

HUNTING THE HUNTERS - II

REPORT

CAPACITY BUILDING PROGRAMME ON WILDLIFE

CRIMES FOR THE FOREST DEPARTMENT



Venue: Mount Abu, Rajasthan

FEBRUARY 18-19, 2012

Funded By:
US Fish & Wildlife Services

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“Hunting the Hunter”.

We are thankful for the support of Rajasthan Forest Department extended by **Shri U. M. Sahay**, Principal Chief Conservator Forest, **Shri A. C. Choubey**, Chief Wildlife Warden, **Shri M. L. Meena**, Conservator of Forest (Wildlife) (Jodhpur), **Shri I. F. Mughal**, Conservator of Forest (Territorial Division), and **Shri G. K. Verma**, Division Forest Officer, Mount Abu for co-sponsoring the training program at Mount Abu held on 19th – 20th February 2012 under the above said program.

We appreciate the participation of the trainees and volunteers who attended the program. We are grateful to the visiting faculty **Ms. Anjana Gosain**, Hony. Secretary, Tiger Trust, **Dr. Parag Nigam**, Wildlife Institute of India, **Mr. Manjit Singh Ahluwalia**, Advocate, Delhi High Court for their eloquent presentations in the training.

**Program Officer
Sadiqua Fatima**

CONTENTS

CONTENT.....	PAGE NO.
1. EXECUTIVE SUMMARY	3
2. VENUE OF TRAINING: TOPOGRAPHY.....	5
3. PRELIMINARY PREPARATIONS	6
4. INAGURAL SESSION	9
• METHODOLOGY OF PROGRAMME	10
5. RESOURCE PERSONS	13
6. SCHEDULE OF PROGRAM	15
• Day 1: Session 1: Mock Case Enactment	15
• Day 2: Session 1: Interactive Session.....	23
• Day 2: Session 2: Dr Parag Nigam, Lecture	25
• Day 2: Session 3: Discussion of Case	28
• Day 2: Session 4: Interactive Session.....	32
7. CONCLUSION	36
8. PARTICIPANTS.....	37
• List of Participants	38
9. FEEDBACK AND ASSESSMENT	41
10. ANNEXURES	48
• Correspondence for holding the workshop between	
• Schedule of workshop	
• List of Resource Material	
• Copy of case study	
• Media Coverage	
11. PHOTO GALLERY	74

EXECUTIVE SUMMARY

Tiger Trust completed the first phase of training which was held on 10th – 11th September 2011 at Jodhpur. The success of the first phase led to the second phase of training at Mount Abu on 19th – 20th February 2012. This venue is a famous tourist attraction in western Rajasthan. The venue was selected in consensus with the state forest department. The Forest Staff of Western Rajasthan had not received any previous capacity building training program encompassing the wildlife crimes.

A spate of wildlife offences in western Rajasthan has increased over time. The wildlife crimes are related to Schedule-1 animals namely, Chinkara, Sambhar, Spotted Deer and Leopards. The main reason of poaching is the consumption of these animals other than leopard by the villagers, tribals and even upper classes of society.

However, despite attempts made by the Forest Department, the registered cases result in lower rate of conviction in comparison to rest of the Divisions in Rajasthan. This kind of a dismal scenario requires stringent corrective exercise, as has been repeatedly stressed on by the Tiger Trust.

It was apparent that ignorance of the powers conferred upon the forest staff under the various acts, including knowledge of their application and enforcement is a major hindrance in the way of successful prosecutions. Hence, the module for the training conducted under Phase II had to have a distinctive feature. It was decided that the second Phase would comprise of field training and solutions on the pending cases under various divisions. The targeted intervention in areas, which were identified as "Achilles' heel" in the conduct of the duties of the forest staff, who are to function as the protectors of the wild. During regular interactions with

the forest department and the senior forest officers, it was observed that the trainees mainly come across four major limitations among others in the process of investigation and presentation of cases. Keeping in mind this state of affairs, the module had been formulated to mitigate the flaws, which had been highlighted during the previous training at Jodhpur. It was to be more of an intermediary training exposing the forest officers to brief background of the history, scope and extent of the various wildlife laws. Accordingly, the training programme had focused familiarizing and highlighting specific provisions of the specific legal provisions related to wildlife offences. A major component was enforcing the need to use professional and scientific methods of investigations.

A review of the feedback that accrued from the first training was an adequate pointer to the imperative of a follow-up wherein the thrust would be to familiarize the trainees with conducting effective on-spot investigations. Accordingly, a mock case study was conducted in a real life setting at the premises of the Mt.Abu sanctuary. This exercise was meant to acclimatize the trainees to the need for physical dexterity and mental alertness to conduct an effective investigation at the scene of crime. The services of a senior scientist from the reputed Wildlife Institute of India, Dr. Parag Nigam were utilized to train the participants on the ways of detection, collection, packaging, sampling, storage and transportation of the various samples which are to be collected from the scene of crime. This was then recommended to be sent to the forensic labs for their correct diagnosis of the various parameters essential to provide strength to a case.

The participants were unanimous on the need of further training to enhance their skills and motivating other law enforcement officers. This is in itself a sufficient validation to the scheme of action that Tiger Trust behooves to itself: that of ensuring an empowered forest force for conservation and preservation of wild flora and fauna.

VENUE OF TRAINING: TOPOGRAPHY



Mount

Abu, located in Sirohi District of Rajasthan

is on one of the oldest mountain ranges of the region, which is the Aravali range. The area was notified as a wildlife sanctuary in the year 1960. The Mount Abu Wildlife Sanctuary is long and thin- it is about 5-8km long and between 300-1722m, wide. It is made from igneous rocks that have formed large cavities in many areas due to the weathering effects of wind and water. This is common throughout the entire Mount Abu region.

Owing to its climatic diversity, Mt. Abu is noted for its rich floral and faunal beauty and variety. The climate of Mt. Abu varies greatly from the foothills to high altitude. The weather becomes cold and pleasant with the altitude as compared to the hot and dry at the foothills. The bulk of rainfall is received during July to October from the south-west monsoon, averaging 1,500 mm that is about twice the amount of rainfall received by its base station. The maximum and minimum temperatures range from 35⁰ C to -2⁰ C.

The Mount Abu Wildlife Sanctuary crosses a variety of mountain highs, from 300m to 1722m at Gurashikhar- the highest peak in the Aravali Ranges. In addition to the sightseeing opportunities, the Mount Abu Wildlife Sanctuary is a popular destination for eco-tourism.

PRELIMINARY PREPARATIONS

Tiger Trust had sought permission from the CCF Wildlife **Shri M. L. Meena**, Jodhpur to conduct the second training, which was to be a 'field training program' in Mount Abu in Horia Sanctuary. The locale is a famed tourist attraction, though the wildlife population due to various reasons including man-animal conflict, poaching etc. has become a matter of worry.

The permission was granted and was also discussed at the highest level with **Shri U. M. Sahay**, PCCF, Rajasthan and the Chief Wildlife Warden that in western Rajasthan, Mount Abu is a major location which requires such training program.

Shri M.L. Meena was informed about the field training program with requests to provide the details of the recent poaching case involving five Chinkaras killed by the Armed Forces near Jodhpur. In view of this case and also other reasons, a preliminary module was sent for the approval. **Shri Meena** verbally communicated his approval over the phone and suggested certain modifications emphasizing the field program to be kept for full one day. The decision was taken mutually.

Thereafter the selections were made from the divisions which had participated in the earlier training at Jodhpur. The Forest Department sent the list of selected candidates and accordingly invitations were dispatched by the DFO Mount Abu to the respective heads of those divisions. The divisions selected were as follows:-

- i) Jodhpur
- ii) Mount Abu
- iii) Bikaner
- iv) Sirohi
- v) Barmar
- vi) Palli
- vii) Jalore

Shri G. K. Verma, DFO, Mount Abu was appointed as the nodal officer for coordinating the program between Tiger Trust and the Forest Department. We acknowledge his tremendous support in organizing the boarding, lodging and other logistics for the trainees. Tiger Trust in terms of the grant paid the entire cost of the training program.

As a follow up to the earlier training conducted on 12th and 13th November 2011 which was exclusively focused on classroom teaching, the second training of Phase-II was to focus on mock trial session to be conducted on field and followed by discussion of the observations and also the discussion of the pending cases which were to be taken up as an important component of this training. Tiger Trust appreciates the wholehearted support of the Rajasthan Forest Department, which deputed its officers to oversee the smooth conduct of the training programme right from the preliminary preparations to a satisfactory conclusion of the program.

Invitations were dispatched to all the divisions of Western Rajasthan comprising (a) Jodhpur (b) Mt.Abu (c) Bikaner (d) Sirohi (e) Barmer (f) Pali and (g) Jalore. Tiger Trust had sought the nominations of preferably, of two persons from each division, as agreed upon by mutual consent of the Rajasthan State Forest Department and Tiger Trust, in keeping with the requirements of the training. The intention was that those officers who had been a participant of the first training programme would be better able to comprehend the nuances of the on-spot investigations.

The DFO's of a few divisions were consulted and requested, after necessary permission of the Forest Department to bring along with them to the training programs any pending cases which could be studied and worked upon during the training program.

The Regional Coordinator, Rajasthan was responsible for facilitating the entire training, including liaison between the main office of Tiger Trust and the State Forest Department, correspondence, coordination, reporting and organization, including logistic support for the training. Tasks include sending and receiving pre-registration forms from each division, correspondence with the DFO's including e-mail communication was maintained to ensure updates on the progress of nomination of attendees. The response received from all the divisions was overwhelming with many nominees for which screening had to be done. 45 participants were finally selected for the training in keeping in view their age, educational qualification and experience. Following the selection of trainees, letters of invite were sent to all divisions via e-mail communication and post, along with the official dispatch for release of officers selected for the training was sent from the office of the PCCF (WL).

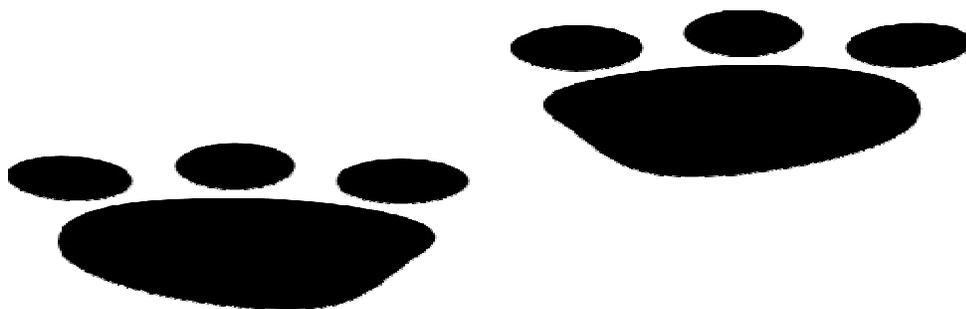
The regular faculty of Tiger Trust, **Ms. Anjana Gossain** and **Mr. Manjit Singh Ahluwalia**, **Dr. Parag Nigam** a senior scientist with the Wildlife Institute of India, was included as a specialized faculty to demonstrate the technicalities involved in collection of evidence during on-spot investigations to ensure proper forensic examination for positive results yielding convictions.

The extensive preliminary preparations resulted in smooth successful training in terms of logistics and all the trainees appreciated the boarding, lodging, resource material and all other facilities extended by the Tiger Trust.

INAUGRAL SESSION

The participants were requested to report at 9.00a.m. at the conference hall of Hotel Sunset Inn and after the pre-registration the session commenced at 9.30a.m.

Ms. Anjana Gosain, Hony. Secretary, Tiger Trust, welcomed the participants to the second training of Phase-II of Capacity Building Program under the 'Hunting the Hunters – II' for the officers of the Forest Department, Rajasthan, supported by the US Fish and Wildlife Service. She invited the Chief Guest, **Shri M.L. Meena, Shri I.F. Mughal, Shri Manjit Ahluwalia** to light the lamp. **Ms Gosain** made an introductory note by apprising the participants about the previous training. She emphasized on the need of field training and the communication skills which are required for the successful prosecution. She was extremely concerned with the recent two cases which took place in the Jodhpur Division about killing of Chinkara by the armed forces. She appealed to all participants to make the utmost use of the field training, to strive and to comprehend the nuances of conducting on-the-spot investigations. This again required both physical and mental endurance on the part of the investigating officer. Any lacunae in this stage was most likely to hamper the future course of the investigations as was amply revealed in the pending case of **State Vs Col. Atulya Bamjai and others**.



