

# HUNTING THE HUNTERS

CAPACITY BUILDING PROGRAM FOR LEGAL TRAINING OF

SENIOR FOREST STAFF

AT

UDAIPUR DIVISION

RAJASTHAN



# **HUNTING THE HUNTERS**

CAPACITY BUILDING PROGRAMME FOR LEGAL  
TRAINING OF SENIOR FOREST STAFF

## **Report on workshop conducted**

At

**U**DAIPUR **D**IVISION

**August**

**22<sup>nd</sup> – 23<sup>rd</sup>, 2009**

Compiled by :

**TIGER TRUST,**

206, Rakeshdeep,

11, CommercialComplex,

Gulmohar Enclave,

New Delhi – 110049, India

Telephone: **+91 11 23385773**

Fax: **+91 11 23389742**

E-mail : tigertrust\_india@yahoo.com

Website : [www.tigertrustindia.org](http://www.tigertrustindia.org)

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## INTRODUCTION

The wildlife law in India has a long history. The earliest codified law can be traced back to third century BC, when Emperor Ashoka enacted a law in the matter of preservation of wildlife and environment (Joshi et.al., 1998). The first codified law, the Wildlife Protection Act 1887 was enacted by the British. The British Government passed The Wild Birds and Animals Protection Act, 1912 which was amended in 1935; it was followed by Indian Forest Act, 1927. Government of India after independence in 1947 prohibited hunting in the Wildlife protection Act, 1972. The need was felt for introducing a harmonious relationship between the Central Govt. and all the states of India with regard to the policies relating to forests. Forest Conservation Act, 1980 was enacted with the power with the Central Govt. to regulate the use of non-forest area into forest area.

The Wildlife Protection Act (1972) prohibits hunting of any wildlife species listed under Schedule I to Schedule IV. Despite having so many laws and policies hunting and trading in wildlife is still a problem. The species like Tiger, Rhino, Elephant, Leopard are the worst affected species because of illegal trade and hunting.

However as far as convicting the poachers are concerned, the trial usually takes a long time. In the entire history of tiger conservation, there have not been many convictions. Ironically, there have been thousands of seizures and a sleuth of cases filed all over the country. But conviction is rare in wildlife crime cases due to the delay in legal process and weak prosecution. A conviction rate of 1-2 % in Schedule I poaching cases is dismal and low.

Tiger Trust, an organization established in the year 1989, was founded by Lt. Sh. Kailash Shankala, 1<sup>st</sup> Director, Project Tiger which is working for the conservation of wildlife and forest since more than 20 years. One of the main objectives of Tiger Trust is to undertake capacity building workshops for legal training for the front line and senior forest staff of all the major states.

The said workshop is under the capacity building programme for front line forest staff under the project 'Hunting the Hunters' supported by USFWS consisting of Range Officers, Assistant Conservator Forest and District Forest Officers. The project commenced with effect from 15<sup>th</sup> May 2009 to 31<sup>st</sup> Jan. 2010 as a first phase under which 3 training programmes were decided to be scheduled. The first training programme was conducted in Udaipur Division on 22<sup>nd</sup> – 23<sup>rd</sup> August, 2009 in collaboration with the Forest department, Rajasthan.

This was the first workshop of its kind conducted by Tiger Trust to combat illegal wildlife crime by providing legal training with regard to collection of evidences, deposition of witness and prosecution. The programme brought together the following speakers with complementary expertise;

**Ms. Anjana Gosain**, Honorary Secretary, Tiger Trust, is a practicing advocate in Supreme Court and High Court with specialization in environmental law. In terms of the module she is in charge of introducing the course on history of legislation in wildlife, Wildlife Protection Act, 1972, Forest Laws under Indian Forest Act, 1927, Forest Conservation Act, 1980 with mining rules , Mines & Minerals Regulations Act, Recognition of Forest Tribes and forest dwellers Act, Administrative Law, Indian evidence Act, 1972 and general supervision of the implementation of the course. She is the Course

Director of the Tiger Trust. She has authored Compilation of cases under Wildlife Protection Act (1972) and a Legal Guide for steps for successful prosecution of wildlife criminals. She is the main backbone in planning the modules which are largely designed on practical aspects of prosecution and emphasis on acts related to wildlife crimes. She has a standing of more than 31 yrs of practice.

**Mr. Manjit Ahluwalia, Advocate** has exclusive background of criminal trials particularly cases under Wildlife Protection Act (1972), with main emphasis on Criminal Procedure Code and its applicability in the court procedures. His other main fields are Bio diversity Act and field trainings for investigation, detection, preparation of cases before filing in the court. He has been involved in active prosecution cases in Bandhavgarh and Kanha National Park and imparting training at Indira Gandhi Forest Academy, Dehradun. He is responsible for organizing mock courts; detailed court procedure for recording evidence to depose as a witness and also in teaching the ancillary acts in wildlife has helped the forest officials to make wildlife crime cases more strong.

**Mr. Digvijay Rai, Advocate** is the master trainer of Tiger Trust since 2002 and is the main counsel for conducting the cases in Courts on behalf of Tiger Trust in all the districts. He fought the famous case of Sita Tigress and many other Public Interest Litigations. He is in charge of over-viewing the field training, with special emphasis on collection of evidences, preparation of forms, case studies and also for narrating the comparative Acts to be applied on wildlife crimes. He is a regular faculty member in this Project for the trainings to be held in Rajasthan. He has been involved in all the major training programmes conducted by Tiger Trust in other national Parks as well.

**Mr. Arvind Jha** is a Range Officer in Sariska National Park and has attended all the training programmes held by Tiger Trust in all the major areas. He was selected as a Master Trainer in 2009. His main emphasis has been understanding the Wildlife Protection Act, 1972 and also preparation of the cases before filing. He has been Investigation Officer ( IO ) and has good experience in handling it.

**Mr. Arun Sharma** is a Ranger in Ranthambore National Park and has attended all the training programmes held by Tiger Trust in all the major areas. He was selected as a Master Trainer in 2009. His main emphasis is on preparation of cases prior to filing the complaint in the court and informing the trainees that a vigilant Forest Officer can go a long way for successful prosecution.

