
- 🐾 Mr. Baldev Singh Mahar and all the participants

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## EXECUTIVE SUMMARY

The Review and Reappraisal of Pending Wildlife Cases – Capacity Building Program was organized by Tiger Trust with the support of the Rajasthan Forest Department. This program was attended by forest officers from many forest divisions namely, Jodhpur, Jaisalmer, Pali and Badmer. The program was attended by Deputy Forest Officers, Deputy Conservator of Forests and Forest Guards. A total of 60 participants (both senior officials and forest guards) attended the 2 day program which was conducted by Ms. Anjana Gosain (Chief Functionary Officer, Tiger Trust), Mr. Manjit Singh Ahluwalia (Faculty, Tiger Trust) and Mr. R.S. Shekhawat (Additional Principal Chief Conservator of Forest, Jodhpur). The venue of the program was Van Bhawan, New Pali Road, Jodhpur.

This program was conducted as a capacity building program conducted in 2014 wherein legal training was imparted to the officials from the forest department. The vision of the training was to work upon the pending cases of all divisions. The previous legal trainings were to equip the officers in tackling the wildlife crimes successfully. The present training was conducted as a tool to aid the forest officials in the difficulties faced by them in their ongoing cases.

The 2 day workshop consisted of theory and discussion on the pending cases in various divisions of Rajasthan. The theory with respect to the Wildlife Protection Act, 1972, Indian Penal Code and Indian Evidence Act was imparted by the resource persons, Ms. Anjana Gosain and Mr. Manjit Singh Ahluwalia.

**The purpose of this workshop was to instruct the forest officials on the latest position of law and to be a guiding force in the different pending cases to result in successful prosecution.**

## INTRODUCTION

The training under the program was organized at Van Bhawan, Jodhpur from December 9<sup>th</sup>-10<sup>th</sup>, 2017. This workshop specifically aimed at creating proactive forest guards and senior officials (divisional forest officers, assistant conservators of forests, range officers, and foresters) in wildlife conservation. The forest guards and senior forest officials from Jaisalmer, Jodhpur, Pali, Sirohi, Jalore, and Mount Abu forest divisions attended the 2 day program for improving their crime investigating skills in the forest crimes. This program included both the theoretical, as well as interaction on the pending cases and how best to tackle them for successful prosecution of wildlife crimes.

The main focus of this workshop was to equip the officials with adequate preparation in order to avoid deficiencies/errors in detection, investigation, and preparation for court proceedings, collection of evidence, and filing of proper case in the court of law. Jodhpur, one of the largest districts of Rajasthan state, is centrally situated in the western region of the state of Rajasthan, and has a geographical area of 22,850 sq. km. This district is situated at the height between 250 and 300 meters above sea level. Despite its arid climate, Jodhpur is blessed with a variety of flora and fauna. Due to the sandy soil only scrub and thorny bushes of vegetation are found in the forest areas of the district. The main species of trees are pilu, kumat, kair, khejri, babul, bir, jal, khara etc. Fruit bearing trees are pomegranates and guavas. The fauna of the district include jackal (*Canis aureus*), jungle cat (*Felischaus*), Indian fox (*Vulpesbengalensis*), black buck (*Antilope cervicapra*), chinkara (*Gazellabennettii*), common Hare (*Lepus*), etc.

The birds commonly found are baya (*Ploceusphilippinus*), koyal (*Eudynamysscolopaceus*), parrot(*Pscittiformes*), vulture, jungle crow(*Corvusmacrorhynchos*), bulbul(*Pycnonotidae*), house sparrow(*Passer domesticus*), kite(*Milvus migrans*), sandgrouse(*Pteroclididae*), common quail(*Coturnixcoturnix*), greypartridge(*Perdixperdix*), little egret(*Egretta garzetta*) etc.

## PROJECT PLANNING AND PRELIMINARY

### PREPARATIONS

The foundation stone of the project was laid down when the CFO, Ms. Anjana Gosain contacted Mr. R.S.Shekhawat, Additional Principal Chief Conservator of Forest and put forward the proposal of conducting a 2 day workshop on 'Review and Reappraisal of Pending Wildlife Cases'. Subsequently, the dates of the project were discussed and confirmed. Mr. V.K.Bissa, DCF Jodhpur was appointed as the Nodal Officer to be the point of contact to help coordinate the preparations between all the participants and the Trust. With his help, the Trust was able to successfully receive details of the DFOs and the pending cases in the participating divisions. On behalf of the Trust, Ms. Shalini Nair was appointed as the coordinator who contacted the DFOs to apprise them of the upcoming program and encouraged them to send details of pending cases. All the preliminary preparations were done which included drawing up of the training Module. The Module was discussed and finalised with inputs from Mr. Shekhawat. Thereafter, Mr. Bissa confirmed and communicated the number and list of participants from different divisions. The data on the pending cases was shared along with other relevant information shared. The Forest Department organized the entire project. However, Tiger Trust took care of the travel and accommodation of the resource persons and the resource materials i.e. the training manuals and list of judgements etc.

The primary goals and objectives of the capacity building program are:

**Goals:** To create a replicable model of an empowered workforce of forest guards through legal training awareness in combating wildlife crimes and reducing the cases of man-animal conflict in and around tiger reserves for better conservation of the habitat.

**Objectives:** To train forest staff with legal knowledge and skills for pre and post crime investigation, intelligence networking, and developing clear communication skills for working with the community on behalf of the forest department.

## METHODOLOGY

The main purpose of the training was to ensure that the trainees (forest officials) understand the various procedures covering the mode and conduct of effective on-the-spot investigations. Easily understandable visual presentations, discussions, case studies, training manuals and books were the tools used by the faculties.