METHODOLOGY OF PROGRAMME

Tiger Trust planned the Training module after deliberations with the senior officials of the forest department, including the PCCF, CCF and the DFO's. Based on the feedback of the previous training, due weightage was placed on the requirements of the forest staff and it was decided that the module would be both practical, that is, field study which was to be based on mock case study to be followed by classroom discussion. It was thus expected that such a hybrid module would enable the build-up of an effective understanding of the various legal aspects with exercises in participatory learning.

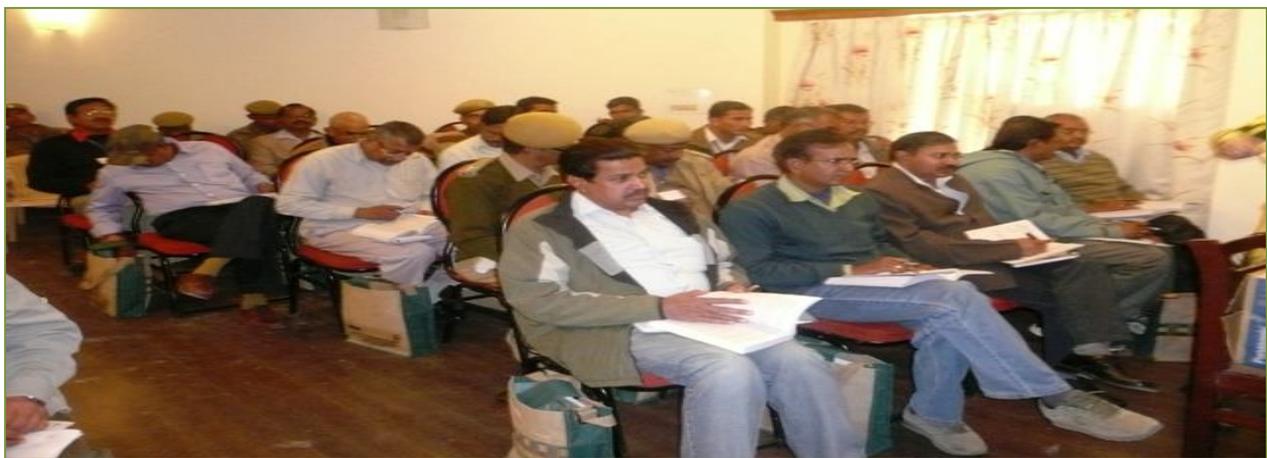
Delivering the keynote address, the Chief Guest, **Shri M. L. Meena**, CCF (Wildlife), lauded the initiative of Tiger Trust and was much appreciative of the first training at Jodhpur which was highly successful and much appreciated by the participants, as illustrated by the feedback received. Citing the instance of the case of Atulya



Sh.M.L.Meena,CCF(Wildlife)addressing the participants at the inaugural session

Bamjai and others, he exhorted the participants to make best of the opportunity and appealed to them to interact with the faculty and ensure that all their queries are attended to. **Shri Meena** remarked on the initiative of Tiger Trust in conducting legal awareness trainings, which have assumed tremendous importance considering the proliferation of forest offences with extremely poor conviction rates, which has dampened the morale of the forest staff. This as he outlined, was because of lack of proper investigation and the inability of the staff to apply the latest forensic knowledge. He also emphasized that the earlier trainings had been a major morale boost and expected that the outcome of the training would be an empowered forest staff.

Speaking at the occasion, **Shri I. F. Mughal**, CCF (Territorial), reflected on the importance of the Biodiversity Act and explained its relation to wildlife conservation. He applauded the trainings of the Tiger Trust, which he remarked, had filled in a major vacuum when it comes to implementing the provisions that are mentioned in the various forest Acts. He stressed that knowledge is power and the staff must know what are their powers and limitations and further added that Tiger Trust must continue to live up to the high expectations associated with its trainings.



Participants at the second training of Phase II at Mt.Abu

Delivering the vote of thanks, **Manjit Singh Ahluwalia**, on behalf of Tiger Trust, was appreciative of the initiative of the Forest Department in providing their consent to ensure that their officers are empowered to tackle effectively the legal hassles while conducting investigations, preparing a case, seeking prosecutions and ensuring conviction.



RESOURCE PERSONS



Ms. ANJANA GOSSAIN:

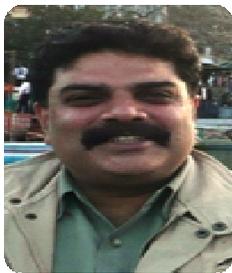
Is a practicing advocate in Supreme Court and High Court with specialization in dealing with the wildlife crimes and extended capacity building programs through out the country in all important National Parks. She has extra ordinary skills on communications required for detection, investigation and implementation of the wildlife crimes. Her acumen and skill in planning the module of various legal training programs in the country has earned her recognition in India and abroad. Apart from being visiting faculty of State Forest Institutes in the country, she is regularly educating the young students of school and college at National and International level on saving the wildlife and its habitat. She has authored of widely acclaimed Compilation of Cases under Wildlife Protection Act, 1972. Presently, she is the Honorary Secretary of Tiger Trust India.





Mr.MANJIT.S.AHLUWALIA:

Has exclusive background of criminal trials involving wildlife crimes at the Trial Court. His main emphasis is on trial skills and knowledge of Criminal Procedure Code in filing the complaints in the court. His other field of expertise include the Bio-Diversity Act and field trainings for investigation, detection and preparation of cases before filing in the court. 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 relating to wildlife crime.



Dr (Capt.) PARAG NIGAM:

Is a Senior Scientist from the Wildlife Institute of India, Dehradun. He has served in the Indian Army in the Remount & Veterinary Corps and was awarded 'Chief of the Army Staff Commendation'. He has keen interest on studying disease dynamics and managing wild populations. He has assisted number of wild animal rescue and rehabilitation operations. He is actively engaged in imparting awareness and details of sample collection for forensic examination and other technicalities associated with sample collection.

SCHEDULE OF PROGRAMME

DAY 1: SESSION 1: MOCK CASE ENACTMENT-FIELD STUDY

The trainees along with the faculty were transported in the bus to the field training station at Horia Sanctuary. The trainees along with the faculty arrived at 12.00p.m. in the field.



Participants in course of Field Training

Before the commencement of the field training, **Ms. Anjana** facilitated a quick recapitulation of the major provisions of the Wildlife Protection Act (WPA), 1972 including relevant provisions of the Act, as Section 9, Section 37, Section 48A, Section 51A, etc. These had formed the major part of the discussions during the first training of Phase II that had been conducted at Jodhpur. **Ms. Anjana** then proceeded to apprise the participants of the importance of the mock case session, which was to be conducted within the precincts of the Mt. Abu wildlife sanctuary.

Elaborating on the significance of such exercises, she informed the participants that this exercise meant translating the classroom teaching into a practical demonstration that would enable the participants to be clearly acquainted with their strengths and weaknesses when conducting the investigations.

The participants were divided into two groups-one the accused party and the other the investigating team. They were then briefed on the mock case that was to be carried out.

This was expected to inform the participants of the nuances of on-the-spot investigations. Most importantly, it was expected that the trainees would take proper cognizance of the mock crime and prepare seizure-memo and seizure report. The imperative of conducting proper investigations can hardly be overestimated, as it is only a proper investigation that can lead into successful prosecutions. The mock cases were expected to familiarize the trainees with the nuances of conducting proper investigation, including observation of scene of crime, proper collection of samples etc.

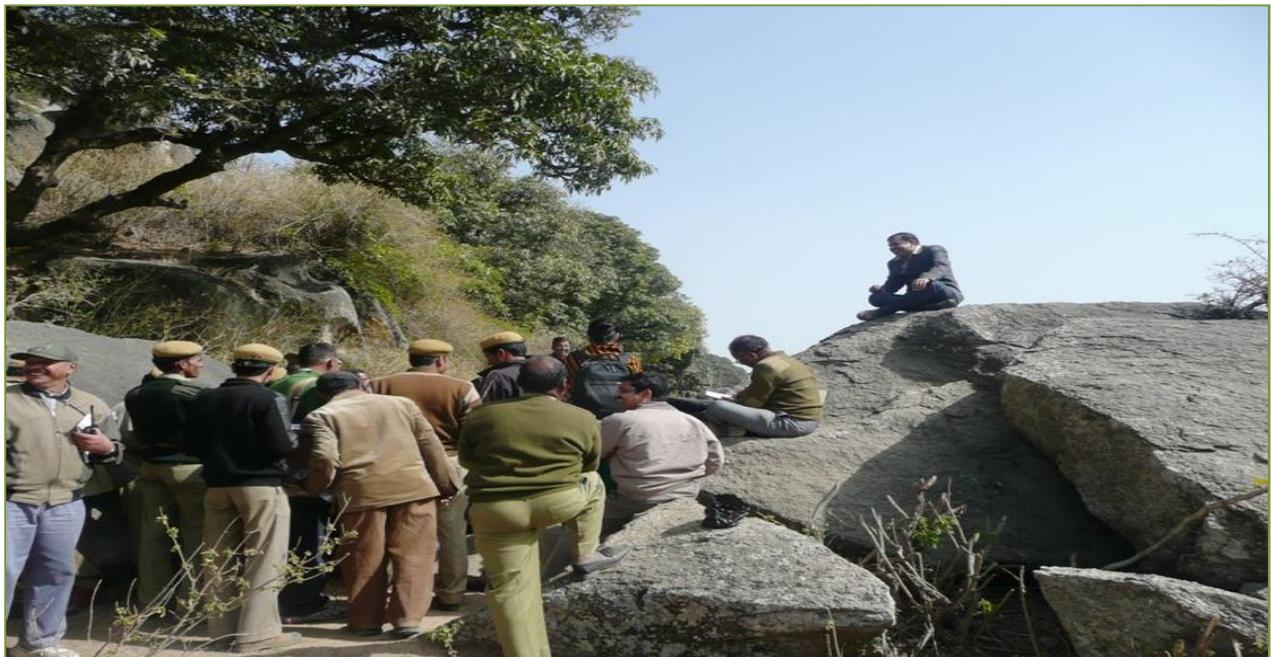
Ms Anjana Gosain gave the following brief facts for the mock case to be investigated upon by the trainees.

Name of the Village – Sangroor

The forest department post at this Village receives the information of presence of three suspicious persons outside the village bordering the Horia Sanctuary. The information is given by the head of the village after a tip of is received by a villager. The time of information received at the post is 2.00p.m. and within 15 minutes the flying squad gets into action. The arrival of the flying squad is at 2.30p.m. The teams were divided for prosecution and defence. The scene of crime was outside the sanctuary. The investigating officer in the flying squad does not find any

suspicious looking person. He deposes two Conservators and a Range Officer for investigations on foot. This entire exercise takes around 45 minutes.

The Range Officer while walking finds an empty bottle of liquor, match box, some blood and hair of an animal. He calls out for the other forest staff to lift the evidence and cordon the area by asking for extra force. The entire situation takes around 30 minutes. The staff is asked to go to various directions and were one of the Conservator, namely, **Ram Sharan** comes across a villagers who is intoxicated and incoherent. He tries to talk to him but cannot elicit any information. However, with persistent questioning, he utters the name of few villagers who are supposedly within the vicinity. The extra staff is mobilized and other two villagers are apprehended. The entire exercise takes another 60 minutes.



Participants in Course of the Field Training-II

What the trainees were asked to do?

- a) The prosecution team had to lift the evidence;
- b) It had to question the villager and seek information;
- c) Recovery of the empty bottle and other evidence from the alleged accused;
- d) Preparation of the site plan along with recovery memo;
- e) Recording of statement by the Range Officer of the villagers and the witnesses on the spot.

Defence Team

- a) To deny the offence or any plans to do so.
- b) Send information to the Villagers for coming to the scene of crime for obstructing the investigations.
- c) Not to help out in recovery of the tools used for the offence, if any.

The entire mock case was narrated to the other participants who were expected to note down their own observations while the mock case was being enacted by the team and record their responses-prepare their own seizure memos, while also taking into account the loopholes that they could pinpoint while the mock investigations were being carried out.

The field training began with the facilitators along with the entire team of faculty members and trainees moving to the spot, which had been selected for the training after much careful inspection. Each detail had been worked out very carefully so that the enactment would appear as real life as could be made into. The facilitators had ordered one kg. of mutton and hid it in three spots. After the wireless information was received of a likelihood of the hunting of Sambar in the forest post near Horiya sanctuary.