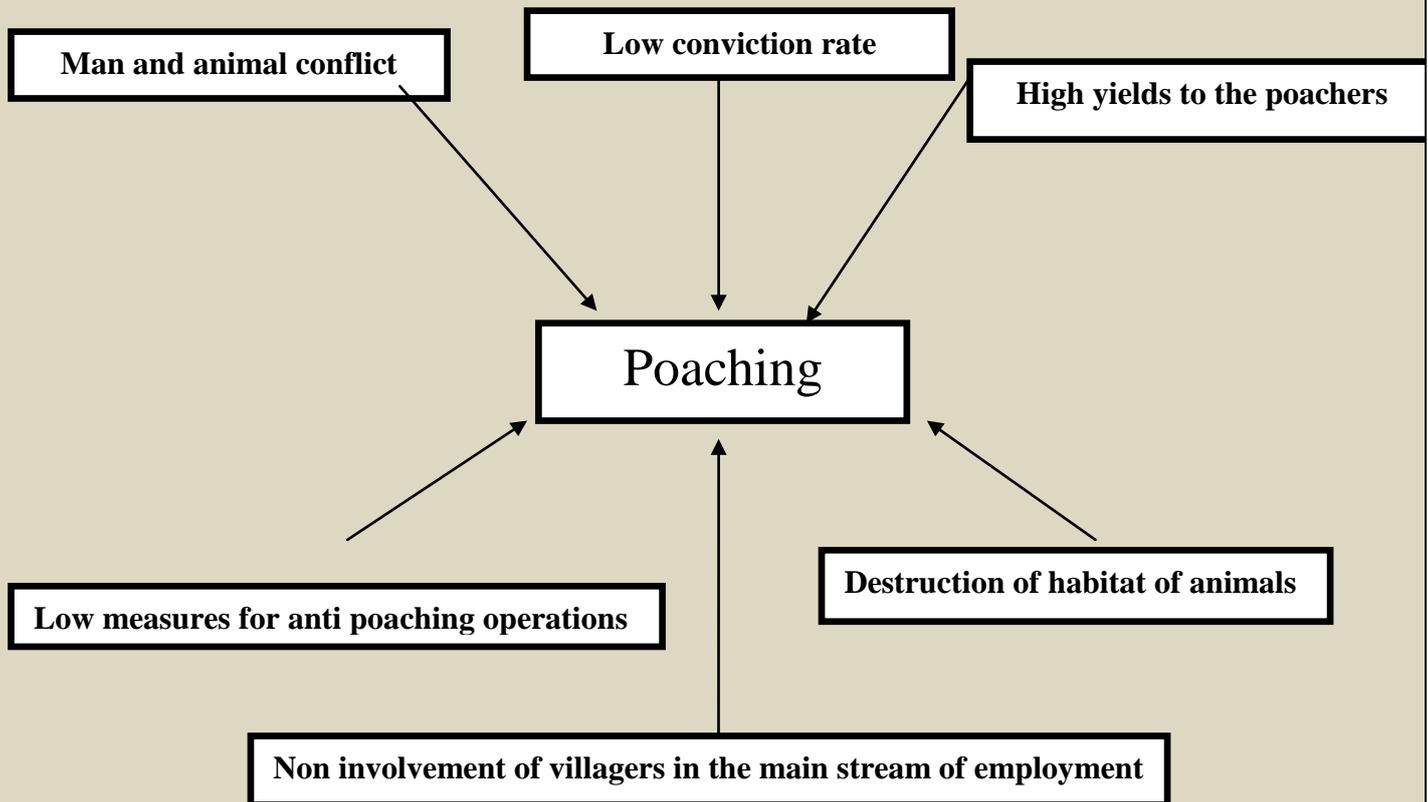
## BACKGROUND

### **Reasons for Wildlife Crimes :**

Wildlife trade is a big business, worth billions of dollars and involving hundreds of millions of wild plants and animals. A great deal of this wildlife trade is legal and likely to be conducted at sustainable levels. But some of the trade is illegal and unsustainable, driven by high profit margins. Illegal and unsustainable wildlife trade directly threatens the survival of many species in the wild. Some examples are well known, such as poaching of elephants for ivory and tigers for their skins and bones (TRAFFIC Report 2006).

Poaching for wildlife trade is the second most important threat for the conservation of wildlife in recent times (Jonathan *et. al.*, 2003) amongst illegal commerce, wildlife trade is reportedly next in value to narcotics and arms trade. Annual global trade in wildlife is estimated to be over 20 billion US \$, which includes at least 40,000 primates, ivory from at least 90,000 African elephants, 1 million orchids, 4 million live birds, 10 million reptile skins, 15 million furs and over 350 million tropical fishes (Hanfee, 2001). The major factors responsible for poaching are as follows;

- Man and animal conflict
- High yields to the poacher
- Low conviction rate
- Low measures for anti poaching operations
- Destruction of habitat of animal
- Non involvement of villagers in the main stream of employment



In India, export/killing of wild animals is prohibited. Wildlife Protection Act (1972) is the first legislation to prohibit hunting and also for protection of wildlife in India. Most of the species are protected under the different schedules of Wildlife Protection Act (1972). Every year different enforcement authorities get seizures but conviction of these wildlife criminals is rare. It has been found that low conviction rate is one of the major reasons for the increase in illegal trade. Tiger Trust has been addressing this issue since last ten years.

## MODULE

### **MODULE AND AGENDA FOR TRAINING NO.1.**

- Introduction of the Constitution of India.
- Brief background paper with regard to the series of legislation on conservation commencing the year 1912 upto 2006.
- Introduction to the pre-independence i.e prior to 1947 legislation and the status of tiger under those laws and its effect. Post-independence legislation and the status of Tiger till date.
- Introduction to the main Act i.e. Wildlife Protection Act 1972, and its main provisions under which the crimes are booked along with all the ancillary Acts like Criminal Procedure Code, Indian Evidence Act and Indian Penal Code.
- The introduction to these Acts which entailed nearly four sessions and on the following day as well, the staff was given introduction with regard to the powers provided to them under the Wild Life Protection Act, 1972. The officers are already exposed to these Acts so they were given two session exposure to practice and procedure under the Criminal Procedure Code and Indian evidence Act.

**RESOURCE MATERIAL**

Each trainee was given the following resource material:

- Legal Guide for successful prosecution of wildlife Crimes.
- Criminal Procedure Code, 1973.
- Wildlife Protection Act, 1972.
- Indian Evidence Act, 1872.
- Case studies.
- Stationary including Note Pad & Pens.

## INTRODUCTION TO THE SESSIONS

The second training under the project Hunting the Hunters was held on 22<sup>nd</sup> - 23<sup>rd</sup> August, 2009 in Udaipur Division. Rajasthan Forest Department has inter-division transferable jobs for the Forest Staff. This State has two major tiger reserves Sariska and Ranthambore. However, the staff being transferable, the department wanted the exposure to be given to all the Range Officers from all the major divisions. In consultation with the Chief Conservator Forest (Wildlife), the venue was selected and Udaipur Division decided to host this workshop by inviting participants from Chittorgarh, Udaipur, Sariska, Ranthambore Divisions. The participants who attended the workshop did not have any prior exposure, hence the strength of participants were 60. In addition to carry forward the exposure to the master trainers who were selected under the Training of Trainers Programme were also invited e.g., Shri Arun Sharma from Ranthambore, Shri Arvind Jha from Sariska and they were given equal exposure as resource persons.

The following resource persons were there to conduct the workshop:

- **MS. ANJANA GOSAIN, ADVOCATE** – Constitution of India, Wildlife Protection Act, 1972, Forest Conservation Act, Powers of Forest Officers and how to utilize them for investigations and preparation of cases with basic emphasis on how to read and understand the Acts. The first session was conducted on these subjects which lasted more than two hours with question and answers.

- **Sh. MANJIT AHLUWALIA** – Criminal Procedure Code, Indian Penal Code, difference of powers between forest officers and police officers, court procedures for conducting the cases, preliminary investigations and answered all the questions in relation to the above.
- **Sh. DIGVIJAY RAI, ADVOCATE** -He narrated the decided case on Sita Tigress with minute details on the steps to be followed for the prosecution, preparation of cases and also how to communicate with the accused at the time of arrest, confession, and most importantly the collection of evidence in terms of Indian Evidence Act. He also held question and answer session.
- **MASTER TRAINER SHRI ARUN SHARMA** narrated his experiences to plug the loopholes in preparation of cases prior to filing the complaint in the court and informed the participants that a vigilant Forest Officer can go a long way for successful prosecution. He emphasized on the importance of the understanding the definition clauses under the Wildlife Protection Act and also how they have to be interpreted.
- **Sh. ARVIND JHA** , he explained the definition , clauses and other relevant procedural aspects of the Wild Life Protection Act, 1972.