The medium of instruction was Hindi and English. The resource material provided was bilingual (Hindi and English). Instructors sought active participation from each participant and made the sessions as interactive as possible.

## RESOURCE MATERIAL

The following resource material was provided to all the participants:

- ❁ Training Manual that includes important legal provisions under the Constitution of India, the Indian Forest Act, the Wildlife Protection Act, Rajasthan Forest Act (complete Act in Hindi), the Code of Criminal Procedure, the Indian Evidence Act, and important points to be remembered while filling form/memo.
- ❁ Compilation of judgements in a CD
- ❁ Feedback Form

## RESOURCE PERSONS



### **ANJANA GOSAIN**

A Senior Attorney at the Hon'ble Supreme Court of India and an eminent environmentalist is the chief functionary officer, resource person, and an efficient faculty at the Tiger Trust. She has been associated with the Trust for over 30 years. She is responsible for all the training programs organized by the Trust and it is her passion to do so. Ms. Gosain has an extensive experience in organizing such programs. Ms. Gosain leads, guides, coordinates, and develops works of various types like training and module planning, preparing training manuals, motivating the trainees/participants, organizing faculties for the training, etc. She is the author of 'Compilation of Cases under the Wildlife Protection Act (1972)' and 'Ready Reckoner for Successful Prosecution of Wildlife Criminals'.



### **MANJIT SINGH AHLUWALIA**

He is a senior advocate and specializes in criminal cases under the Wildlife Protection Act (1972). He is well versed with the provisions of the Criminal Procedure Code, the Indian Evidence Act, the Wildlife Protection Act, etc. His passion to save tigers got him associated to the Tiger Trust. He organizes mock courts, field trainings, prepares modules for field trainings, etc. and teaches about ancillary acts. Mr Singh is methodical in court procedures and recording evidences to

depose as witness.

## DAY 1 (09.12.2017)

Day one of the program began with registration of participants at 10.30 am. The participants on day one were from the following wildlife divisions:

- 🌳 Jaisalmer
- 🌳 Desert National Park
- 🌳 Indira Gandhi National Park

There were a total of 35 participants ranging from Divisional Forest Officers to Forest Guards and Rangers. Some of the participants had previously attended Tiger Trust's legal capacity building programs. Mr. R.S. Shekhawat, Addl. PCCF, Jodhpur gave an introduction to the participants about Tiger Trust and its work. He also spoke of the importance of the present training in tackling wildlife cases for successful prosecution and to reduce the pendency of cases. He welcomed Tiger Trust and introduced Ms. Anjana Gosain (Chief Functionary Officer, Tiger Trust) and Mr. Manjit Singh Ahluwalia (Faculty, Tiger Trust).



**1: Mr. Shekhawat giving an introduction to the workshop**

Next,

Ms.

Anjana Gosain welcomed the participants and the attendees to the Review and Reappraisal of Pending Wildlife Cases—Capacity Building Program of the Forest Guards. She explained

the vision of Padma Shri and Tiger man Late Shri Kailash Sankhla for the protection of tigers and their habitats in India. Late Shri Kailash Sankhla, the founder of Tiger Trust, could see that the tigers were nearing extinction and worked tirelessly for their conservation. He founded the Trust in 1989, with the vision of conserving the wild flora and fauna. Ms.Gosain presented a brief appraisal of the training program, and explained the need for this capacity building program and its basic objectives. She began with a note of appreciation to the Rajasthan Forest Department and especially Mr. R.S. Shekhawat for his immense support, interest and encouragement. She introduced the participants to the nature of the training modules which were based on feedback and suggestions made by the senior forest officers from the department. Special efforts were made by the module committee of Tiger Trust to design the program. The program comprised case studies, handouts and a training manual. She thanked the participants and senior officials for attending the training workshop and wished them luck for the training.

Speaking on the occasion, Mr. R.S. Shekhawat, PCCF, Jodhpur shared his experiences and association with Tiger Trust activities. He recalled the training organized by the Trust previously for the officials of the Rajasthan Forest Department that really benefitted the department in better law enforcement. The session ended with a vote of thanks by Mr. Ahluwalia for providing the support in organizing the event.

## Legal Provisions for detection and investigation of a wildlife crime

The session was commenced by Ms. Anjana Gosain who encouraged the participants to introduce themselves by name, designation, and division. This effort put the participants at ease. She gave a brief background on history of legislature on wildlife laws commencing from the history of independent India.

She further enquired from the participants about how the Wildlife Protection Act, 1972 came into existence. She then explained that in the year 1971, the then Prime Minister, Mrs Indira Gandhi started the Project Tiger for the preservation of tigers and the said Act was introduced. She further clarified that an Act is divided into three parts: definitions (paribhasha), sections (pravadhan), and rules (niyam). She elaborated that the term “definition” means terms used in the Act. To understand the meaning of an expression in the act, definitions of acts are referred to. Rules are ancillary to the Act and are for furtherance of the provisions of the Act.



2: Ms. Anjana Gosain explaining the various aspects of the Wildlife Protection Act

In the Wildlife Protection Act, animals are classified in schedules on the basis of rate of their survival and presence in natural habitat. The names of animals are given in schedules 1 to 4, and in case of violation of the provisions of the act there are different penalties provided. She laid emphasis on the important provisions mentioned in the Wildlife Protection Act 1972 and started with **Section 2**—definitions like ayudh (armunation) and tried to link these terms to investigations (jach). She explained that weapons used for committing wildlife crimes are used in investigation.

Ms Anjana then explained **Section 2(16)** which defines “hunting.” The definition has two important two different acts, but if any attempt is made to kill or poison, the word “and” would cojoin it. Since killing or poisoning and every attempt to do so has to be read together, hence these two words are very important to be understood in the said situation.