At the forests post near Horia sanctuary, as per the facts there was some likelihood of hunting of sambar around that area. The information was received by the forest



Participants during the Mock Session-Preparing a seizure memo while conducting investigations

post within a few seconds as per the timings given above. The flying squad went into action in 10 minutes. The gypsy arrived with the patrolling team, consisting of DFO, RO and two foresters. At around 12.20 pm, the stage was finally set for the mock case investigations.

SPOT DETECTION AND INVESTIGATION OF THE CASE IN THE FIELD STUDY

The moment the information of a possible instance of poaching was received on the wireless, the raiding party arrived on the spot and took the rounds of the open field, as they do in real raids and the two villagers started fleeing. They were nabbed and taken to a secluded place. The Range Officer tried to seek information from the said villager as to what he was doing in the field since he did not have anything with him to prove that he had any lawful purpose to be there. They persuaded and interrogated him for quite some time but he did not yield any information immediately. They decided to segregate the other accused and tried to persuade him to give the information on the ground that the other accused had divulged the information of him being informed by the hotel staff to kill the sambar, as it was required in the hotel. This accused on hearing this broke down and confessed that the other accused was equally involved and he had nothing much to say beyond the fact that they had come to kill the sambar as wanted by the hotel. The raiding party conducted a search on the person and recovered a knife and a trap, which is generally used for bird trapping. Immediately a seizure memo was prepared. The raiding party was not convinced that the sambar was only the brainchild of these two villagers. They went further and discovered that the other two villagers were having liquor and trying to cook the meat as they also found the oil, water and cooked meat and a makeshift urn. The articles were seized and the seizure memo was prepared. The other two villagers who were caught were found in an inebriated state and they tried to record their statements. It appears that these two villagers made a statement about the nexus of the hotel staff with the other arrested accused for killing the sambhar and they were promised to receive the money on being supplied the meat. It appears that they did try to chase the

sambar but he was run over by the speeding vehicle on the road and they took that meat for cooking.

The staff on the spot prepared the skit plan, recorded the statement and prepared the seizure memo. The entire field training was participated with great enthusiasm.



Dr. Parag Nigam explaining the procedure of sample collection at field training

Dr. Parag Nigam then explained the use of the forest kit that was given as a resource material. It was explained:

- That whenever a search is conducted, gloves should be worn.
- The participants were shown how the surgical blade and the plucker, is to be used to cut any article which is then to be measured with an inch-tape which is to be used for the measurement
- Samples are to be collected in a plastic bottle to lift the piece of meat along with silica crystals.

- Plastic pouches are important to lift the scat, hair, blood and any stained mud.
- The use of magnifying glass.
- Measuring tape to seal the sample collected.
- Cloth
- Seal of the department which was not provided since every state has a different seal.
- The entire exercise was concluded after four hours i.e., 4.30p.m. The trainees were served packed lunch on the spot. CCF **Shri M.L. Meena** then decided to conclude the training and allowed the trainees to take a cultural trip in the city which was facilitated by the Tiger Trust. The trainees were asked to come with the deficiencies noted down by them on the following day.



The contents of the Forest Kit as designed by the Wildlife Institute of India

DAY 2: SESSION 1: INTERACTIVE SESSION
DATED: 19TH February 2012

The second day of the training was exclusively focused on interactions between the faculty and the participants. Every opportunity was provided to the participants to put forward any doubts and queries and the faculty ensured that all were dealt individually. The first session of the day was a joint session presided over by **Ms Anjana Gosain** and **Mr. M.S. Ahluwalia** moderated by **Dr. Parag Nigam**.

The trainees were asked to interact on the field study individually and were encouraged to point out the deficiencies and lacunas of the prosecution team. The participants after one hour interaction decided to make a list of major deficiencies which is as follows:-

- The first deficiency was they did not take the consent of the accused for recording of the statement;
- While searching the accused, they did not record the time;
- They did not indicate the time of travel from the time of information till the raid;
- They tried to involve a village witness without seeking his consent;
- Seizure memos were not prepared properly;
- The entire preparation of seizure memo, recording of the statement etc. were not in sequence;
- The inebriated villages was not taken for the breath analyzer test;
- Any statement recorded of a witness under the circumstances can be used against him as he can claim to be ignored and unaware of making any statement under the influence of alcohol;
- The main accused alleged to be identified, his statement was not recorded by the ACF as per Section 50 of the Wildlife Protection Act;

- The sequences of events were haphazard and not proper for lodging a complaint;

All these deficiencies were pointed out by some of the trainees who had not participated but watched the entire sequence carefully.

The panel suggested the following remedies in light of the facts above:-

- a) The flying squad ought to have recorded in the diaries about the time of departure.
- b) The make of the vehicle and also the name of the driver should have entered in the diary.
- c) **Ms Gosain** pointed out whenever a villager is apprehended, he should be taken in a secluded spot and away from the glare of the villagers as there is every chance of interference from them.
- d) The questioning has to be consistent and relevant if the witness is not giving information, he should be arrested and produced before the court instead of being let off after the statutory time.
- e) In case there was a recovery of liquor bottle, blood sample and hair of an animal, the same should have been packed and kept as an evidence.
- f) The remaining witnesses should have been bound to come and reply in case no information was forthcoming and ACF should be requested to send the summons for the same.
- g) **Mr. Ahluwalia** suggested that the scene of crime and recovery memo should have official witnesses and the entire details should be as per the original place with photographs.
- h) The statement on the spot that is recorded can always be written neatly on a separate page along with copy of the spot statement.
- i) In case, the recovery is complete and even one witness was found from the spot, further investigation should be carried out without delay.

DAY 2: SESSION 2: Dr PARAG NIGAM,

WILDLIFE INSTITUTE OF INDIA

Dr. Parag Nigam, Senior Scientist from the Wildlife Institute of India, demonstrated the relevance of forensic sciences and their procedures to identify body parts and collect evidences. His presentation was a brilliant exposition on the applicability of scientific aids to assist in a proper investigation of crime. He informed the participants of how a proper scientific analysis of physical exhibit can assist in linking the crime to the criminal. Forensics strengthens the investigation through leading to the identification of body organs, parts and origin of species that help the judiciary to award punishment to the offenders. It is based on applicability of scientific principles to solution of wildlife crimes. Due to lack of proper methodology and scientific explanation poachers and those involved in illegal wildlife trading escape the punishment.

He, however, expressed his reservations on the level of training of the forest staff on collection of proper samples to be forwarded to the forensic labs. It was the sincere aspiration of Tiger Trust that the frontline staff be versed with the use of the forest kit, which had been designed as per Wildlife Institute of India's standards. Although the use of the forest kit had been demonstrated to the trainees during the previous day, at the mock trial yet **Dr. Nigam**, took great care to attend to every query that had come up during his presentation on the use of the forest kit for proper collection of samples. His visual presentation complemented his articulate lecture on every important facet of the need and the

application of the science of forensics to the aid of the forest department in tackling crimes and prosecution of the offender.

He also stressed on devising a proper methodology including a data bank, which could provide strong evidence against the criminal. Elaborating on the utility of such scientific investigations, **Dr. Nigam** enlightened the participants on how examination of evidence in a forensic lab of a suspected document and any part of an animal including blood and tissue samples, carcass, teeth, bones, skin, tusks, hides, fur, feathers or viscera can reveal conclusive evidence. He also dwelled at large on the various challenges that face wildlife forensic scientists in identifying a particular species from crime scene evidence, including lack of proper preservation of sample, insufficient material exhibit, improper packaging and forwarding, lack of methodology and technique and lack of reference sample.

His presentation informed the participants of how the latest scientific tools of investigation as ballistics, DNA profiling including morphology and pathology including anatomical scrutiny can be employed for scientific identification of suspected samples and ensure proper scientific analysis of visible exhibits. Such scientific validation of the crime scene evidence would accelerate the rate of convictions and prove as a deterrent to wildlife crimes. **Dr. Nigam** stressed on

exercising great caution in preservation, quantity of exhibit, selection of proper organ or proper body for example meat of wild animals and packaging. Develop and introduce new advanced technology molecular, biochemical and morphometrical technology to solve the case of wildlife related crimes and the technology should be accepted by the court of law.

The trainees were then asked to identify these deficiencies with the investigations carried out in the pending case of Barmer Division.



Dr. Parag Nigam in course of his session

**DAY 2: SESSION 3: DISCUSSION ON PENDING
CASE AT INVESTIGATION STAGE**

DATED: 19TH February 2012

Title of the case: State Vs Col. Atulya Bamjai and Others.

The facts of the case were explained by the investigating officer **Shri Bhadu**, DFO, Barmer to the trainees. The facts are as follows:-

Presented below is an Analysis of the investigations carried out by the Forest Department and the Solutions suggested by the panel consisting of **Ms. Anjana Gosain, Mr. Manjit Singh Ahluwalia and Dr. Parag Nigam.**

- The first deficiency was pointed out that when on the spot articles were seized, they should have been produced in the court in terms of Section 50, sub clause 4
- The Seizure Memo, after preparation has to be produced before the Magistrate that enables the Court to take cognizance of the offence and the accused has to approach the Court for seeking release of the seized articles. It was a gross violation by the Forest Department officials conducting the investigation.
- The Department further did not appreciate the fact that they did not lodge a complaint though they had the name of the accused and the seized articles. If they had filed the complaint, they could have sought permission to go for additional investigations.

- The Forest Department faced the herculean task for arresting the Army personnel because they had not only fled from the scene but also refused to cooperate in investigations by not sending the accused.
- The effort of the Forest Department to seek the summons for serving the Army officials was frustrated because the Court said that there was no case pending before the Court under the Wildlife Protection Act, 1972.
- The other deficiency pointed out was that in such cases, the interpretation of the Forest Department that in terms of Rule 53 of Wildlife Protection Rules, a third copy of the First Information Report (FIR) is sent to the Magistrate. However, this is not enough because unless the complaint is filed, no Court can take the cognizance. A pertinent requisite for initiation of proceedings relates to Section 190, which refers to the Cognizance of offences by Magistrates. (1) Subject to the provisions of this Chapter, any Magistrate of the first class and any Magistrate of the second class specially empowered in this behalf under sub-section (2), may take cognizance of any offence-
 - (a) Upon receiving a complaint of facts which constitute such offence;
 - (b) Upon a police report of such facts;
 - (c) Upon information received from any person other than a police officer or upon his own knowledge, that such offence has been committed.

(2) The Chief Judicial Magistrate may empower any Magistrate of the second class to take cognizance under sub-section (1) of such offences are within his competence to inquire into or try.

In terms thereof, if the complaint had been filed, then the Magistrate would have taken the cognizance in clause (c) based on seizure memo.

Recommendations by the panel:

- It was suggested by the Panel that the order passed by the Court of Chief Judicial Magistrate was erroneous. It was suggested that the Forest Department should immediately file for a revision before the session Court in Section 347 of the Criminal Procedure Code (CrPC), against the order.
- It was also suggested that in terms of Section 73, the Forest Department can file an application for issuance of warrant in case the arrest is being evaded.
- The other point raised by the Forest Department was this that a sanction is required for prosecuting the Army personnel. It was explained that the said section did not apply to the facts of the case because the Army personnel had killed the animal for their personal consumption and nothing was done in course of the duty discharged. Hence the said provision was not applicable.
- It was also explained that in terms of Section 69, 125 and 126, the Commanding Officer has the power to initiate the Court of Inquiry for the incidents. However, in this case, the Army has already filed a case against a person, namely, **Sukhvinder Singh**, who had been found to be responsible for committing the offence. The Magistrate has taken cognizance of the same.
- **Hence, the final recommendations are**

File a complaint under Section 190 with an application under Section 170, sub clause 8 to take permission for additional investigation of the matter. In addition to this, the revision should also be followed up with regard to impugning the trial court order.

The panel considered that the Forest Department had already delayed the matter but should take immediate steps in terms of the above suggestion at the earliest.



Session on Case Discussion-Inputs by the CCF (Wildlife), Sh.M.L.Meena



Panel Discussion-An overview being presented by Sh.Vohra,Range officer,Jalor

DAY 2: SESSION 4: INTERACTIVE SESSION

DATED: 19TH February 2012

The interactive session was jointly facilitated by **Ms. Anjana Gosain, Mr. Manjit Singh Ahluwalia** and **Dr. Parag Nigam**. The session witnessed active participation from amongst the trainees who sought clarifications on many issues that had emerged during the field study and also the discussions that had emanated in course of the discussion on the pending cases. Following is a list of the specific queries that figured prominently in course of the participants' interaction with the faculty.

Question 1: If ethanol or silica crystals are not available for safe storage of samples, what could be used as an alternative?