## MINUTES OF THE SESSION

### MINUTES OF THE SESSIONS HELD ON

22<sup>nd</sup> – 23<sup>rd</sup> Aug. 2009 at Udaipur

On 22<sup>nd</sup> and 23<sup>rd</sup> August, 2009 a two days workshop on Legal Training on Forest Offences under the project title "Hunting the Hunters" supported by USFWS was organized by the Tiger Trust of India, New Delhi with the help of Forest Department, Rajasthan, at 10.00 a.m. in Udaipur.

On this occasion, at the start **Smt. Anjana Gosain**, Advocate & Honorary Secretary of Tiger Trust of India and **Shri Digvijay Rai, Advocate, Shri Manjit Singh, Advocate** were welcomed and their introduction were given.

In the workshop, **Shri A.K. Upadhyay**, Chief Conservator Forest (Territorial), **Shri R.K. Grover**, Chief Conservator Forest (Wildlife), **Smt. Shailja Deval**, DFO and ACF **Shri R.K. Jain** along with 55 participants were present.

At the outset Smt. Anjana Gosain, informed about the establishment and the main objectives of the Tiger Trust. She stated that taking "hunting the hunters" as the basis, the main objective was to apprise all the participants about the information on prosecution of hunters of animals, formal procedure adopted at the time of preparing the case of Forest Offences, information about the Wildlife Protection Act, 1972, Indian Penal Code, field

investigations, court procedures, discussion were the main highlights of the workshop.

Smt. Shailja Davel, Deputy Forest Officer Udaipur (South) apprised the Honorary Secretary about the number of participants and also the designations and divisions of all the participants attending the workshop.

Shri A.K. Upadhyay Chief Conservator Forest, Udaipur stressed on the fact that all the Forest Officers and Staff, while keeping total alertness with regard to the safety of the wildlife during their tour, should necessarily obtain information about the wildlife from the villagers. In cases of hunting of the forest animals, the forest officer and staff should make such investigation so that the accused could not save himself from the law under any circumstances, so that a sense of reliability develops in the mind of the public towards the department and the criminals could be punished.

**SMT. ANJANA GOSAIN, ADVOCATE :-**

Smt. Anjana Gosain informed about how to read the act? What is the Act? Definition, Provision, Rules etc. Under Section 63, on the basis of the powers conferred therein, the Rules are being made by the Centre and under 64 Regulations are being made by the State Govt. Under Wildlife Conservation Act, 1972, mainly Sections 9, 39, 48, 50, 51 are important. While stating about the difference between the National Park and the Sanctuary, it was apprised that in the National Park human activity of any kind is not allowed, whereas, in the sanctuary human activity is allowed upto a limit. In any area, the procedure of declaring the same as

the sanctuary area was informed. Simultaneously detailed information was given about the following sections:-

- **Section 27** Prohibition in the entry at the sanctuary
- **Section 28** Under the Section permission can be issued by the Chief Forest Officer
- **Section 29** Prohibition in the destruction of sanctuary vide permission letter
- **Section 30** Prohibition on lighting of fire
- **Section 31** Prohibition on entry in the sanctuary with arms.
- **Section 32** Prohibition on the harmful material.
- **Section 33** Control of the sanctuary
- **Section 34** Registration of those keeping arms
- **Section 34A** Right to remove the encroachment
- **Section 35** Declaration of National Forest
- **Section 39** Wildlife etc. being the property of the Govt.
- **Section 40** Declaration
- **Section 42** Certificate of ownership
- **Section 43** Rules regarding transfer of Animals etc.
- **Section 48A** Restriction on the transportation of Wildlife
- **Section 50** Powers to enter, search, arrest and to detain
- **Section 51** Powers
- **Section 55** Cognizance of crime

The participants were informed in detail about the powers available under Section 50 with regard to entry, search, arrest and detainment in the National Park, Sanctuary. Smt. Anjana Gosain informed that for entry into the National Park, Sanctuary, only Director or any other Officer authorized by him or Chief Forest Officer or authorized officer or any Forest Officer or Police Officer who is not below the rank of Sub Inspector, are eligible. If any person is found illegally in the forest area then powers available with regard to their search, enquiry, arrest, statement etc. should be used and recording of the statement of the accused, by an officer not below the rank of Assistant Forest Officer as anybody other than them does not have the power / right to do so. Search should be made in the house of any person, any member of his family or of any other person only along with the search warrant and this fact should be kept in view that prior to search at any place, first the person himself should get searched by a third person, so that neutrality in the case could be maintained.

Along with this the participants were made available information with regard to Sections 57, 58, 59, 64 & 66 in detail and also how to use the powers under Section 50.

**SHRI MANJIT SINGH AHLUWALIA, ADVOCATE:**

Shri Manjit Singh informed the participants that under Wildlife Protection Act, 1972, after completion of the inquiry even if a complaint is made under Wildlife Act, then its consideration in Court is done under Code of Criminal Procedure. Hence, it is of utmost important for every Forest Officer to understand this Code

and all information about its important points. If this code is not understood properly then the criminal could escape or get exonerated. Shri Manjit Singh also informed about the various definitions of the Code of Criminal Procedure i.e. non bailable offence, bailable offence, cognizable offence, non-cognizable offence, warrant matters, summons, petitions, inquiry and investigation.

While replying to the various questions of the participants, Shri Manjit Singh settled many of their problems. He told that any person can be taken into custody for inquiry, but on showing the arrest under Section 56, under every circumstances, the person concerned is required to be produced before the Judge within 24 hours, whereas, under Section 57 some more time could be obtained.

While giving reply to a question it was informed that if there is no availability of remand rooms or the facility for the accused then under Criminal Procedure Code, the accused could be taken for remand in the police custody as in the absence of these facilities it is difficult to claim the custody. While giving counter reply to a question, it was told that if we have doubt on any person then we should obtain the initial necessary information about him on the spot. If the information being given by the concerned person is not satisfactory then for inquiry about the truthfulness of the information made available by him, he could be taken to the Police Station and the information given by him should be confirmed. If the truth of his statement could not be proved then the procedure for the arrest should be initiated as per Rules. In this regard, intimation to his family members, getting

medical test done etc. are some of the facts to be kept in mind. In this connection the proceedings to be adopted was demonstrated to all the present participants.

On being asked that what is the procedure adopted for declaring a criminal as absconding, in reply it was told that for this purpose application is given to the Court, under Section 82 of Cr. P.C., notice for absconding is issued, and then the proceedings takes place for declaration of absconding under Section 83 and under Section 84, procedure is adopted for attachment of the property of the criminal. If any person is absconding then in his case under Section 299 of Cr. P.C., the statement of the witnesses were recorded and the absconding person on being held, the statement of the witnesses are being used.

While giving information about serving of summon order issued against any person by the Court, it was told that under Section 64 of the Cr. P.C. his wife, the elder member of his house or any person having blood connection with him, receiving by them is accepted. In the event of non availability of an elder member, the court summon is being arranged for being delivered through the police.