Ms Gosain then explained **Section 11** of the Wildlife Protection Act, 1972. She stated that under certain situations killing or hunting of wild animals is permitted by law. Situations like when a leopard or tiger become a man-eater, the said animal can be killed by the forest department with the prior permission of the chief wildlife warden of the forest department. Similarly, if an animal multiplies very fast and destroys the fields of the villagers, then the animal can be hunted and killed, but with the permission from the competent authority.

Ms Anjana informed the participants that at present there are 103 national parks (rashtriyaudhyan) and 526 wildlife sanctuaries in India.

Ms.Anjana stated that under **Section 50**, the term “notwithstanding” is used as a non-obstante clause which means that despite other acts and laws, the Wildlife Protection Act prevails. She clarified that under **Section 50**, the director or any other officer authorized by him/her or the chief wildlife warden or any forest officer or police officer not below the rank of a sub-inspector may require the accused to produce any captive animal, animal article, meat or any license, permit, document or any vehicle or vessel, trap, tool, etc, in his/her custody, control, or possession and the said officer may arrest the accused without a warrant and detain him/her. Thus, if any person informs a forest officer about a dead deer then based on his/her information an investigation is conducted by the forest department. During investigation the witness may be called to record a statement. If the witness fails to appear for recording the statement despite several reminders, then the forest

officer can arrest such a witness to complete the investigation. The range officer will approach the assistant conservator of forest who will issue a notice/summon and serve it twice; and if the accused still doesn't appear then the officer follows the procedure of arresting. Similarly, under **Section 50**, the range officer has the power to arrest an offender who threatens the complainant. Thus, as per the provisions of **Section 50** of the Wildlife Protection Act 1972, a range officer (or above) can be an investigating officer too. Ms Gosain made the participants realize their statutory powers and stated that a police officer can raid only after a warrant is issued, but the forest officials can raid without a warrant. She further stated that if an accused misleads in an enquiry then the investigating officer can ask the accused to appear again and if the accused doesn't appear then the investigating officer can force him/her to answer [**Section 50(5)**]. Under **Section 50(8)** any officer not below the rank of assistant conservator of forests can issue warrants, enforce the attendance of witnesses, compel the discovery and production of documents and material objects, and receive and record evidence for the purpose of conducting investigation. Ms.Gosain explained that when a case is filed, the provisions of **Section 9** are applied. Ms.Anjana stated that prior to the enactment of the Wildlife Protection Act, 1972 the provisions of the Indian Penal Code, 1960 were applied (**Sections 428 and 429**) to the crime of hunting lions, tigers, elephants, etc, and a fine of Rs 50 and punishment of 2 years was prescribed. Hunting was not prohibited till 1970. It was also explained that since the Wildlife Protection Act, 1972 is a special Act the forest officers are special officers under this Act. She clarified that the police officers are not "special" as the Indian Penal Code is not a special Act.

Summarizing the above provisions, Ms.Anjana stated that forest guards have the powers to raid, arrest, etc, but under the act they are not authorized to investigate. She explained this to the participants using a hypothetical situation. Forest guards have the power to arrest even the chief conservator of the forest if the officer is suspected of killing any wild animal.

She concluded the session by emphasizing that the art of successful protection is based on the following factors:

- Prompt detection of crime;
- Proper timely investigation of crime;
- Filling up appropriately the forms required for submissions of filing of the case;

- Proper deposition as witness; and
- Last but not the least being honest and alert in duties while performing the earlier mentioned acts for effective implementation of law.

## SESSION ON CRIMINAL LAW

Mr. Manjit Singh gave an overview to the substantive and procedural criminal law provided under Wildlife Protection Act and the Code of Criminal Procedure. He started by stating that the Code of Criminal Procedure was enacted in 1973 and was implemented on April 1st, 1974 except for the state of Jammu and Kashmir.

He stated that the Code of Criminal Procedure is an important enactment as it deals with trials and investigation procedures. It provides information on jurisdiction of different courts along with the procedure for trial before court, the procedure of arrest of a person, investigation of a crime, search and seizure of a place or documents, and so on. He gave an overview on the important provisions of search, seizure and arrest and all provisions required for successful detection and prosecution of a crime under the Code of Criminal Procedure.



3: Mr. Manjit Singh elucidating on Code of Criminal Procedure

Mr. Singh then moved on to the recording of statement which is a very important aspect of investigation of a case. He stated that under **Section 164** of the Code of Criminal Procedure and **Section 50(8) (9)** of the Wildlife Protection Act 1972 the statement of the accused and the witness can be recorded. This was further elaborated on by the assistant conservator of the forests who said that the accused should be kept in a separate room and explained that confessional statement given by him/her may be used against him/her (the accused). After the statement is recorded then (in the end) it is explained and written that

the statement was recorded, and that no force was used to extract the statement while the statement was recorded. In case of an illiterate person, the contents of the statement should be explained to him/her in the vernacular Language. The name of the translator should also be mentioned in the statement. 'These days' mobile and video recordings can be used to record the statement. Though these evidences are not conclusive, but can be treated as relevant evidences. If, during the trial the witness during refuses to identify his/her signatures before the court, then the witness is declared as a hostile witness.

### **POST LUNCH SESSION**

After lunch, the sessions primarily comprised of discussion of pending cases in the participating wildlife divisions. The cases were discussed division wise commencing from Jodhpur (Wildlife) which were elucidated by Sh. Mahendra Pal (Range Officer, Jodhpur Wildlife):

#### **JODHPUR (WILDLIFE)**

##### **🌿 State vs Bhagta Ram (Pending since 2011)**

The hunting of a chinkara was reported and the officers rushed to the site and a jeep was found upon investigation. The owner of the jeep was a Sh. Naga Ram. An 'Iron Sariya' was found in the jeep A complaint under Section 9/51/39 Wildlife Protection Act 1972 was lodged. A little blood stains were found in the jeep which was sent to the Forensic Science Laboratory (FSL). The report from the FSL stated that the sample of the blood was insufficient to determine anything.