Ans: It is important that ethanol or silica crystals may be procured well in advance and stored properly so that these can be used when needed. However during emergencies, when these are not available, the sample may be either be dried in open and may be sent after placing on absorbing agent taking due care of not contamination the sample.

Question 2: Can we break open a locked premise on grounds of suspicion?

Ans: In case there is a ground of suspicion then one can apply to the police under Section 47-48 of the CrPc and break open the locks.

Question 3: What should be our approach in case of an accused who despite repeated summons refuses to show up for the hearing?

Ans: In these cases, he can be declared as a proclaimed offender and his properties can be attached.

Question 4: How do I ascertain if a wildlife offence was committed was accidental or intentional?

Ans: It will all depend on the investigation and fact finding.

Question 5: Can a ballistic report accurately indicate the time of death of the animal, which was shot dead?

Ans: Yes. If the dead body of the animal is found with maggots on it, the blood can be tested to ascertain the time of death and the period of death.

Question 6: What is the quantity of sample to be sent to the forensic laboratory for proper examination?

Ans: The quantity should be enough to be packed and can be ascertained.

Question 7: What is the minimum and the maximum limit of time within which a person detained under suspicion of a crime is to be produced in a Court of law?

Ans: The maximum is 24 hours; there being no time limit for minimum.

Question 8: What is the difference between Revision and Appeal?

Ans: The difference between Revision and Appeal is that in the Revision, you only against any proceeding, which is pending before the inferior court, whereas the appeal, are against the final order passed by any inferior court

Question 9: What are the powers of ACF in comparison to the Range Officer?

Ans: The power of ACF is wider than Range Officer as if any confession is to be made, it is only ACF who can record it. He is also entitled to receive and record the evidence at the time of investigation, in case the Range Officer is unable to do so. He can also sign the warrants if the witnesses refuse to appear.

Question 10: If the government witness fails to depose properly, which action can be taken against him?

Ans: The inquiry has to be held against the witness and then a fact finding indicates that he intentionally deposed in an inadequate manner then departmental action can be taken against him.

Question 11: If the investigating officer fails to seek the production of Army Officers, what is the effect?

Ans: In case the Army personnel are not questioned, the investigation would remain incomplete and the case can be dropped by the magistrate in terms of Section 204 of Cr.P.C.

The interactive session was very fierce and heated. The trainees were very positive and in order to have a lighter session an on the spot quiz was organized between team A and B. The relevant questions were asked which were part of the training. Team A finally answered most of the questions.

The session ended with applaud and it appear that the trainees were satisfied with the answers to their queries.

The Session concluded with a Formal Vote of Thanks by **Ms. Anjana Gosain**. A few trainees also expressed of being enriched by the fruitful exercise of conducting a mock trial. The trainees unanimously agreed that such capacity building programs with emphasizes on wildlife crimes with field studies should be conducted regularly by the forest department on its own as well as through other agencies. They thanked the faculty and Tiger Trust for organising the programme.

Shri M.L. Meena, CCF thank the Tiger Trust and its faculty for organizing the program and pledged that the forest staff would continue to work for the cause for better rate of conviction to deter the poachers and improve the status of the wildlife and its habitat.

CONCLUSION

The training ended on 19th February 2012 at 4:00 PM in hotel Sunset Inn, Mt Abu. **Shri M.L.Meena** acknowledged the contribution of Tiger Trust and thanked the faculty for making the programme a success. The trainees also presented a vote of thanks acknowledging that there was dire need to have such regular insight training for improving the skills and giving hope for higher conviction rate.

Mr. M.S. Ahluwalia on behalf of Tiger Trust thanked Forest Department for extending the support in organizing the programme and also envisioned the next training for the senior forest staff i.e divisional forest officers & assistant conservator of forest to equip them with the latest case study and case law. Tiger Trust announced the online help and also on phone on every and any legal issue sought by any trainee or division. Programme ended on a happy note with a group photograph.



Group Photo

PARTICIPANTS

The two-day Training Program was attended by 45 participants ranging from the post of Conservator, Range Officer, Women Forest Guards and Divisional Forest Officers from various divisions. A comparative analysis of the candidates of the previous training program in November 2011 and February 2012 highlighted increased participation from previously unrepresented divisions. This is reflective of the apparent initiative of the Rajasthan State Forest Department in empowering more of its staff in dealing with forest offences. This is particularly relevant considering increased frequency of wildlife crimes and slight up gradation of convictions. Tiger Trust continues to stress that the only route to securing convictions is educating and imparting quality training to the frontline staff. The efficacy of the trainings of Tiger Trust were much appreciated by both i.e, the forest department and the Station House Officer, S.H.O **Shri Rajesh Baffla** who were present during the entire duration of the program. In fact, close coordination between both the forces has been increasingly stressed by Tiger Trust.

LIST OF PARTICIPANTS

SL NO	NAME OF PARTICIPANTS	DESIGNATION	CONTACT
1.	KISHAN SINGH BHATI	DEPUTY CONSERVATOR FORESTOR, JALORE	09414374230
2.	HEMENDRA SINGH	DEPUTY FORESTOR	09414469661
3.	DURGA RAM	FORESTOR DEPUTY D.D.N.P, JAISALMER	09413184592
4.	BHAWANI SINGH	FORESTOR DEPUTY D.D.N.P	09982337273
5.	MADAN SINGH BODA	RANGER, JALORE	09314155281
6.	SUBHASH COMMANDER	RANGER	09413220576
7.	M.K. CHOUDHARY	A.C.F	09413307914
8.	M.C. ARORA	FORESTOR, JAISALMER	09460422369
9.	SYAM LAL. A	FORESTOR	09413609021
10.	MAHAL RAM BISHNOI	A.C.F, JODHPUR	09414498554
11.	PADAM KISHORE	FORESTOR	09414673065
12.	CHUNNI LAL	R.O	09414345533
13.	ASHOK SRIVASTAVA	FORESTOR	09772205649
14.	NATHU LAL	FOREST GUARD, Mt ABU	09649500190

15.	NARAYAN SINGH	FOREST GUARD, JALORE	09414266889
16.	KAILASH MATHUR	FOREST GUARD	09413608138
17.	MAHENDRA KUMAR SAXENA	FORESTOR, SOIL CONSERVATION OFFICE, DANTWARA PROJECT, Mt ABU ROAD	09414152320
18.	BHURA RAM MEENA	FORESTOR, RAN TALETI	09828075919
19.	MAHENDRA PAL SINGH	FORESTOR, RANG ABU TALETI	08003201954
20.	BHARAT SINGH DEORA	FORESTOR	09462687714
21.	OM PRAKASH YADAV	ASSISTANT FORESTOR, Mt ABU	09414398352
22.	ROHTASH SINGH	FORESTOR, Mt ABU	09414845045
23.	RADHEY SHYAM SHARANA	RANGER	09660615551
24.	PEER MOHD.	RANGER	09414544173
25.	INDER SINGH	RANGER	09772714458
26.	YOGESH SHARMA	RANGE FOREST OFFICER, ABU ROAD	09414033781
27.	RAJESH BAFNA	SHO, POLICE STATION Mt ABU	09414300919
28.	B.R. BHADU	DEPUTY CONSERVATOR FORESTS, BARMER	09414136206
29.	G.K. VERMA	DEPUTY CONSERVATOR OF FORESTS, Mt ABU	09414341007

30.	ARJUN DHAN CHARAN	ASSISTANT CONSERVATOR FORESTS, Mt ABU	09414482882
31.	MAHIPAL SINGH JUGTAWAT	ASSISTANT CONSERVATOR OF FORESTS	09462279310
32.	LATA RAM	FORESTOR	07742341514
33.	YOGESH SHARMA	RANGE FOREST OFFICER	
34.	NARPAT SINGH	FORESTOR	09828761888
35.	MAHENDRA KUMAR	FOREST CHOKI TOKRA, Mt ABU	09636166919
36.	DEETARAM	CHOKI BURADIKHED, Mt ABU	09928198200
37.	RAJESH BISHNOI	FOREST CHOKI OIRYA	09928198200
38.	SURESH SHARMA	FOREST GUARD, Mt ABU	09602043071
39.	AMUN CHORIOD	GURSHIKHAR TIMES	9413775104
40.	YUSUR HASSAN	DAINIK NAVJYOTI	09414305306
41.	P. RAJARAM	Mt ABU	09413484724
42.	ROSHANKHAN	MT ABU	09799773703
43.	CHETNA PARMAR	Mt ABU	09649149494
44.	SEEMA PARIKH	Mt ABU	09413490390
45.	JEERMA KUMAR	Mt ABU	
46.	OM PRAKASH SHARMA	FORESTOR	09887501476
47.	RAMCHANDRAKADELA	FORESTOR, JODHPUR	09785844729
48.	RAJENDRA KUMAR	Mt ABU	09352791229
49.	LADMA RAM	FOREST GUARD Mt ABU	09782779878
50.	MOHAN SINGH RATH	FORESTOR	09413194647

FEEDBACK & ASSESSMENT

The second phase of training revealed many aspects of the trainees on the knowledge of, detection, investigation and implementation of the wildlife crimes. The first off set is that the Forest Officers are empowered but are hesitant to exercise them. They had to be assured about the positive consequences by using the powers for proper investigations. However, it made little difference to them since they were more concerned about the consequences than the investigation. Their knowledge on the Act was adequate but majority did not have any experience of the investigations of the crime. It was an opportunity for them to learn about the nuances of investigations and the results of deficiencies. They were surprised that small mistakes can also lead towards acquittal of accused.



A lady forest personnel putting forth her query during the interactive session.

The two trainings have re-strengthened their confidence and level of knowledge. The senior and experienced staff was very good in understanding and even in their communication skills. However, the women forest guards were silent and did not participate. They had to be encouraged and finally three of them did ask relevant questions.

The impact assessment is that the forest staff of western Rajasthan would like to be as knowledgeable and skillful as their other counterparts in the National Parks of Sariska and Ranthambhore.

The third and the last training is being proposed only for the divisional forest staff because if the senior staff is well equipped, the junior staff is likely to be benefitted since they interact with each other on regular basis. Hence, the proposed training is to focus on the experiences and revision of knowledge on a vertical basis based upon the decided cases and which would indicate action and inaction, resultant in conviction / acquittal as the case may be.

SAMPLE EVALUATION SHEET FOR ASSESSMENT



Evaluation Form

PROGRAM EVALUATION SHEET

Name of the Program :
 Date :
 Location :

General Feedback (Please tick ✓)