For preparation of any forest crime case, information was given about the necessary documents, among which information was given about the challan, list of criminals, statement of the witnesses, listed confiscation, listed attachment, F.L. report, seizure of weapon, remand note etc. On sealing of the goods seized, the stamp being pasted on the same, its marks of listed seizure and on the listed confiscation paper also, it is necessary to

paste the mark, and seal so that its confidentiality could be maintained.

Q. What is the difference between seizure memo and seizure mark?

A. In reply it was told that with regard to the seized goods, the document which is prepared is called seizure memo which contains the list of confiscated items and after sealing the seized goods, the brass seal pasted on the same is called seizure mark. On the listed confiscation and listed seizure papers also mark of the seal is pasted. After sealing the seized goods, the seal is kept with the higher officer and in case of need it is shown to the court. On sealing of the seized goods it is necessary to keep record of the seal pasted on it so that there is no lacuna left in the matter before the Court.

On being asked by Shri Amar Singh Zonal Wildlife Udaipur that in any case what should be the basis of calculation of amount of penalty imposed for compounding of any case, in reply it was told that it depends upon the facts of the case and compounding authority, that he on the basis of powers available to him, and seriousness of the case how much amount is being calculated / prescribed by him. But here it should be kept in mind that with regard to the amount prescribed for compounding the case, the copy of the application and the consent of the parties should be obtained invariably and recorded.

During the workshop information was given about Sections 244, 311, 313, 319, 360, 362, 372.

If in any case the court does not give remand against any accused then what should be done? On that it was told that under Section 397 you can obtain remand in the higher court.

During the workshop information was also given with regard to Sections 468, 482. Under Section 302 of Cr. P.C., in case of vulnerability of any case, special prosecutor can also be deputed.

**SHRI DIGVIJAY RAI, ADVOCATE :**

Shri Digvijay Rai apprised the participants with the detailed information regarding case study of the incident of hunting of a tigress named Sita at Tala range of Bandhavgarh National Park. He told and informed all the participants that immediately on receiving the intimation regarding any hunting, what are the proceedings, report, investigation of the case, identification of the accused, inquiry, witness, seizure of goods/items, seizure of arms, production of the case in the Court and for this purpose all the smaller points which are required to be got registered etc.

He told and gave detailed information regarding the via-media through which information is obtained, sources/equipments used for reaching the spot, kinds of equipments, make, time of departure, time of reaching the spot, route for reaching the spot, eye witness of the place of incident, information to the higher officers, map of the spot, on the spot punchnama etc. He told that in the map, the place of incident/ spot is required to be marked with red ink.

He told that in any case, the police have the right to produce challan in the Court, but they do not have the right to produce the

complaint. But the Forest Department has the right to produce the complaint.

If during the pendency of the case, the accused expires then for its certification purposes application is required to be filed in the Court and it should be verified by the police that he is dead. The death certificate must also be verified through the police.

If the department fails to serve the summon order to the concerned person in spite of all kinds of attempt, then by submitting the application to the Court, action should be initiated for serving the summon through the police.

At the time of replying to a question regarding the facts which are to be kept in mind at the time of seizure of any item, it was told that in the hunting cases a tool kit is required to be kept along with, in which it will have cloth, candle, match box, scissor, bottle, clip, thread, small polythene bags, paper, torch, seal, measurement tape etc.

At the spot of the case whatever details could be registered should be written. Signature of the witnesses present on the spot, time, details of the items which are being seized should be got recorded. In case there are no witnesses then by making the employees of the department as witnesses, their signatures should be taken because the Court always considers the witness of any Govt. servant very important. Photograph taken on the spot not admissible in the Court, but videography is admissible.

On being asked by Shri R.K. Jain Assistant Forest Officer that whether it is essential to seal the seized material on the spot, in

reply it was told that it is not essential, this can be sealed later on also, but in the listed seizure prepared on the spot, details of all the seized items must be recorded. There should be no discrepancies between the Panchnama of the spot and the seizure memo.

In any case, the statement given before the police is not admissible in the Court, but the statement recorded by the Assistant Forest Officer is admissible in the Court, in view of Section 50(9) of the Wildlife Protection Act, 1972.

On being asked by Shri O.P. Sharma Assistant Forest Officer, Central that while seizing arms and vehicle on the spot and its licence is not available with the person, then what is to be done? On this it was told that in such a situation by making the seizure memo, the seized goods should be handed over to the police so that the police may at its level investigate the case and produce the facts and take necessary action.

On being asked by Shri Suhel Mazboor Assistant Forest Officer as to what is the difference between the case file and seizure memo?

In reply to a question it was told that in the Court seized goods does not go there along with FIR. Only along with the seizure memo, the FIR goes.

While giving information about primary and secondary evidence, it was told that primary evidence is original, whereas, secondary evidence is produced later on as annexures to the primary evidence on the orders of the Court, in which this could

be in form of certified copies, revenue records, ownership, statement of the accused etc.

**Proceedings on : 23<sup>rd</sup> August, 2009:**

Shri Arun Sharma Master Trainer Ranthambore National Park gave detailed information to the participants regarding the first information of the wildlife crime and details of the preparation of complaint along with that it was also informed that if there are loopholes which are there in the working procedure of investigation, what further amendments or improvements could be made so that when the complaint is produced in the Court, there are not loopholes left and the accused could get convicted.

On receiving the information about any dead animal, bones of any other proof of offence, the concerned staff should reach the spot immediately, the procedure adopted for informing their higher officer for reaching the spot and prior to that was exhibited by him. All the participants were asked to note down the details and while stating about the loopholes in the same, the participants were apprised with the correct procedure of preparing the information and the final report.

Shri Sharma gave detailed information regarding FIR number, date, place, where the incident occurred, its complete detail, compartment No., beat No. date of incident, time, name of the Officer preparing the Panchnama, name of the accompanying staff, place of posting, via media through which the information was received, vehicle number, kind of vehicle, position of the vehicle, detail of the neighbouring place, detail of the person found on the spot, detail of the search, complete details about the house /

place, verification of the details according to the accused of the spot by the Sarpanch, Patwari, Witness, persons residing in the neighbourhood, and keeping the beat incharge of the spot along with so that correct position of the compartment, beat could be ascertained and the procedure of recording the complete detail etc.

In reply to a question, it was told that even if funda (loop) etc. is found with any person outside the sanctuary then also on the basis of doubt/suspicion, inquiry could be made.

In reply to a question Shri R.K. Gupta, Deputy Forest Officer (Central) gave information that if any person is found to have in his possession a funda (loop) then the investigating officer should ascertain with his experience as to whether the same is made for hunting of any animal or not.

On being asked by Shri Suhel Mazboor Assistant Forest Officer (North) it was told that funda (loop) comes within the category of hunt, in reply Smt. Gosain told that on the basis of suspicion you could start investigation in this regard.

While giving more information about the same, it was told that in the map of the spot, the direction must be recorded. While making the sign of indication in the map, the place of incident should be shown by red ink and the nearby and neighbouring vital spots should be marked. Accordingly, the arrest form should contain the details of (1) uniform (2) the arrested person must be informed about his crime (3) family members or known person of

the arrested person must be informed (4) place of detention of the person (5) name and age of the arrested person on the notice board (6) allowing the arrested person to meet an advocate if he wants to do so (7) medical of the arrested person must be done (8) complete details must be recorded on the register (9) prior to the search, searching of arresting officer must be done and its details must be recorded.