Deficiencies and lapses were discussed and the following lapses were concluded:

- ⇒ Blood Sample sent to FSL was insufficient. If it was insufficient, then it should have been sent for DNA testing. In the alternative, the sample should have been sent to another FSL.
- ⇒ The suspects should have been made part of the investigation. In case the suspects were not cooperating or were absconding, then a Bailable Warrant/ Non-Bailable Warrant should have been issued against the suspects.
- ⇒ From 2011-2018, no steps have been taken post the FSL report.
- ⇒ No witness/suspect's statement was recorded.

⇒ Non-application of mind of forest officers and ACFs.

#### SUGGESTIONS:

- ⇒ Corroborative evidence should be collected at the scene of crime.
- ⇒ Summon the independent witnesses and record their statements
- ⇒ Formulate the report and then go ahead with the case.



4: Explaining the facts of the pending cases

#### 🔥 State vs Jabbar Singh (27.10.2017)

On 27.10.2017, a phone call was received that a suspected chinkara has been hunted. At Jabbar Singh's home, his bike was also standing. There was a bag on his bike. Upon inspection, the bag contained meat of knees and thighs. On 30.10.2017, the meat sample was sent to FSL. The motorcycle was seized. Jabbar Singh has not applied for release of vehicle. Statement of Jabbar Singh was recorded. He named somebody else who committed the crime. He stated that the meat was given by somebody else. This can be treated as a confession. A Site Plan was made and the signature of 7 witnesses were taken. Jabbar Singh has been released on bail.

Next Steps to be taken:

- ⇒ Prepare the report
- ⇒ File the case stating that the Lab Report is awaited.
- ⇒ Call the owner of the motorcycle and record his statement

⇒ Make the person who noted the telephone call in the Register as a prosecution witness

### 🌿 **State vs Khushala Ram Bir**

Complaint under Section 9/50/39 was lodged. The matter is pending before the Court. It is at the stage of Evidence in Pre-Charge Stage.

Next steps:

⇒ Witness must have a copy of his statement and must be prepared properly.



5: Explanation of pending cases

## **PALI**

🌿 In one case, two persons were arrested at spot. There was an animal who had gunshot like wounds, but the doctor did not conclude it as a gunshot wound. No suspects were found and no evidence. The case should be closed now.

🌿 A question was raised by one of the Range Officers that what should be done in the event a witness/accused does not produce documents or does not appear in the

Court. In the present case, certain documents of a resident of a village were to be procured from the Sarpanch of the village. However, he denied the same. Thus, in such a situation, a notice must be sent under Section 50 (5), Wildlife Protection Act, 1972.

In the event, the accused does not appear in court, a Bailable Warrant and thereafter Non Bailable Warrant and if that does not work, proceedings under Section 82 CrPC declaring the accused a Proclaimed Offender and subsequently, attachment proceedings can commence.

#### **MT. ABU**

- ❖ On 12.12.2016, a Sloth Bear was found dead. It's front claws were missing. There were 2 accused who were arrested. However, the High Court granted them bail. The case is on-going. A Sword was also found at the accused's home. No comments were needed for this case as it has been well-prepared.
- ❖ There is a leopard killing case of 2006. It is at the stage of Post-Charge and the final arguments have been done.

#### **BADMER**

The case was presented by Sh. Adu Ram Choudhary

##### ❖ **State vs Khera Ram (2014)**

On 25.10.2014, the report of a hunting of chinkara was given. At the scene which was in a village, chinkara flesh and a kulhadi were found on the spot. Post Mortem Report was done and the conclusion drawn was that the flesh was of a chinkara.

Once all the pending cases of various divisions were discussed, Ms. Anjana Gosain and Mr. Manjit Singh Ahluwalia explained the importance of preparing a Site Plan and doing on site investigation with the proper tools. They explained the importance of making a Scale on the Site Plan along with the Compass.

## DAY TWO (10.12.2017)

The second day of the program began at 10.30 am with the forest officers from the following divisions:

- 🌿 Sirohi
- 🌿 Jaisalmer
- 🌿 Jalore

Introduction to the workshop was given by Sh. R.S.Shekhawat who elucidated on the importance of such programs on a regular basis as it brings together most of the divisions of Rajasthan

Thereafter, Ms. Anjana Gosain, Chief Functionary Officer, Tiger Trust gave an introduction on wildlife crime and Wildlife Protection Act. She explained the applicability of the Act across India apart from Jammu & Kashmir. Wildlife Protection Act is a special act. Thereafter, she explained the importance of interpretation clause. In pursuance to this, she elucidated that the Wildlife Protection Rules are procedural in nature and provide the method of implementing the sections. The sections are substantive. Finally she explained Sections 9 and 50 of the Act.



6: Ms. Anjana Gosain giving the introduction on Day 2

Mr. Ahluwalia then added and explained the procedure of filing complaint, explained regarding admissibility of FSL report, Post Mortem Report etc. He also explicated the interpretation of “Evidence” and the importance of marking of documents. He also explained the Chief and cross examination and the re-examination power u/s 311 CrPC.



7: Mr. Manjit Singh explaining 'Evidence'



At this point, a question was posed by Sh. Madan Singh Bora, ACF

Q. Accused’s statement in the presence of the ACF not taken cognizance of by the magistrate.

Ans. Accused’s statement can be presented as evidence, however appreciation of the evidence is only done by the Magistrate.

Thus, such statement can be rejected by the Magistrate.