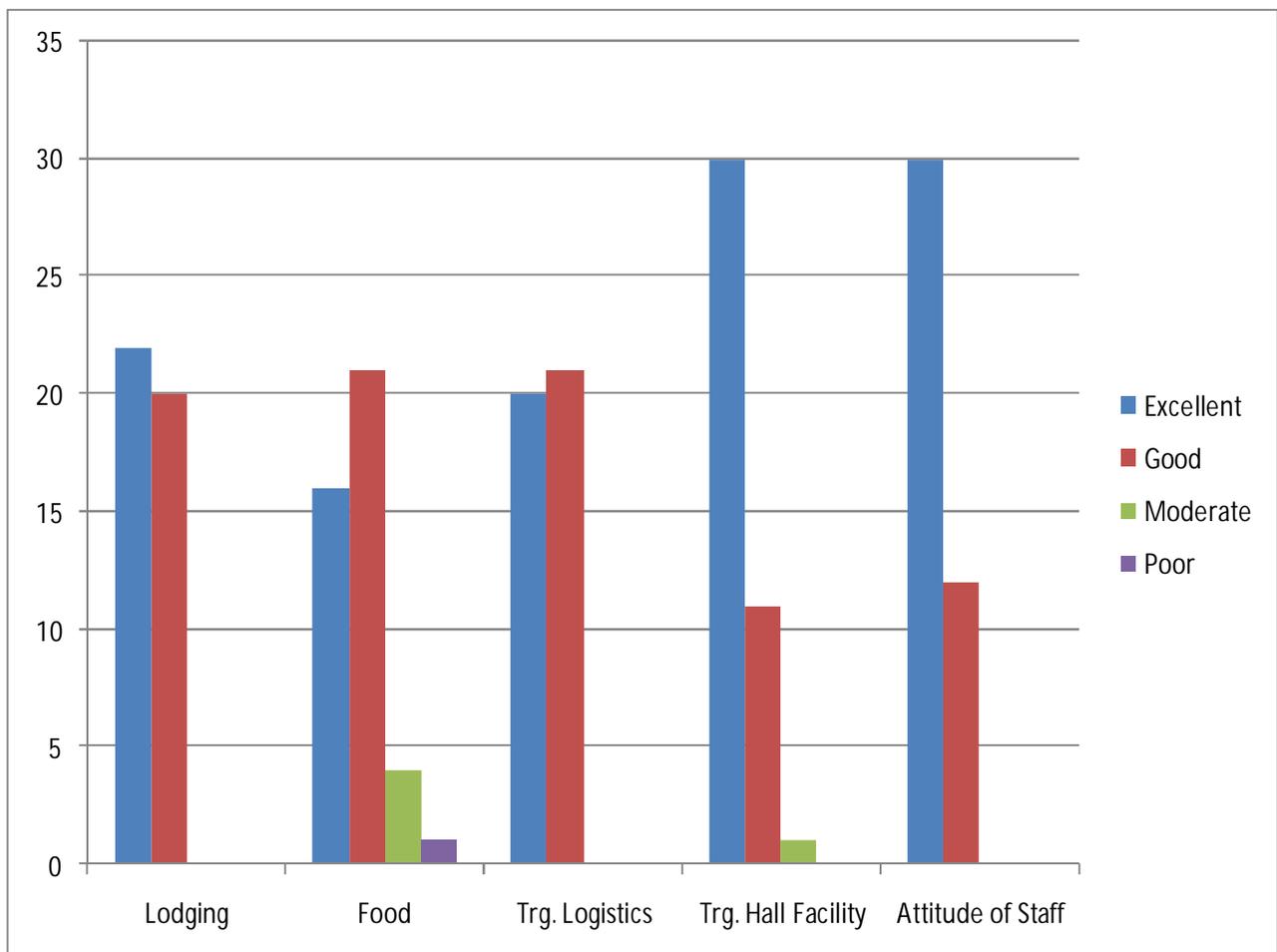
Evaluation of	Excellent उत्कृष्ट	Good अच्छा	Moderate साधारण	Poor औसत से नीचे
Lodging (आवास व्यवस्था)				
Food (भोजन व्यवस्था)				
Training Logistics (प्रशिक्षण व्यवस्था)				
Training Hall Facility (प्रशिक्षण कक्ष व्यवस्था)				
Attitude of Staff (स्टाफ का व्यवहार)				

Training Feedback (Please tick ✓)

Evaluation of	Excellent उत्कृष्ट	Good अच्छा	Moderate साधारण	Poor औसत से नीचे
Content of the Course (प्रशिक्षण की विषय वस्तु)				
Group Participation (समूह की प्रतिभागिता)				
Coverage of the Topics (विषय वस्तु)				
Training Tools Used				

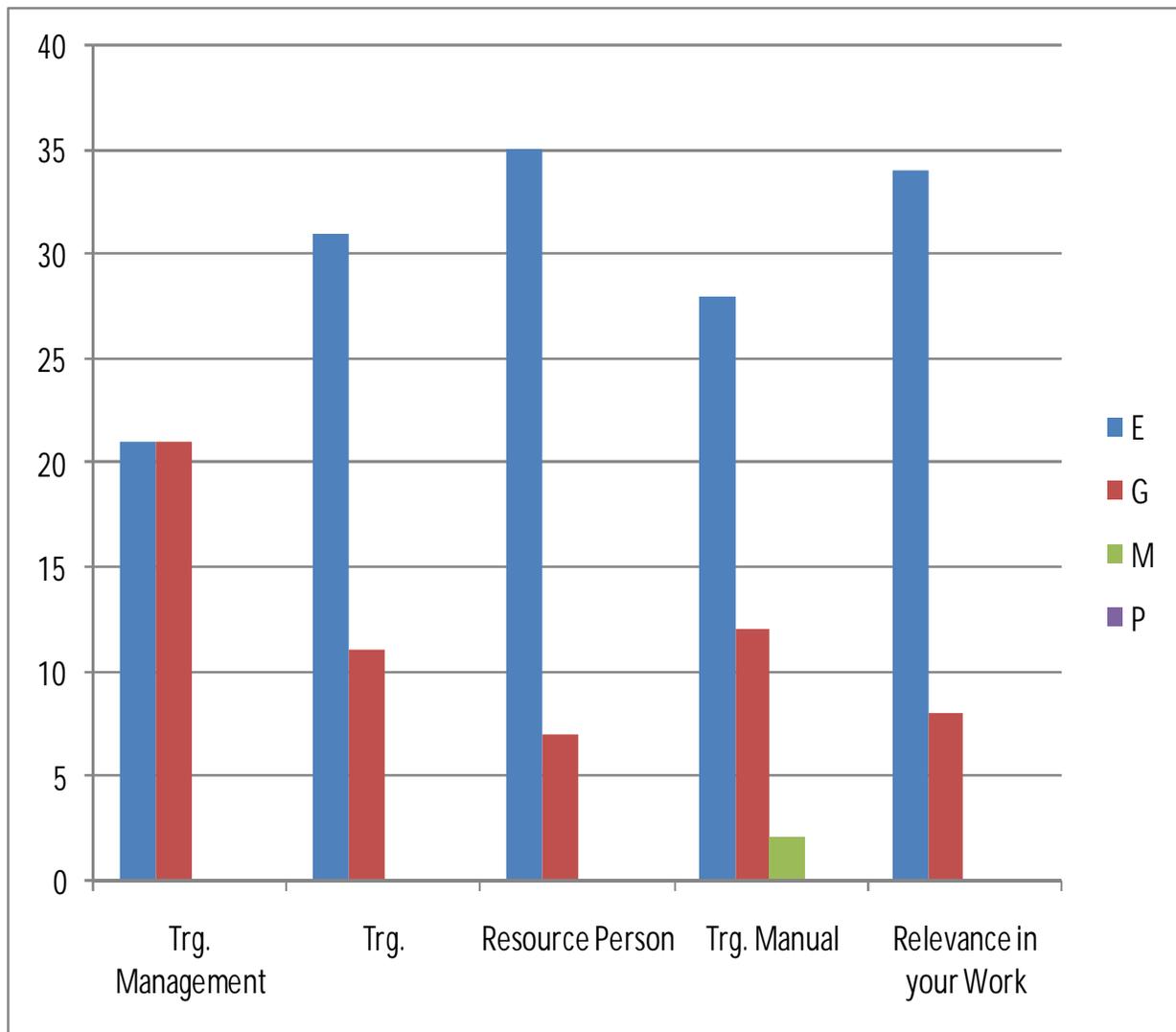
General Feedback

As to the trainee's feedback, most of them were satisfied with the overall quality of the accommodation and food facilities that were provided to them. The trainees were unanimous on the efficacy of the training and the quality of the training imparted by the faculty of Tiger Trust. The trainees (98%) confessed that the training had provided an enriching learning experience with the other forest officers. They also had an opportunity to interact with many of their senior officers which was a great morale boost



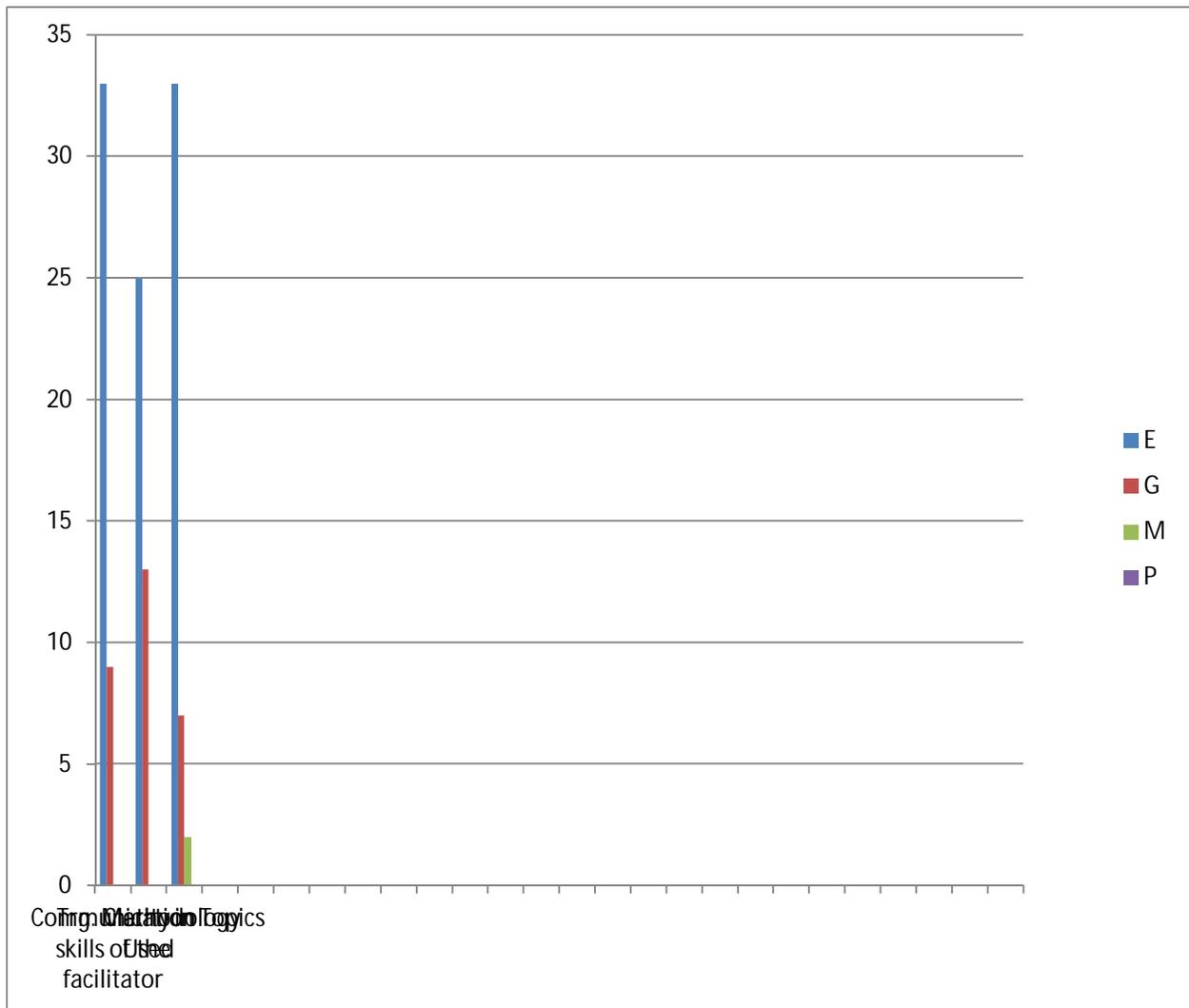
Training Feedback

The trainees were appreciative of the quality of the resource faculty. They acknowledged the effectiveness of the sessions that were held during the two days of the program. Almost all the participants acknowledged that the modules had been very beneficial and practice oriented.



Feedback of Resource Persons

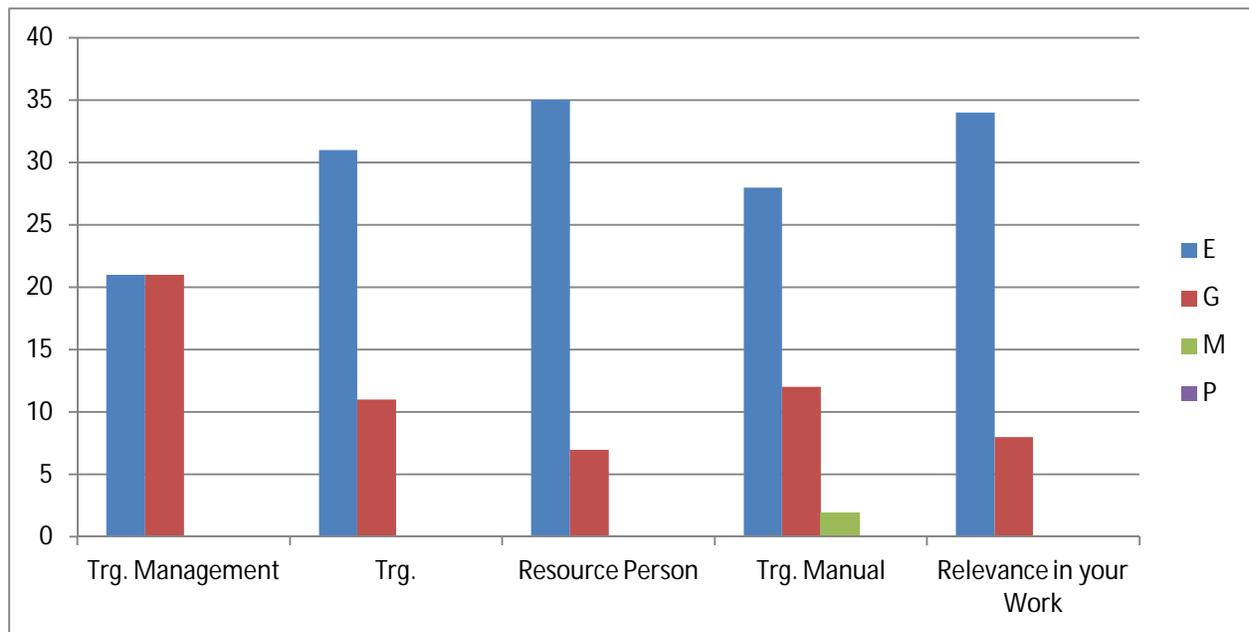
The resource persons received much appreciation for being focused, articulate and dedicated. They were very patient with the participants. They also addressed the difficulties faced by them in solving the case in the field. They encouraged them to be quizzical and participate in all proceedings. The faculty being experts were able to answer all the queries.