In the seizure memo, FIR number, date etc. complete details must be recorded. It is important to note in the skin which is recovered, its length, width, special identification, measurement, and taken by whom, procedure conducted by whom, his name and detail etc. must be recorded. The seal put on the seized item must also be pasted on this.

Shri R.K. Gupta Assistant Forest Officer Udaipur Madhya Pradesh told about the necessity of keeping special attention by all the Zonal Forest Officers and the forest employees in the case of poaching and suggested that prior to appearance in the Court, all the witnesses, prosecution witness etc. should be called by the OIC of the case and their mock training should be taken so that there is no doubt left of any kind before the Court. The witness must also obtain a photocopy of his statement so that on appearance before the Court there is no contradiction in the statement given.

Smt. Gosain informed about the way how the statements are given and taken under 8 & 9 of Section 50. During recording the statement, Govt. witness must be kept. It should be taken care of

that there are separate/ different witnesses on the spot for panchnama, site plan, seizure memo, arrst form etc.

Shri Arvind Jha, the Master Trainer Sariska told that under Section 50 of Wildlife Act, 1972, below any document the section number of the Wildlife Act, 1972 must be mentioned.

In reply to a question it was apprised that there must be only one FIR for one crime.

Smt. Gosain told that information about the FIR is not produced in the court. Complaint under Section 50(3) in itself is an FIR. In the situation of seizure, it is necessary to inform the Court in 24 hours and it is also necessary to inform the controlling officer. The situation of Sanctuary and National Park are also applicable in all the forest areas. Smt. Gosain also informed all the present participants about the punishment on removal of the boundary sign as per Schedule-1 (Part 1 to 4) and Schedule -2 (Part-2).

On being asked by the Zonal Forest Officer Gogunda that in the village within his jurisdiction, panther used to kill the cattle, then what kind of proceedings should be adopted, on that it was told that in such a case, case should be prepared and intimated to the Wildlife Office and proceedings should be initiated for allowing compensation for the killed cattle. If budget is not available for this purpose then budget could be demanded from the Wildlife Office and the same can be received from there.

The entire list of Wild animals mentioned in Schedule 1 to 6 is Govt. property. On killing of captive animal (like elephant), it will be the Govt. property and all its proceedings will have to be done by the department.

On being asked by Shri Bhagwat Singh Forest Officer, it was told that on killing of panther, there could be three years punishment along with penalty of Rs. 10,000/- and the person assisting / helping in the same could also be punished for three years with penalty of Rs.10,000/-.

On being asked by Shri Dalpat Singh Rajpurohit, Zonal Officer that whether keeping wild animal in the category of captive animal is legal or not?, on this it was apprised that it is legal and its authority for maintenance would be Chief Forest Officer.

With this Smt. Shelja Deval Deputy Forest Officer Udaipur (South) thanked and conveyed her regard to the Honorary Secretary of the Tiger Trust of India and the team members came along with her for informing the participants about the stoppage of Wildlife crime, initial information about the crime, investigation, statement, process to prepare the documents, submission before the Court, Section under the Wildlife Act, punishment etc.

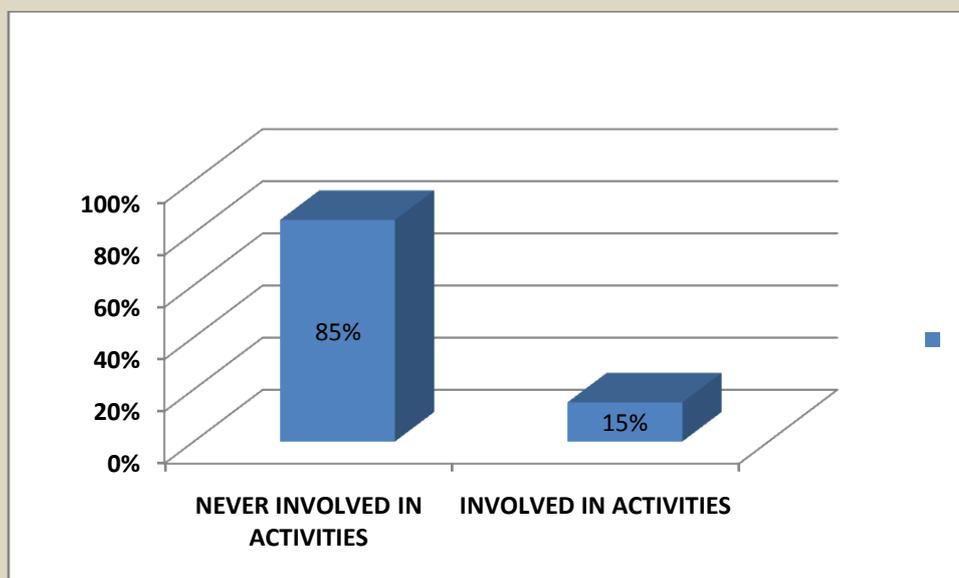
## FEEDBACK OF PARTICIPANTS

All the trainees were given a questionnaire based on the module of training and other related questions to arrive at a conclusion of their experience and exposure to such workshops and also to know whether the exposed trainees were better in their performance than their counter parts who have not received such trainings.

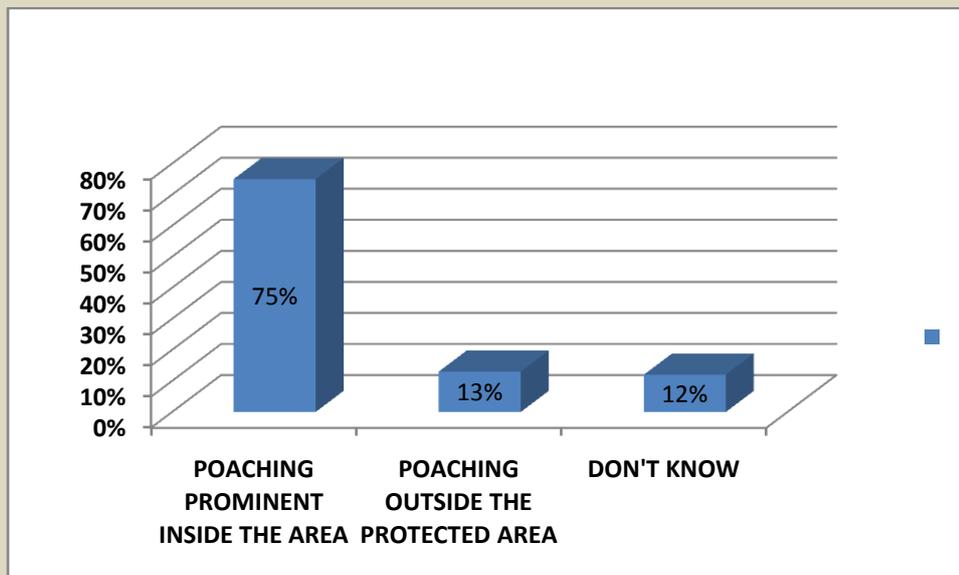
### **Have you had any exposure to legal trainings on wildlife crimes?**

The participants revealed that in Udaipur division this type of capacity building programme on wildlife crimes was never conducted in the past 30 years. Hence 100% trainees were exposed to such programme for the first time.