## POST LUNCH SESSION

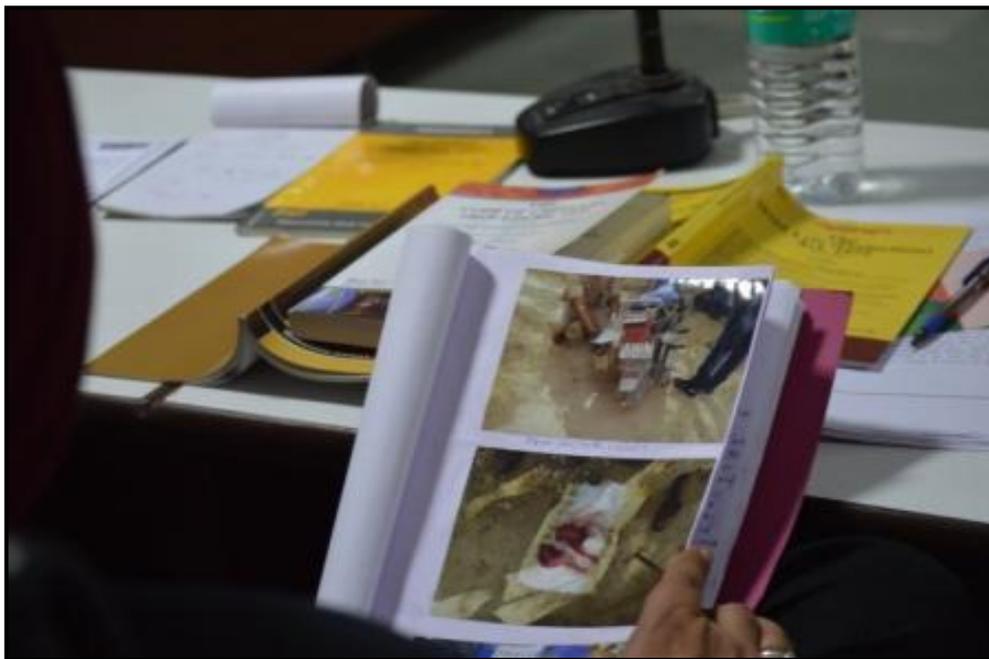
Post lunch, the discussion on cases began beginning with the IGNP, Jaisalmer which was explained by Ityadar Singh.

### IGNP, Jaisalmer

#### 1. State vs Nazir Rafiq u/s 9/50/51 WPA

On 29.08.2017, a telephone call was received that a gunshot was heard. Around 10-15 km away, a chinkara found, 2 accused were found at the site and the accused was very nervous. One of the accused put chinkara meat in his fridge. The meat was seized from the fridge. A Post mortem report was conducted and it concluded that the meat said it's a chinkara. No steps taken further.

**Lapses:** No statement of the accused u/s 50(8) WPA



8: Discussion on pending cases

#### 2. State vs Barkat Ali u/s 9/50/51

A Chinakra hunted in a mine on 10.09.2017. 5 men were found cooking meat and found chinkara body parts in and around the site. 4 persons were arrested and one of the arrested was a proclaimed offender. The arrested persons confessed to hunting the chinkara and cooking the meat. They showed the site where they hunted and killed the chinakra.

Bail has been granted to the accused, however, a case has not been filed yet.

**Lapses:** 50(8) statements should have taken by the two independent witnesses and the 5 accused.

If the accused is a juvenile, then produce the child in front of JJB (Juvenile Justice Board) for further action within 24 hours of detainment.

### 3. State vs Unknown

11.01.2014 complaint that chinkara was found injured. It was taken to the hospital but died on arrival. Post-Mortem Report stated that it died of a Gunshot wound and the death was due to shock and gunshot wound. Witness statements were taken but were not maintained properly, so now they've been destroyed. It was advised that investigation be completed and prepare the Final Report and close the case.



9: Explanation of cases

### DNP, Jaisalmer

#### 1. State vs Gulab Singh. u/s 9/39/51

2010 chinkara horns and meat found in gulab singh's field. No evidence and now witnesses. Post Mortem report says cannot determine cause of death. Gulab Singh says its not his field. No more evidence, thus, advice given to complete investigation, prepare the final report and close the case.

## 2. Great Indian Bustard cases

GIB hit in transmission lines. The telecom department was informed that a diverter (reflectors to divert the bird) should be installed.

### **JALORE**

#### 1. State vs Unknown (Jaswantpura)

14.03.2010 Bear u/s 9/2(16)/39/50/51

Investigation to be completed.

#### 2. State vs Unknown

Natural death of monkey.

#### 3. 22.03.2017. Mother bear found. Natural Death.

#### 4. State vs Unknown

2007 hyena found dead. Post mortem report said cause of death accident.



### **SIROHI**

**Teja Ram, Forest Ranger Sirohi**

1. 26.07.2006. Panther's death by natural death. Post mortem stated death by pneumonia.
2. 22.08.2006. Dead Male panther found. Estimated that the body was 3 days old. Post mortem report: cause of death cannot be determined. Final report should be filed.
3. 23.04.2009- Dead male panther found. Post Mortem cannot determine cause of death.
4. 01.10.2007- Dead male panther found, wolves, etc found. Death by electrocution.

Total 4 cases. All of them natural death barring one by electrocution. Mr. Teja Ram explained a case where 2 most mortem reports were taken and they were contradicting each other. FSL report received from Hyderabad which is also different. All three are different. Which report would be considered as evidence?

First Report- Death by falling into a hole.

Second Report - Death by gunshot

FSL Report – no gunshot.