Summary Feedback

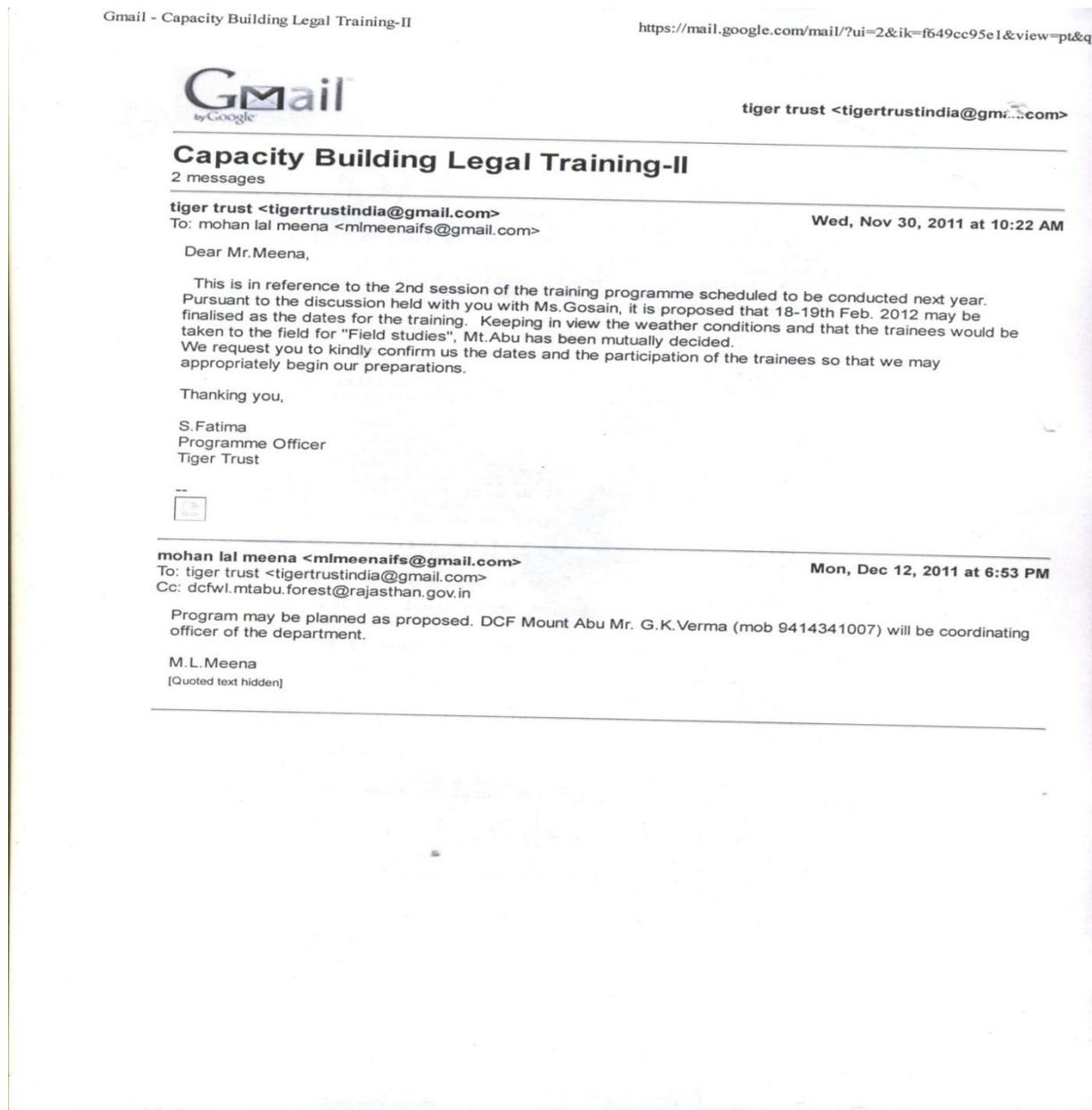
The process of feedback was changed along with the feedback form. The feedback forms were distributed along with the training kit. An attempt has been made to seek feedback on every aspect of the training. The feedback has been evaluated strictly on the basis of remarks filled up in the forms by the trainees. Tiger trust had organized and paid for all the logistics in terms of the grant and the budget. Hence it was essential to get the feedback on this aspect as well

It appears that field training was the most popular programme and all the trainees found the actual mock court to be useful and educative. The quality of modules was strictly adhered to but on few occasions the same was relaxed. The graphs are based upon the remarks given by the trainees.

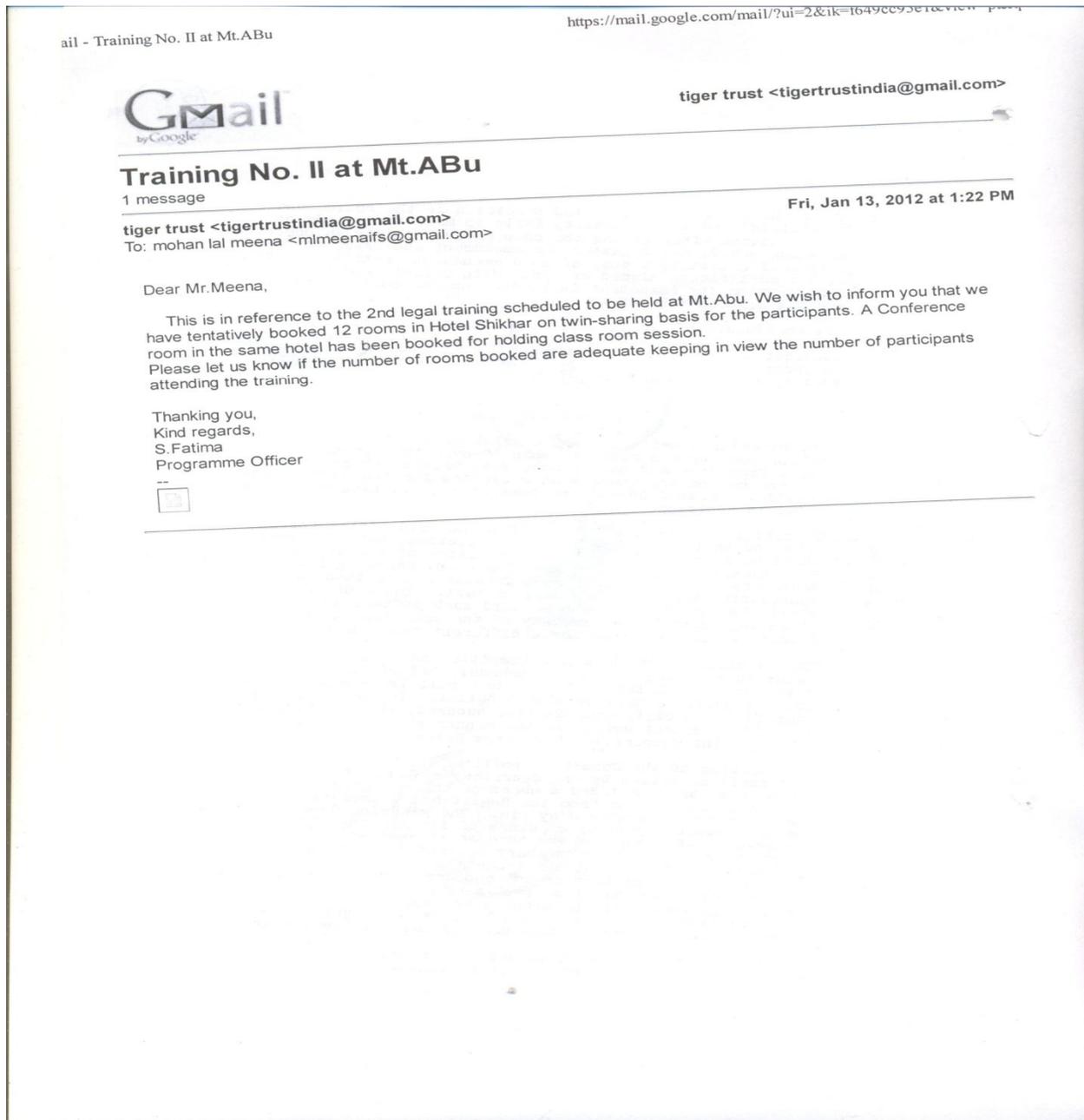


ANNEXURES

E-mail from Tiger Trust to the CCF(Wildlife) regarding approval on the dates and venue for the training.



Email regarding confirmation of accommodation for the trainees.



Email : Correspondance with Sh U.M. Sahai, Invitation to attend Training



206, Rakeshdeep, 11 Commercial Complex
Gulmohar Enclave, New Delhi - 110 049, India
Secretariat Office :
442, Lawyers Chambers, Delhi High Court, New Delhi
Phone : 91-11-23385773, Fax : 91-11-23389742
Email : tigertrust_india@yahoo.com
Website : www.tigertrustindia

To,
Sh. U.M.Sahai,
IFS
PCCF & CWLW,
Van Bhawan,
Jaipur,
Rajasthan.

01.02.2012

Sub: Invitation to attend the Capacity Building Programme under the "Hunting the Hunters" programme to be held on 18-19th Feb. 2012 at Hotel Sunset Inn Mt.Abu.

Sir,

We are pleased to inform you that Tiger Trust is organizing a capacity building legal training programme under the series "Hunting the Hunters" Phase-II for the benefit of forest staff on the 18-19th Feb. 2012 at 09:30 am at Hotel Sunset Inn, Mt.Abu, Sunset Road, Mt.Abu.

We would like to invite you as Chief Guest to attend the programme and grace the occasion with your esteemed presence.
We hope to receive a favourable response and confirmation.

Thanking you,

Yours Sincerely,
(Anjana Gosain)
Hon'y Secretary,
Tiger Trust.

SCHEDULE FOR THE WORKSHOP: DAY I-18.02.2012

09:00 -09:30	Registration of participants for the training at their respective hotels.
09:30 – 10:00	Inaugural ceremony by Sh.M.L.Meena , CCF (Wildlife) and Ms. Anjana Gosain , Hony. Secretary.
10:00 – 10:30	Tea
10:30 – 11:30	Recapitulation of previous training by the faculty and distribution of mock cases.
11:30	Selection of teams and departure for the field.
12:00 -04:00	<p>Arrival in the field. Radio communication amongst the officers and detection of crime on the basis of mock case.</p> <p>Practical exercise to practice navigation of route from point of information to the scene of crime including route planning.</p> <p>Collection of evidence and spot interrogation of an officer of the level of Range Officer with 2 Foresters.</p> <p>Seizure of evidence to be collected within the walking radius of 1km by the team with presence of some independent person. How to seize vehicle and prepare the documents on spot.</p> <p>Sampling of evidence e.g. bones, meat, blood etc.</p> <p>Every participant to prepare the notes and record the route, evidence and learn the communication to interrogate.</p>
04:00 – 05:00	Field discussions and removal of doubts. Decision would be taken about continuation of the session in field or class or otherwise.

DAY II -19.02.2012: VENUE:HOTEL SUNSET INN

09:30 – 10:30	Overview on the field procedures by Mr.Manjit Singh Ahluwalia.
10:30– 11:30	“Lecture on “Role of effective Forensic Science Strategies for proving the crime”.
11:30 – 12:00	Tea
12:00 – 01:15	Analysis of field training and applicability of Section 50, Wildlife Protection Act on the field procedures..
01:15 – 02:15	Lunch
02:30 – 04:00	Presentation by DFOs on critical cases. Briefing and debriefing on pending cases and redressal by the faculty.
04:00 – 04:30	Feedback and Vote of Thanks by the Forest Department.