**Have you ever assisted in prosecution?** When we asked the participants about their involvement in prosecution, or ever appeared as a witness or investigated any wildlife crime most of them (85%) said that they were never been a part of such activities, i.e. detection investigation of wild life crimes while 15% were found to be part of such activities earlier.

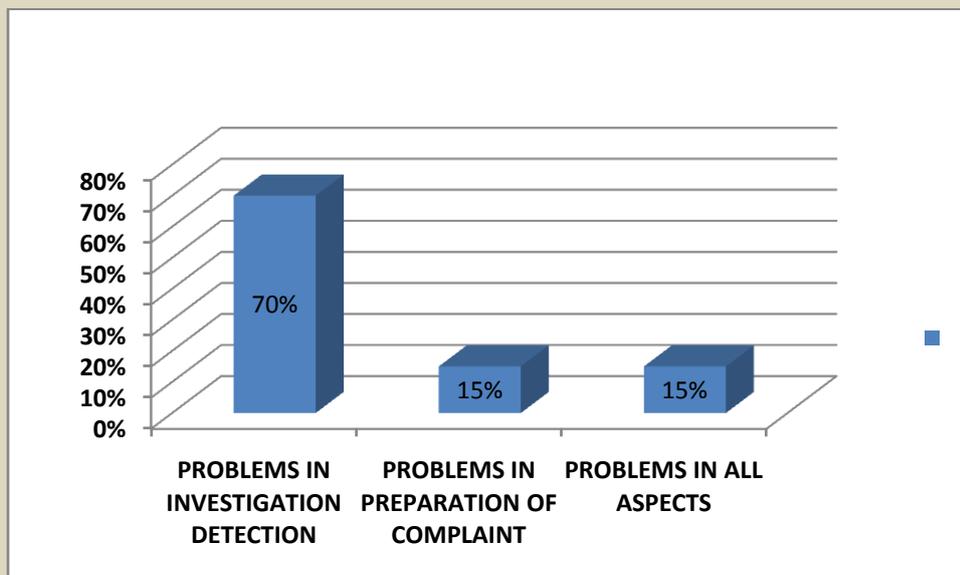


**Where do you find more wildlife crime cases – either in protected area or non-protected area?** According to the response from the participants it was found that poaching is more (75%) prominent outside the protected areas in comparison to the poaching inside the protected area (13%). While most (12%) of the participants were hesitant about this question and preferred not to answer.

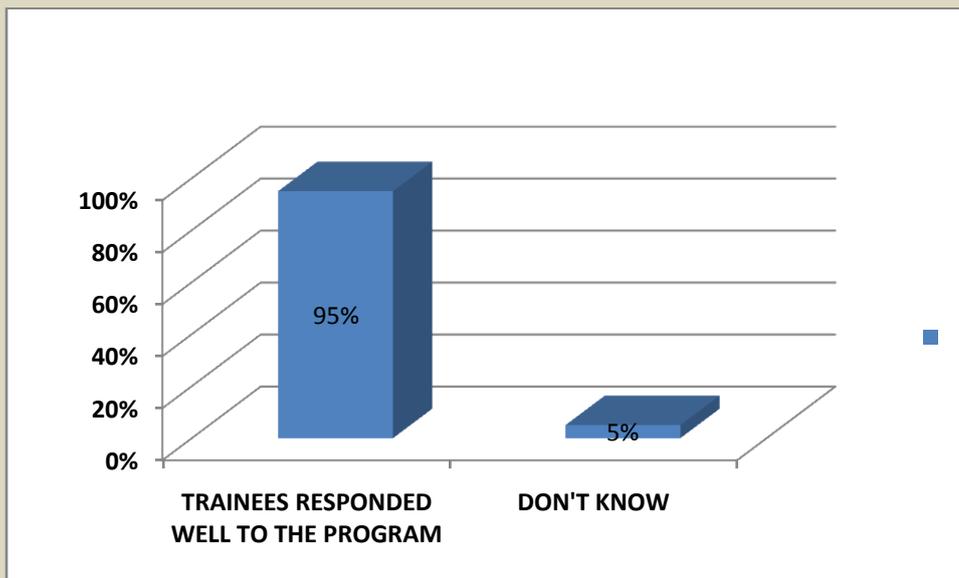


**What are the major species hunted/killed in your area division or in the state of Rajasthan?** It was found that vast varieties of species are killed in this state. According to the respondents the major species hunted in the state are Tiger (*Panthera tigris*), Leopard (*Panthera pardus*), Sambar (*Cervus unicolor*), Wild boar (*Sus scrofa*), **Black Buck, Cheetal** and different species of birds and amphibians.

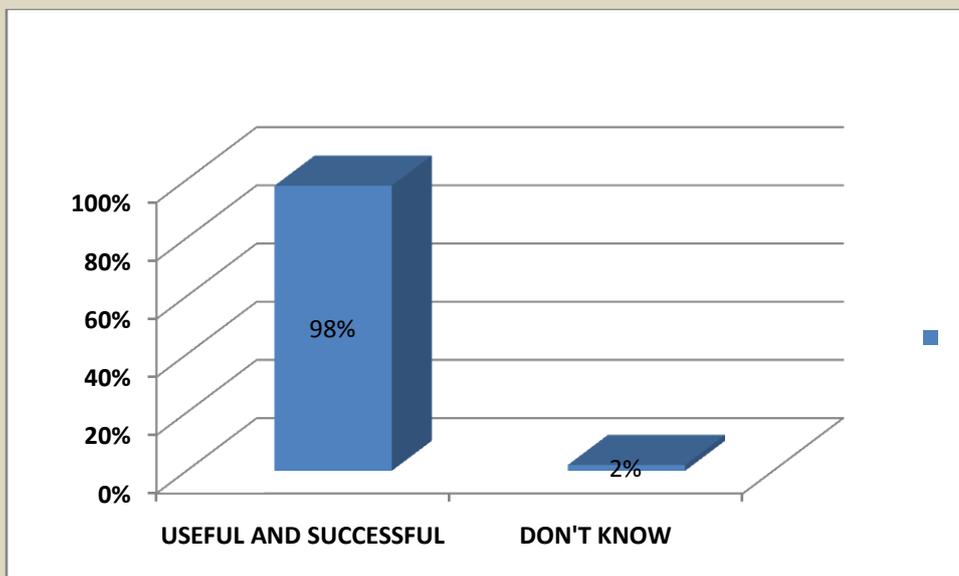
**In which area of prosecution did you feel difficulties?** It was found that 70% of the front line forest staff faced problems in understanding the process of investigation, detection and court procedures, whereas 15% (the active lot) found the problem in preparation of complaint and in other forms whereas 15% being in experienced in all these aspects understood the concept of prosecution of wildlife crime for the first time and were satisfied



**Whether these difficulties were sufficiently addressed by the trainers?** It was heartening to know that more than 95% of the trainees responded well to the programme and the workshop. They were very curious and interested in the subject. 5% of the participants did not answer the question.