10: Question posed

## CASE-LAW DISCUSSION

After the session on the discussion of pending cases, various landmark case laws were discussed with the group ranging from the Hon'ble Supreme Court to various High Courts in India. Some of them included topics regarding to search and seizure of vehicles and releasing them on supardari. One of the important judgements discussed was *Abhishek vs State of Karnataka* wherein, it was held that Section 9, Wildlife Protection Act is applicable in case of accident cases.

One of the questions also raised was on how to deal with cases when women are put forward to prevent the men from being arrested or questioned. In such cases, male forest guards are not allowed to touch or arrest the women. Ms. Anjana answered this question and stated that when officers rush to the scene of crime, women forest guards must be always be part of the group.

**1. *Abhishek vs State of Karnataka* Crl Petition No. 3504/2011 (Decided on 22.07.2011) (Karnataka High Court)**

When expression or a word is defined in a statute, strict meaning should be given to such words. Section 9 of the Act prohibits any person from hunting any animal. The panther which was killed in the present case was a wild animal. Though, killing was in a road accident, still it would fall within definition of hunting under Section 2(16) of the Act. This was not a case which warranted quashing of proceeding at threshold.

**2. *Ayyub vs State of Rajasthan* 2003 CriLJ 2954**

Forest Officers under sub-section (3A) of Section 50 have got power to give on 'Supardagi' only captive animal or wild animal and not the vehicle. When any vehicle seized on the allegation that it was used for committing a forest offence, the same shall not normally be returned to a party till the culmination of all proceedings. If for any exceptional reasons, a Court is inclined to release the vehicle during such pendency, furnishing a bank guarantee should be the minimum condition.

**3. *Babu Lal and Anr. vs The State and Ors* 1982 Cri LJ 41**

Whether appellants liable to conviction under Section 58 WPA

Facts revealed trophy recovered from a factory premises and at the time of recover, the entire factory premises containing incriminating trophy were in possession, custody and control of firm.

Held: the article recovered from premises belonging to a firm is deemed to be in possession of firm and as such every person in charge of and responsible for conduct of business liable to prosecution.

**4. Benoy Varghese vs Deputy Ranger 2013 (3) KLJ 576**

Where on the same set of facts, offences under the Indian Penal Code and the Wildlife (protection) Act are made out, there is no bar in the police registering the crime for the offences disclosed and then sending a report to the forest officials concerned to proceed against the offender for the offences under the Wildlife (Protection) Act- The fact that cognizance of the offence under the Wildlife (protection) Act can be taken only on a complaint filed by the forest officials is no bar for the police in registering the crime involving the offence under the Indian Penal Code.

**5. Bombay Burmah Trading Corporation vs Field Director (Project Tiger) and Conservator of Forests AIR 2000 Mad 163**

Chief Wildlife Warden or officers authorized by him are empowered to impose such reasonable restriction and condition in matter of entry and use of road in sanctuary taking into consideration security of wild animals and preservation of sanctuary. Therefore, restrictions imposed to achieve above object cannot be complained as arbitrary and unreasonable.

**6. Cottage Industries Exposition Ltd. and Anr. vs UOI 2007 (122) ECC 7**

**Facts**

M/s Istihq &Co. supplied some shawls to Petitioner. Petitioner No.2 made arrangement for export of consignment containing shawls, scarf and kimonos. The Custom Authorities on inspection of the export material objected on export of some shawls suspecting them to be Shahtoosh shawls and detained the shawls.

Whether the the phrase “animal article” excludes animal hair.

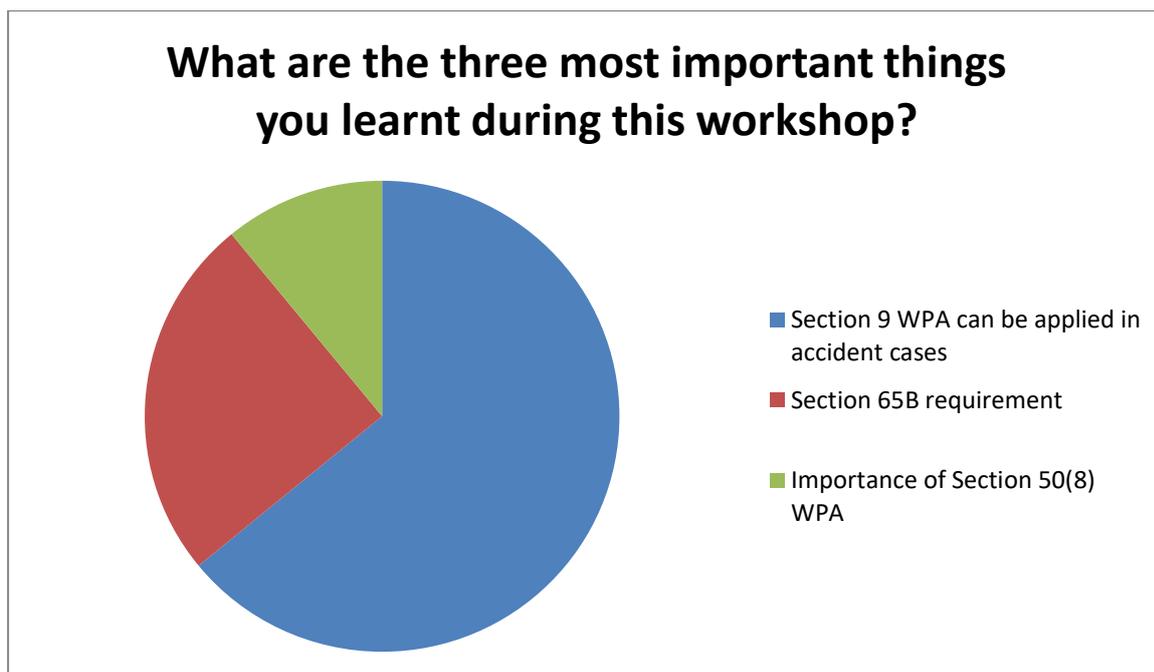
**Held**, as per provisions of the Act, ‘hair’ forms part of the animal ‘Chiru’- Any person found t be carrying on trade or dealing in Shahtoosh was liable to be proceeded under the Act as Shahtoosh is made from ‘hair’ which is a derivative of animal ‘Chiru’, which falls under the definition of scheduled animal article.