List of Resurce Material

- 1. Wild Life Protection Act, 1972**
- 2. Criminal Procedure Code, 1973**
- 3. Indian Evidence Act, 1872**
- 4. Legal Guide**
- 5. Forest Kit comprising of**
 - a. Gloves**
 - b. Magnifying Glass**
 - c. Half Meter plain cloth**
 - d. Sterile blade and holder**
 - e. Small plucker lift things**
 - f. 3 wials**
 - g. Plastic Poly bags**
 - h. Cotton**
 - i. Tape**
 - j. Official Stamp**
 - k. Pen and pad**
 - l. Bag to contain the above stuff bearing the logo of Tiger Trust and USFWS.**

HON'BLE CIVIL JUDGE & JUDICIAL MAGISTRATE (JR.DIV)

BADMER

CASE NO.

THROUGH FIR NO. 11/32 DATED 25.11.201

APPLICANT STATE THROUGH REGIONAL FOREST OFFICER SHIV

VERSUS

NON-APPLICANT

- 1 Col. Atulya Bamjai presently temporarily Army Camp 88 Armed Workshop Unit 282, Village Nawai, Tehsil Pachpadara District Badmer.
- 2 Lt. Col. Shri B S Chandel, presently temporarily Army Camp 88 Armed Workshop Unit 282, Village Nawai, Tehsil Pachpadara District Badmer.
- 3 Subedar Shri Gopi Lal presently temporarily Army Camp 88 Armed Workshop Unit 282, Village Nawai, Tehsil Pachpadara District Badmer.
- 4 Havildar Shri B R Nath, presently temporarily Army Camp 88 Armed Workshop Unit 282, Village Nawai, Tehsil Pachpadara District Badmer.
- 5 Nik Shri N Sarkar presently temporarily Army Camp 88 Armed Workshop Unit 282, Village Nawai, Tehsil Pachpadara District Badmer.
- 6 L/Nk Shri I R Pardeshi presently temporarily Army Camp 88 Armed Workshop Unit 282, Village Nawai, Tehsil Pachpadara District Badmer.
- 7 Sepoy Shri D. R Naidu presently temporarily Army Camp 88 Armed Workshop Unit 282, Village Nawai, Tehsil Pachpadara District Badmer.

APPLICATION

In the case of illegal hunting of deers, in pursuant to getting judicial orders from the level of Hon'ble Court to the non-applicant for the appearance of the accused-non-applicant before the Enquiry Officer in the inquiry proceedings.

Sir,

On the above subject matter , the applicant is filed before the Hon'ble Court and it is submitted the point wise details of the illegal hunting case of deers on 25.11.2011 in temporarily Army Camp 88 Armed Workshop Unit 282, Village Nawai, Tehsil Pachpadara District Badmer. Is mentioned on the next page.

That (1) on 25.11.2011 Shri B R Bhadu Dy. Forest Conservator , Badmer, received the information from the Informant on telephone that illegal hunting of three deers and brought in temporarily Army Camp 88 Armed Workshop Unit 282, Village Nawai, Tehsil Pachpadara District Badmer established near the Pal of Pond situated in the south direction of the Pucca road leading from Nimbala to Nagadda.

That (2) after receiving the information under the leadership of Dy. Forest Conservator Badmer, the team of the Department reached at the place of occurrence. Under the provisions of Section 50 of the Wild Life Protection Act, 1972, the Forest officer has got the powers to enter in the suspicious premises in respect of wild life offence, entered in the premises and conducted the search of the premises.

That (3) in the search conducted in the presence of the Army Officers, the two trucks of the army whose numbers 07 D 173286 and 04 D 158881 respectively, in between them, heads of three deers, freshly cut have been recovered in a Steel Utensil (Bhagona) . Thereafter about 14.800 gram fresh cut meat has been found in one Dham of steel, one Bhagona of steel, one Plastic bucket and cover of

aluminum . Besides this One Bhagona of Steel, One bucket of iron, one Bench of wood and axe (Frasa) were found stained with a waxy substance of red colour like blood.

That (4) The Army gypsy available at the place of occurrence , on its Number Plate 00B 0 076200 W Unit 282 written has been found that during the search, hairs of the deers have been recovered in the body of gypsy and the mat of grey colour laid in the gypsy, red colour spots like blood have been found. In this compound, along with other materials, under one bush of Juliflora, six feet of fresh cut deers along with hoof have been recovered.

That (5) Army Officer Lt. Col Shri V S Chandel, who is the responsible officer of this camp, the names of this five army official related with the illegal hunting of deers, Gypsy and Mess, they are accused No. 3,4,5,6 and 7.

That (6) In this case as slit heads of deers by illegal hunting and meat and also other offending material have been recovered from Army Camp under responsibly and control of the accused, and have been recovered in their knowledge, therefore in compliance of the provision provided in Section 57 of the World Life Protection Act, 1972, it is resolved that whenever any wild life part, wild life offence substance, instrument, vehicle and other offensive material is recovered from the possession of any person or premises under his control, then unless it is proved contrary , the said persons is implicated as a accused for this. On recovering all the above said material from the above said Temporary Army Camp, prima facie, on having confirmation of the happening of Wild life offence, FIR No. 11/32 dated 25.11.2011 has been registered against the accused.

That (7) For the further investigation of this case recovery of the skins of the deers in illegal hunting, their feet and the weapons used in the hunting are yet to be recovered and also to find out the addresses of the accused related directly

and indirectly in the illegal hunting case also still remains. For further investigation of this, and for the remaining recoveries, it is necessary to make interrogation from the accused persons.

That (8) accused No. 1 and 2 have been requested continuous vide department letter dated 26.11.2011 and 27.11.2011, and in spite of this, neither the responsible officers are producing the army official under them for the interrogation and before the Enquiry officer and nor accused No.2 himself appearing. For the information of the required facts relating to this case, the Forest Department has been writing letters continuously to the non-applicant but neither any reply is being given by them to any of the letter and nor the non-applicants are being produced for the inquiry.

That (9) apart from above mentioned letters, first summons has been issued to the Army Officers under Section 50(8) of the Act by the Department and this letter was served on the army offices on the same day but despite this the army officials have produced the army officials under their control before the Investigating Officer for the interrogation.

That (10) after 28.11.2011, on 29.11.2011 and 30.11.2011, second and third summons have also been issued and the summons for service by the process server on the place Village Newai Tehsil Pachpadara District Badmer informed vide letter dated 29.11.2011 of Shri B S Chandel, Lt. Col. in respect of transfer of unit, the presence of unit has not been marked.

That (11) the letter by which Lt. Col. B S Chandel had given the information of the transfer of the unit, in which apart from Shri Chandel, Mobile no. of Major A K Dharwal had also been given. On talking on the Mobile No. 9610237022 of Major A K Dharwal and Mobile No. 9166119682 of Col Shri Atulya Bamjai, they have refused to tell the exact position of unit, till the exercise of the Unit whereas

Shri Lt. Col Shri Chandel could not be contact as the Mobile No. 9783171415 of Lt. Col Shri Chandel was switched off.

That (12) Due to the non-cooperation of army officers, not only the investigation of this case is being delay day by day rather it appears that the army officers are also trying to save the army officials under their control and in this situation this kind of behaviour being committing by the army officers, falls within the category of dis-encouragement under Section 52 of the Wild Life Protection Act, 1972 and this kind of conduct is also punishable offence. By not producing the army officials by the Army Officers under their control for the investigation, this finds force to the suspicion of their involvement in this wild life offence . motivation

That (13) Non-applicant no.1 is the controlling authority of non-applicant Nos. 2 to 7 and in spite of being competent to have their cooperation in their investigation, is not performing his duties and in such situation, it has become very necessary to take the shelter of the Hon'ble court.

That (14) In spite of the letters, notices and summons issued by the Forest Department, by not appearing for investigation by the army officials, no progress is being received of any kind in the investigation of this criminal case publicized at national level and from this negligence and careless of the army officers, along with the Wild Life protection, efforts of the environment and circumstantial balance are also being adversely affected and as Deer is declared the State Animal of State of Rajasthan, adverse thinking is creating in the society and public at large which certainly contrary to the basic intents of law.

That (15) the Forest Department has made strenuous efforts in this case but neither the non-applicants have appeared in the inquiry nor before the Investigating Officer and there is also no hope of their appearance, therefore it is prayed to this Hon'ble Court that keeping in view all the circumstances, kindly

issued order at the level of Hon'ble Court for the appearance of the non-applicants in the inquiry and before the Investigating officer for interrogation.

That (16) Under the provisions of Section 126 of the Army Act, has got the jurisdiction to order for the appearance of the accused Army Officials in the illegal hunting case of Deers before the Investigating Officer of Forest Department for interrogation.

The application is filed before the Hon'ble Court as stated above.

Yours faithfully,

Enquiry Officer cum

Regional Forest Conservator

Shiv



In the Court of judicial Magistrate Badmer
Regional Forest Officer Versus Col Atulaya Bamjai & ors.

Case No. FIR No.11/32 dated 25.11.11

Regional Forest Officer Shiv Crl. Case No. 240/2011

9.12.11

APP Present;

Applicant Investigating Officer, Mahesh Kumar, Regional Forest officer is present.

Case Diary has been produced. On the application of the applicant, both the parties have been heard. Case file has been perused. Order has been dictated separately and announced. AS per order, application filed on behalf of Regional Forest Officer, Shiv, against the non applicants, Col Atulya Bamjai, Lt. Col B S Chandel, Subedar Gopi Lal, Havildar p R Nath, Nk. N Sarkar, L/Nk I R Pardeshi and Sepoy D.R. Naidu all presently at Temporary Army Cam 88 Armed Workshop Unit 282 Village Niwai, Tehsil Pachpadara, District Badmer, rejected being baseless and is hereby dismissed.

As this application is only a part of FIR No. 11/32 dated 25.11.11 and has not been registered which is for number be registered numbered as criminal Miscellaneous and has been in the original FIR. Case diary be returned.

Sd/-

9.12.11

Civil judge (Jr.Div) and
Judicial Magistrate First Class
Badmer (Raj)

In the court of Shri Baldev Raj Beniwal Civil judge (Jr.Div) and

Judicial Magistrate First Class, Badmer (Raj)

Presiding Officer, Shri Baldev Raj Beniwal, RJS

Applicant Versus Non –applicants

State Government Col. Atulya Bamjai & Ors.

Regional Forest Officer

FIR No. 11/32 Dated 25.11.201

Regional Forest Officer, Shiv District Badmer.

PRESENT:

- 1 Shri Upinder Sharma, Assistant Public Prosecutor & Shri Mahesh Kumar Investigating Officer, Applicant on behalf of the State Government.
- 2 Shri B L Doot and Shri Ram Choudhary Advocate, on behalf of the applicants.

ORDER

The applicant has filed an application against the non-applicants and has stated that on 25.11.2011 Shri B R Bhadu Dy. Forest Conservator, received the information from the Informant that illegal hunting of three deers and brought in temporarily Army Camp 88 Armed Workshop Unit 282, at the road leading from Nimbala to Nagadada.