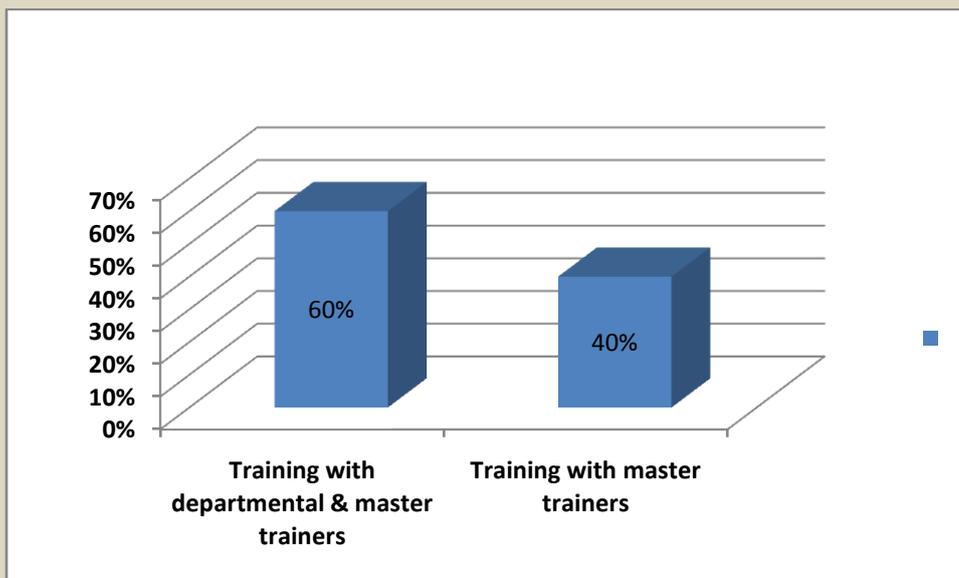


**Whether this training programme is useful and beneficial towards better law implementation to combat illegal wildlife crime?** When we asked the forest officials whether this training is useful and beneficial towards better law implementation to combat illegal wildlife crime, most (98%) of them were very positive about the training and said that this training will help them to control wildlife crime in better way. 2% of the participants chose not to answer.



**Whether you would like to have departmental trainers along with outside faculty?**

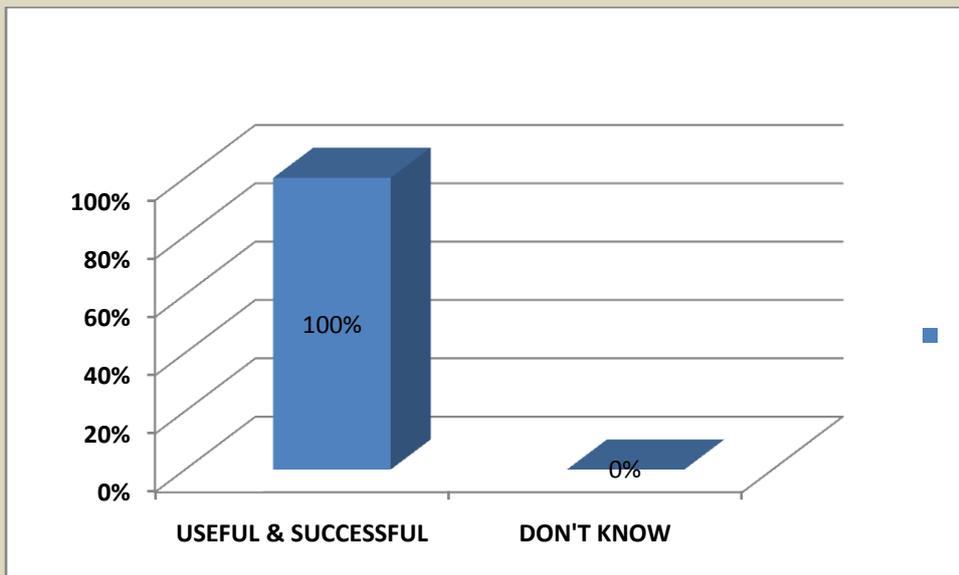
It was found that most (60%) of the participants wanted to have such trainings with master trainers and departmental trainers together. Under the current project Tiger Trust would be selecting master trainers for in-house training of the staff. However 40% wanted to have only master trainers and outside faculty but some senior officer to apprise them of the latest updates and they wanted interaction with judicial members as well.



**How often such trainings should be held?** Most (90%) of the participants said that these training should be done at every six month or four months followed by 10% who said that these training session should be done at least once in a year.



**Have you found this programme useful?** During the interaction Tiger Trust have received positive response from the forest officials about the training program. 100% participants said that they found this workshop very useful and satisfactory for the successful prosecution of wildlife crime.



## **SUGGESTIONS FROM PARTICIPANTS**

- Training programmes should be held regularly
- All the divisions should be invited once a year at Jaipur for such workshops to exchange view and handling of cases.
- Local case studies should be given to the trainers in advance so that they could be discussed.
- Case laws should be distributed to update the staff.
- Local lawyers and judiciary should also be invited in workshops.
- Police official should also be involved for such training programmes.
- Mock trials should be one of the themes in presence of a judicial member.
- Duration of workshop should be more than 2 days and at divisional heads.

## **IMPACT ASSESMENT OF WORKSHOP ON TRAINEES**

Tiger Trust has conducted several workshops and has a method to assess the impact of the training on the trainees. The method is by judging the performance, questions, interaction and their participation in the module. The trainees in the said training were exposed to such workshops for the first time which was led by the lawyers and was strictly in a legal fold. The DFO as well as other senior officers were aware of many provisions and procedures for the wildlife crimes but got more clarity. However the trainees were very attentive, patient and inquisitive.

However the faculty had to work very hard to keep every participant active in the programme including in the collective participation on procedures such as filling up of forms and preparation of cases. In this workshop there were 3 master trainers recently selected from the Training of Trainers programme from Sariska and Ranthambore. These were identified as the departmental trainers who made a major contribution by explaining the impact of such trainings on their handling of wildlife crimes and prosecution. This added to the level of confidence of the participants as this process of selection is also being planned for other divisions of Rajasthan. In our preliminary assessment the training had a great impact on the participants which was further strengthened by the feedback given by them independently and individually.

## **FUTURE TRAINING -2**

Tiger Trust and The Forest Department mutually thanked the support of USFWS for approving such a project which made it possible for the Forest Staff to get exposed to such a workshop. The 1<sup>st</sup> Training strengthened the idea that such workshops are very useful for combating the crime of wild animals and bring deterrence to the poachers. The next training would be devoted more of practical and part in theory to the trainees to give them more confidence in handling such crimes which would be decided as per the convenience of the Department but preferably in Kota Divisions with participation from all divisions in the state.