**7. Samir Mathur vs State of Andhra Pradesh AIR 2003 AP 321**

Writ Petitioner challenged action of respondent authority in seizing tiger skin after he made declaration under Section 40 of the Act. No notice was given to the petitioner before inspection and seizure of tiger skin. Held, respondents not justified in seizing tiger skin after declaration has been made.

## FEEDBACK FROM THE PARTICIPANTS

The trainees were unanimous that they had been much benefited by the case discussions and exposure to the field training. The participants received lessons on wildlife crime enforcement and prevention, including those relating to forensics, good qualities of an investigating officer, proper paperwork procedures, and mock case drills. In fact, Ms Gosain was appreciative of the proactivity of the officers present and acknowledged that it had been a great learning experience for the faculty as well. The feedback received from the participants is always an indicator of the level of confidence that the programs conducted by Tiger Trust have been successful in allaying apprehensions and empowering the staff with requisite knowledge and skills. The participants, on their part, indicated that such skill upgradation training workshops are a must if the department is keen on an effective forest force for combating crime and preservation of wildlife.



### PARTICIPANT RESPONSES

The feedback forms designed by the faculty provide a complete unbiased and uninfluenced response of the trainees to the training attended by them. The method is by judging the

performance on the basis of questions, interaction, and their participation in the module. The trainees were very attentive, patient and inquisitive, and wanted to learn all the aspects of a trial. The faculty of the Tiger Trust made it a point to have as many interactive sessions which were based on questions and answers. After having gone through the feedback and attending the training, it was apparent that they had not been exposed to such intricate details on crucial Acts, like the Criminal Procedure Code, Indian Evidence Act, and above all the tips for field investigation, analysis of evidence, and preparation of cases. The most important impact was the feel good factor about their own powers of investigations and even detention. However, it dawned gradually on them that the powers are not only reproduced on paper, but are effectively enforceable. They appreciated the minute mistakes that could lead to disastrous results. One-to-one interaction with the participants enabled the trainees to put questions to the faculty. The training had a tremendous impact on them that the forest department was taking care to update their skills and knowledge for which they are mainly employed. The overall impact has been of gaining knowledge, clarifications, interest in prosecution, and expecting more such exercise of training in future, which is very encouraging.

## ANNEXURES

- ❖ List of e-mails and invitation letters sent (part of the preliminary preparations)
- ❖ List of participants
- ❖ Feedback Forms
- ❖ Photo Gallery

कार्यालय मुख्य वन संरक्षक, वन्यजीव, जोधपुर

क्रमांक : एक 8(54)विधि/मुक्ता/3628-37  
दिनांक : 3/11/17

उप वन संरक्षक, वन्यजीव, जोधपुर/  
जैसलमेर/आबू पर्वत  
उप वन संरक्षक,  
जोधपुर/जालोर/पाली/बाड़मेर/सिरोही/जैसलमेर/  
इंगानप, स्टेज II, जैसलमेर/

विषय : Program on Review and Reappraisal of Pending Wildlife Cases.

संदर्भ : इस कार्यालय का पत्रांक 3299-3309 दिनांक 05.10.17

महोदय,

उपरोक्त विषयान्तर्गत संदर्भित पत्र के क्रम में लेख है कि विषयोक्त वीम पर Tiger Trust, New Delhi द्वारा दो दिवसीय कार्यशाला अथ दिनांक 9 एवं 10 दिसम्बर 2017 को आयोजित किया जाना तय किया गया है।

उक्त कार्यशाला में श्री डी के बिस्वा, उप वन संरक्षक, प्रशासन, कार्यालय हाजा समन्वयक के रूप में कार्य करेंगे। कार्यशाला का आयोजन कॉन्फ्रेंस हॉल, वन भवन, जोधपुर में निम्नानुसार किया जायेगा :-

| दिनांक          | समय                                  | वन मंडल का नाम   |
|-----------------|--------------------------------------|--|
| 9 दिसम्बर 2017  | प्रातः 10:00 बजे से सायं 5:00 बजे तक | जोधपुर/वन्यजीव जोधपुर/<br>बाड़मेर/पाली   |
| 10 दिसम्बर 2017 | प्रातः 10:00 बजे से सायं 5:00 बजे तक | जैसलमेर/वन्यजीव जैसलमेर/<br>इंगानप स्टेज II जैसलमेर /सिरोही/<br>वन्यजीव माउन्ट आबू/जालोर |

उक्त कार्यशाला में वन मंडलवार विभाग एवं न्यायालय में लंबित प्रकरणों की समीक्षा की जायेगी साथ ही प्रत्येक वन मंडल से दो-दो लंबित प्रकरणों का चयन किया जाकर उन प्रकरणों की केस स्टडी (Case Study) के रूप में संबंधित वन मंडल द्वारा प्रस्तुतीकरण उपरोक्त वर्गों की जायेगी। उक्त कार्यशाला में संबंधित उप वन संरक्षक स्वयं या सहायक वन संरक्षक तथा क्षेत्रीय प्रथम एवं द्वितीय स्तर के अधिकारियों की उपस्थिति सुनिश्चित करावे।

भवदीय

(आर. एस. रोखावत)  
मुख्य वन संरक्षक,  
वन्यजीव, जोधपुर

दिनांक : 3/11/17

क्रमांक : एक सम/3638-39

प्रतिलिपि

- मुख्य वन संरक्षक, जोधपुर को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है।
- मुख्य Chief Functionary Officer, Tiger Trust, 206 Rakeshdeep, 11 Commercial Complex, Gulmohar Enclave, New Delhi - 110049.

मुख्य वन संरक्षक,  
वन्यजीव, जोधपुर

Misc Letters

कार्यालय मुख्य वन संरक्षक, वन्य जीव, जोधपुर

क्रमांक एक ( ) गौप./मुबस/2017/3817

दिनांक: 20/11/17

निमित्त:

निदेशक,  
आफरी, जोधपुर

विषय : रेस्ट हाउस में कमरे आरक्षित करने बाबत।

महोदय,

उपरोक्त विषयान्तर्गत निवेदन है कि Miss Anjana gosai, Chief Functionary Officer, Tiger Trust New Delhi एवं 3 अन्य राजकीय कार्यवश जोधपुर आ रहे हैं। अतः उनके लिए दिनांक 9.12.2017 को रेस्ट हाउस में चार कमरे आरक्षित करावें व श्री बलदेवसिंह जी स्टाफ परसन के लिए 2 दिन दिनांक 8.12.17 से 09.12.17 तक हॉटेल में एक कमरा बुक करने का कष्ट करावें।

भवदीय

( वी. के. बिरसा )

उप वन संरक्षक प्रशासन  
कार्यालय मुख्य वन संरक्षक  
वन्य जीव, जोधपुर

## LIST OF PARTICIPANTS

DAY 1 - 09.12.2017

| NAME                  | DIVISION                  |
|-----------------------|---------------------------|
| Bhagwan Singh Rathore | DCF, Wildlife Jodhpur     |
| Jugal Kishore Gajja   | ACF, Forest, Pali         |
| Vidya Dhar Singh      | RFO, Mohangarh/ Jaisalmer |
| Chunni Lal Parekh     | RFO, Pali                 |
| Roshan Lal            | RFO, Sendra               |
| B.L.Gupta             | RFO, Sojat                |
| Dharandas             | RFO, Jaisalmer            |
| Jitendra Meena        | Forestor, Badmer          |
| Padhya Kishore        | Forestor, Badmer          |
| Adhu Ram Choudhury    | Forestor, Badmer          |
| Mahendra Chaudhury    | Forestor, IGNP Jaisalmer  |
| Balram Bishnoi        | Forestor, Badmer          |
| Kalyan Singh Rathore  | Forest Guard, Mt Abu      |
| Dita Ram              | Forestor, Mt. Abu         |
| Shravan Ram Bishnoi   | Forestor, Pali            |
| Pushpendra Singh      | Forestor , Pali           |
| Phool Ram             | Forestor, Pali            |
| Lalit Singh           | Forestor, Pali            |
| Maga Ram              | Forestor, Jodhpur         |

|                        |                          |
|------------------------|--------------------------|
| Mathnu Pal Singh       | RFO, Jodhpur             |
| Prakash Sikki          | Jodhpur                  |
| Suresh Ghumat          | Forestor, Jodhpur        |
| Himendra Singh Sisodia | IGNP Jaisalmer           |
| Bharat Singh           | Mt. Abu                  |
| Behram                 | Forestor, Mt. Abu        |
| V.K.Bissa              | DCF, Jodhpur             |
| K.K.Soni               | DCF (Law), Jodhpur       |
| K.S. Bhati             | DCF (Litigation) Jodhpur |
| Babu Lal Dare          | RFO Pali                 |
| Krishna Kumar          | Forestor, Pali           |
| Savarupa Ram           | Mt. Abu                  |

**DAY 2 - 10.12.2017**

| NAME              | DIVISION         |
|-------------------|------------------|
| Mangal Ram Sharma | Jaisalmer        |
| Hemram Singh      | FRO, Jaisalmer   |
| Jaideep Singh     | RO, Sirohi       |
| LaxmanRaj Surosha | RO, Jalore       |
| Lal Chand Ranawat | RO, Jalore       |
| Pura Ram          | RO, Jalore       |
| Shri Ram Bishnoi  | Forestor, Jalore |
| Teja Ram Rathore  | RO, Sirohi       |

|                          |                              |
|--------------------------|------------------------------|
| Jaidev Singh Charan      | ACF, Jalore                  |
| Prakash Kumar            | Forestor, Jodhpur            |
| Mahipal Singh Rathore    | Forest Guard, Sirohi         |
| Bijendra Singh           | Forest Guard, Sirohi         |
| Bijendra Singh Dali      | Forestor, Sirohi             |
| Ratan Singh              | Forestor, Sirohi             |
| Mangu Ram                | Forestor, Jaisalmer          |
| Mohan Ram Banta          | Forestor, Jaisalmer          |
| Vijay                    | ACF, Jaisalmer               |
| Jayarana Singh           | Forest Guard, Jalore         |
| Bhaskar Chaudhury        | Forest Guard, Jalore         |
| Bhavya Singh             | Forest Guard, Jalore         |
| Prakash Kumar Chaudhury  | Forest Guard, Jalore         |
| Mang Singh Chauhan       | Forest Guard, Jalore         |
| Narendra Singh Shekhawat | Deputy Forest Guard, Jodhpur |
| Madna Singh              | RFO, Shergarh                |
| Jaymal Singh             | RFO Falaudi                  |
| Nakhata Ram              | FRO, Sirohi                  |
| Ganpat Singh Akhawat     | RO, Osian                    |
| Heera Ram                | RO, Jaisalmer                |
| Jagdish Bishnoi          | RO, Jaisalmer                |
| Sanpat Raj Soni          | RO, Jalore                   |

## PHOTO GALLERY