**APPENDIX – 1**  
**LIST OF PARTICIPANTS**

23/8/09		क्र.सं.	नाम	पद	हस्ताक्षर
				PAGE NO.:	
				DATE: /	22/8/09
		1	शत्रुघ्नसिंह	R.O.	शत्रुघ्न
		2	मंगलराम कुमार	RO कुरास	मंगल
		3	अमरसिंह रावत	R.O. जमनास	अमर
		4	मोहन प्रकाश शर्मा	RO जमनास	मोहन
		5	अजय शर्मा	RO मिडम	अजय
		6	अशोक शर्मा	RO जमनास	अशोक
		7	अशोक शर्मा	RO जमनास	अशोक
		8	Sahel Majumdar	ACA (N)	Sahel
		9	हेमल कुमारी सिंह राज्यरोहित	RO उदयपुर	(E)
		10	जनपालिंद जार	जनपाल (क.प.सी.)	जनपाल
		11	संजय शर्मा पुष्पावत	जनपाल (क.प.सी.)	संजय
		12	शशि शर्मा पवार	जनपाल	शशि
		13	शशि शर्मा	जनपाल	शशि
		14	अशोक शर्मा	जनपाल	अशोक
		15	हरीश चक्रवर्ती	जनपाल	हरीश
		16	अशोक शर्मा शर्मा	जनपाल	अशोक
		17	फिरोज खान		फिरोज
		18	अशोक शर्मा	अशोक	अशोक
		19	अशोक शर्मा		अशोक
		20	अशोक शर्मा	R.O.	अशोक
		21	Vijay Paul	R.O.	Vijay
		22	Darmadar Lal Talchij	A.P.F.	Darmadar
		23	Rajesh Kumar Singh	RO. Ognas	220
		24	शशि शर्मा मिश्रा	RO Forest	शशि
		25	अशोक शर्मा शर्मा	जनपाल	अशोक
		26	अशोक शर्मा	जनपाल	अशोक
		27	Arun Sharma	RO SUM	Arun
		28	Paras Choudhary	RO Kalra	Paras

		PAGE NO.:	DATE: / /
22/8/09	29	महंतमनसिंह ई. ग. 31-देवगढ़	22/8/09
	30	बरेल्ल बिनाई अनाम - अरुणा डिभार पानाई	
	31	R. K. Jam ACF Udr (S)	
	32	Shakfa deval DCF Udr (S)	
	33	Shi V. S. Rathore DCF Udr (N)	
अरुण	34	Narayan Singh Seluchi Forest DCF (Core)	
	35	A. K. Jha CCF	
	36	R. K. Jha CI	
	37	Rajiv Kumar DCF	
	38	O. P. Singh ACF	
अरुण	39	F. C. Rathore RPO	
अरुण	40	V. P. Shastri RPO	
अरुण	41	Lalu Prasad Prasadnadar RPO	
अरुण	42	महंतमनसिंह R.O. Udr	
	43	Mohans Singh R.O. Pany	
	44	Madan Lal Choudhary	
	45	Amba Singh Seth	
	46	Krishan Chopra	
अरुण	47	शरद सिंह अनाम 99410	
अरुण	48	Ajeet Kumar Saxena ACF (Prognosis)	
अरुण	49	अनाम अनाम R.O. अनाम	
अरुण	50	अनाम अनाम अ. 2 अनाम अनाम	
	51	अनाम अनाम LDC	
	52	अनाम अनाम अ. 9	
	53	<del>अनाम अनाम</del>	
	54	<del>अनाम अनाम</del>	

		PAGE NO.:	DATE: / /
	53	श्रीधरजी शर्मा	सदस्य
	54	कुसुम	सदस्य
<u>2</u> <u>सदस्य</u>	55	अनिल कर् जो	Range officer समेत के
	56	अरुणा कोलिन	RC मवार
	57	मान्य-अध्यापक	"
	58	देवराज राव	"
	59	कुलदीप शर्मा	"

**CAPACITY BUILDING PROGRAM FOR LEGAL TRAINING OF SENIOR  
FOREST STAFF UNDER THE PROJECT**



**HUNTING THE HUNTERS**

**APPENDIX – II**

**WORKSHOP**

**ON**

**HUNTING THE HUNTERS**

**LEGAL TRAINING ON FOREST OFFENCES**

**22<sup>ND</sup> – 23<sup>RD</sup> AUGUST, 2009**

**RAJASTHAN FOREST DEPARTMENT**

**UDAIPUR DIVISION, RAJASTHAN.**

**22.08.2009**

- |                         |  |
|-------------------------|--|
| <b>09.30 A.M.</b>       | Welcome address & introductory note by CCF and DFO of Udaipur Division.  |
| <b>09.45 A.M.</b>       | Introduction by Ms Anjana Gosain of the workshop and the Tiger Trust.  |
| <b>10.00-11.30 A.M.</b> | Introduction to Wildlife Protection Act along with relevant provision of the Forest Acts and Constitution of India by Ms. Anjana Gosain. |
| <b>11.30-12.00 Noon</b> | Tea Break  |
| <b>12.00-01.30 P.M.</b> | Indian Evidence Act and Case Studies by Mr. Digvijay Rai   |
| <b>01.30-02.30P.M.</b>  | Lunch Break  |

- 02.30-04.00P.M.** Criminal Procedure Code, 1973 and related with various cases and examples by Mr. Manjit Singh Ahluwalia.
- 04.00-04.15P.M.** Tea
- 04.15-05.30P.M.** Open session of WPA 1972, Indian Evidence Act 1872 and Cr.P.C. 1973 by the trainees and the panelists.

**23.08.2009**

- 09.30-10.15A.M.** Field Investigation by Mr. Arvind Jha, Sariska National Park
- 10.15-11.00A.M.** Preparation of criminal complaint with all the forms by Mr. Arun Sharma from Ranthambore National Park
- 11.00-11.30A.M.** Tea Break
- 11.30-01.30P.M.** Appraisal and over view of the earlier sessions
- 01.30-02.30P.M.** Lunch Break
- 02.30-04.00P.M.** Local case studies to be submitted by the Trainees. Question – answer session to be chaired by CCF and the panel of resource persons.
- 04.00 P.M.** Vote of Thanks and conclusion of the training.

**APPENDIX – III****FEEDBACK FORM**

DATE:

TIME:

**A. BASIC INFORMATION:**

1	Name	
2	Designation	
3	Age	
4	Division	
5	Contact number	
6	E mail	
6	Since how many years you have been in the protected area (if applicable)?	_____years

**B. WILDLIFE TRADE & LEGISLATION (BACKGROUND) :**

1.	Have you had any legal wildlife training earlier?	YES	NO
2.	If yes then how many?	>5	<5
3.	What all subjects were covered under the earlier training programme training?		

4.	Have you ever assisted in prosecution, witness or investigation?	YES	NO
5.	If yes please furnish the details	Date _____, Location _____  Organized by: _____	
6.	What are the main species hunted/killed in your area?		
7.	Where do you find more wildlife crime cases?	Inside protected area	Outside protected area Don't know
<b>C.</b>	<b>ABOUT THE WORKSHOP:</b>		
1.	Have you found this training of trainers program useful?	YES	NO

2.	In which area of prosecution did you feel difficulties?	<input type="checkbox"/> Investigation <input type="checkbox"/> Deposition as witness <input type="checkbox"/> Preparation of complaint	
3.	Whether these difficulties were sufficiently addressed by the trainers?		
4.	Whether the session and modules are adequate in the workshop?		
5.	Whether this training program is useful & beneficial towards better law implementation to combat illegal wildlife crime?		
6.	Whether you would like to have departmental trainers along with outside faculty?	YES	NO
7.	If Yes, How often such program should be held?	Quarterly / Six monthly/ Annually	
8.	Resource person	Excellent / Very Good / Good / Fair	
9.	Module	Excellent / Very Good / Good / Fair	

10.	Arrangements of boarding and lodging	Excellent / Very Good / Good / Fair
11.	Which location do you prefer for the training program?	Field/ Academic Institution / Both
12.	Any other suggestion or recommendation?	

Signature of the respondent

***Note: Please feel free to answer in Hindi***

# PICTURES