On this under the leadership of Dy. Forest Conservator the team of the Department reached . Entered in the premises and conducted the search of the premises. In the search conducted in the presence of the Army Officers, heads of three deers, freshly cut have been recovered in a Steel Utensil (Bhagona) and in one Dhame of steel, one Bhagona of steel, one Plastic bucket and cover of aluminum about 14.800 Kg freshly cut meat has been found. Thereafter this One Bhagona of Steel, One bucket of iron, one bench of wood and Axe (Farsa) were found stained with a waxy substance of red colour like blood. The Army gypsy available at the place of occurrence , on its Number Plate 00B 0 076200 W Unit 282 written has been found that during the search, hairs of the deers have been recovered in the body of gypsy and the mat of grey colour laid in the gypsy, red colour spots like blood have been found. In this compound, along with other materials, under one bush of Juliflora, six feet of fresh cut deers along with hoofs have been recovered. Army Officer Lt. Col Shri V S Chandel, who is the

responsible officer of this camp, the names of this five army official related with the illegal hunting of deers, Gypsy and Mess, they are accused No. 3, to 7. In this case as slit heads of deers by illegal hunting and meat and also other offending material have been recovered from Army Camp under responsibly and control of the accused, and have been recovered in their knowledge, therefore in compliance of the provision provided in Section 57 of the World Life Protection Act, 1972, it is resolved that whenever any wild life part, wild life offence substance, instrument, vehicle and other offensive material is recovered from the possession of any person or premises under his control, then unless it is proved contrary, the said persons is implicated as a accused for this. On recovering all the above said material from the above said Temporary Army Camp, prima facie, on having confirmation of the happening of Wild life offence, FIR No. 11/32 dated 25.11.2011 has been registered against the accused. For the further investigation of this case recovery of the skins of the deers in illegal hunting, their feet and the weapons used in the hunting are yet to be recovered and also to find out the addresses of the accused related directly and indirectly in the illegal hunting case also still remains. For further investigation of this, and for the remaining recoveries, it is necessary to make interrogation from the accused persons. The army officers have been requested continuous but spite of this, the army officers have not produced the army official under them for the interrogation before the Investigating officer. Due to the non-cooperation of army officers, not only the investigation of this case is being delay day by day rather it appears that the army officers are also trying to save the army officials under their control and in this situation this kind of behaviour being committing by the army officers, falls within the category of dis-

encouragement under Section 52 of the Wild Life Protection Act, 1972 and this kind of conduct is also punishable offence. In this situation it has become very necessary to take the shelter of the Court. The Forest Department has made strenuous efforts in this case but neither the non-applicants have appeared in the inquiry nor before the Investigating Officer and there is also no hope of their appearance, therefore it is prayed to this Hon'ble Court that keeping in view all the circumstances, kindly issued order at the level of Hon'ble Court for the appearance of the non-applicants in the inquiry and before the Investigating officer for interrogation.

On this application, on the date of arguments, on behalf of the Army, their advocates Shri B L Doot and Shri Shree Ram Choudhary appeared and they have filed an application and along with that has filed the photo copies of the Hon'ble Judicial pronouncements and has prayed the case is related to army, regarding the case, Court of Inquiry is going on separately. In that regarding an application had already been filed on behalf the Army which is fixed on 15.12.11. In the application, it has also been contended on behalf of the Army that the Investigating Officer of this application, Mahesh Kumar and DFO BR Bhadu are being summoned for the Court of Inquiry and also have been summoned through court, in spite of the same the officers of the Forest Department are not appearing in the Court of Inquiry, due to which the court of inquiry is not been completed. They have also contended in their application that as per Section 69 of the Army Act the case is also under the jurisdiction of army, therefore as per law the accused and soldiers of the army mentioned in the application can not be handed over to the Investigating officer. Therefore the application be dismissed and Officers of the Forest Department be directed to give cooperation in their work.

Heard both the parties on the application. Perused the case file and has respectfully perused the Hon'ble judicial verdicts file by both the parties.

The Assistant public Prosecutor on behalf of the Frost Department referred Section 126 of the Army Act and has contended that order be passed to hand over the soldier to them. He has cited the Judicial precedent reported as S K Kashyap and Others Versus State of Rajasthan (1971) 1 & LC 67 and on behalf of the army their Advocate B L Door and Shri Shree Ram Choudhary have cited the Hon'ble judgments reported as Ram Dutt Dasta Versus Union of India and Others (20 September 1968 1969 AIR 414, 1969 SC R (2) 177 and Chander Mohan Shukla Versus State of Bank of Assam and Others (17 July 2007) 2007 Criminal L.J. 4516, 2008 (1) GLT 345.

By this application the Regional Forest Officer Investigating Officer has prayed to the Court to give directions to the army officials to appear before the Investigating officer of the Frost Department for interrogation under Section 126 of the Army Act, 1950. From the perusal of Section 126 of the Army Act, it has been mentioned in Section 126 that: "when a criminal court having jurisdiction is of the opinion that proceedings shall be instituted before itself in respect of any alleged offence, it may, by written notice....."

As such according to section 126 of the Army Act, proceedings are instituted by any criminal court itself, then the court will issue notice to the Commanding Officer defined in Section 125 of the Army Act. Therefore in my opinion, as per Section 126 of the Army Act firstly any proceedings should be before the court, secondly, any proceedings should be initiated by the court itself, i.e. the process which is from Section 200 to 204 CR.P.C., after fulfilling the said processes, after taking cognizance, the accused can be summoned. Mention of the said process has been made in Section 126 of

the Army Act, 1950. Also Section 125 of the Army Act, 1950 should be read along with Section 126 of the Army Act, 1950. Section 126 of the Army Act, 1950 in itself is not complete, unless the compliance of Section 125 of the Army Act, 1950 is not made, as per Section 125 of the Army Act, 1950, it is the discretion of the Commanding Officer whether he holds the Court martial or hand over the army officials to the Court. Similar principle which has been submitted by their advocate in the judicial pronouncements, this principle has also been laid down in that also. The Investigating Officer has contended in para 3 of this application that in the presence of the Army Officers, they had conducted the search, then three herds of deers were recovered in the Steel Utensil (Bhagona). Therefore when the Investigating Officer conducted the search in the presence of Army officers, and remainders of deers have been recovered then why they have taken the army officer present there in custody, this fact is beyond understanding. Because as per the provisions of Section 50 of the Wild Life Protection Act, 1972, the Investigating officers has been given vast powers. The application and case diary which has been produced on behalf of the Investigating Officer, from its perusal this fact is absolutely clear that what proceedings for arrested the accused has been made by the Investigating Officer or Forest Officer, merely issuance of summons cannot be accepted sufficient. The non-applicants to whom the Forest Departments wants to take through the court for interrogation, why he himself has not made interrogation from those non-applicants and which of the other law is stopping, this fact is also not cleared from the perusal of the case diary. Mere summoning of the non-applicants through summons cannot be accepted sufficient because under the Wild Life Protection Act, 1972 and Code of Criminal Procedure, the Investigating Officer has been conferred

unlimited powers for investigation. Those non-applicants who have been wanted to be taken for interrogation by the Investigating Officer and has prayed direction for the court, all those non-applicants are army officers/ employees and government servants and they are not absconders. Therefore the Investigating Officer himself is competent to conduct the investigation, not the court issue any warrant or give any direction. So far no proceedings has been instituted before his Court. And nor the accused appeared. Therefore Section 126 of the Army Act absolutely does not apply to this application and Section 126 of the Army Act, 1950 has been wrongly stated in the application and has filed the application in court. It has also been contended in the application that the non-applicants are not appearing before the Investigating Officer and nor there is any hope to appear in future but in my opinion, this contention also does not appear proper because the Investigating Officer himself is competent to conduct investigation in cognizable offence. The criminal does not come to the police himself rather the police has to go. From the literal perusal of Section 126, 125 of the Army Act, 1950 and Section 475 of the Criminal Procedure Code, this fact is fully clear that Criminal Court and Court Martial both have got the jurisdiction to try of the civil offence committed by the army officers and employees and in Section 125 of the Army Act, 1950 it is the discretion of the Commanding Officers that he himself tries or hand over to the criminal court. But as in this case this fact is fully clear that court of inquiry is being held against the non-applicant by the Army and the Commanding Officer is also hold the Court Martial proceedings, for which sending the summons to the Investigating officer and filing this application and Forest Officer again and again, Summons have also been got forwarded by the Army through the court. The Learned counsel for the Army Shri B L Doot has also

argued that finally the matter has to go to the Court Martial. Therefore there is no justification to hand over the non-applicants to Forest Officers. It has also been contended by the learned counsel for the army that the Forest Officers have been sent summons again and again to give evidence in the Court of Inquiry but they are not appearing for the evidence, therefore the proceedings of Court of Inquiry are being delayed. He has also contended that as per Section 69 of the Army Act, 1950 Army Court is competent to initiate proceedings and double proceedings cannot be taken against any person, as has been provided in Section 56 of the Wild Life Protection Act, 1972. It has also contended by the Learned Counsel for the Army that the army is making appropriating proceedings in this regard and as per legal provisions, only Court Martial is competent to try this case and for this they have constituted Court of Inquiry. In my opinion, the arguments advanced by the Learned counsel of the army seems forceful. The learned Assistant Public Prosecutor on behalf of the Forest Department, has cited the judicial pronouncement of Hon'ble Court S K Kashyap and Others Versus State of Rajasthan (1971) INLC 67(2 March 1971), the said judicial pronouncement are also against the applicant/Investigating Officer because firstly in the office of this judicial proponent, persons of army and civil both kinds were involved, secondly the period of court martial had already passed. Thus the judgment Ram Dutt Dasta Versus Union of India and Others (20 September 1968 1969 AIR 414, 1969 SC R (2) 177 and Chander Mohan Shukla Versus State of Assam and Others (17 July 2007) 2007 Criminal L.J. 4516, 2008 (1) GLT 345 cited by the Id. Counsel for the army fully apply to this case. According to them, as per the provisions of Army Act, 1950, for the civil offence of the army official, only Court Martial is competent. The case is related to civil offence and the

under Section 50 of the Wild Life Protection Act, 1972, the Investigating officer has been conferred the powers to take in custody any of the persons without warrant in the matter of this kind and also powers has been given to conduct search and issue warrant. This application on behalf of the Inquiry Officer/ Investigating officer for appearance of the army official to appear in the inquiry has been filed by giving wrong explanation of Section 126 of the Army act. This has never been the intents of Section 126 of the Army Act, 1950 that army officials be made available to any Investigating officer because provisions of Section 125 of the Army Act, 1950 and Section 475 of the Code of Criminal Procedure should be read along with Section 126 of the Army Act, 1950. In any other judicial citation R K Yadav Versus State represented by CrI. O.P (M.D.) No. 9268 of 2006 (2007) RD-TN 2009 (20 June 2007), the Hon'ble High Court of Madras has laid down this principle that when any proceedings are instituted by the court before a court then the court issues notice of Section 126 of the Army Act, 1950 to the Commanding Officer. Notice in Section 126 of the Army Act, 1950 is issued to appear before the nearest Magistrate. That too when any proceedings are instituted before the court. Similar view has been taken by the Hon'ble Supreme Court in AIR 1987 SCC (CrI) 584. As such, the application which has been filed on behalf of the Investigating Officer, this is contrary to the legal provisions and prima facie is liable to be dismissed. The case is being tried in the Court of Inquiry by the Army, and the Army has stated the Court Martial is also held, therefore, the application is rejected being baseless and is liable to be dismissed.

ORDER

Therefore the application filed by the Regional Forest Officer, Shiv against Col Atulya Bamjai, Lt. Col B S Chandel, Subedar Gopi Lal, Havildar p R Nath, Nk. N Sarkar, L/Nk I R Pardeshi and Sepoy D.R. Naidu all presently at Temporary Army Cam 88 Armed Workshop Unit 282 Village Niwai, Tehsil Pachpadara, District Badmer is rejected being baseless and is hereby dismissed

Sd/-

Baldev Raj Beniwal
Civil Judge (Jr.Div) and
Judicial Magistrate First Class
Badmer (Raj)

Order has been dictated and announced in the open court today on 9.12.2011.

Sd/-

Baldev Raj Beniwal
Civil Judge (Jr.Div) and
Judicial Magistrate First Class
Badmer (Raj)

MEDIA COVERAGE



Article in the Rajasthan Patrika (20.2.2012) featuring the training programme at Mt. Abu,

TRANSLITERATION: 4 POACHERS ARRESTED

In the sanctuary area of Mt Abu at 2 different places, the forest officials in 2 separate incidence arrested 4 poachers for the capacity building training programme on wildlife crimes. The entire exercise appeared to be real, however later the public came o know that this was a mock drill training on the wildlife crimes. Dr Parag Nigam from Wildlife Institute of India, **Ms Anjana Gosain** from Tiger Trust were imparting training to the Forest staff and officers of western Rajasthan for prevention of wildlife crime for 2 days. The programme was oriented for giving knowledge and enhancing the skills of the department. The following day was a mock drill, networking in forest, arrest of poachers, investigation, collection of evidence, use of forensic science. The said programme is funded by US FWS.

MEDIA COVERAGE

‘मौके से जुटाएं तथ्य’

गार्डेंट आबू
patrika@patrika.com

भारतीय वन्यजीव संस्थान देहरादून के वैज्ञानिक डॉ. परम निगम ने कहा कि वन्यजीवों के शिकार के मामले में शिकारी को सजा दिलवाने के लिए मौके से ही तथ्य जुटाकर कार्रवाई की जानी चाहिए। ताकि शिकारी को शिकारी को सजा दिलवाई जा सके। वे शनिवार को टाइगर ट्रस्ट की ओर से पश्चिमी राजस्थान के वनकरमियों व

हाइडेंट आबू। वन्यजीव अपराध रोकथाम प्रशिक्षण में उपस्थित वन अधिकारी।

अधिकारियों के लिए वन्यजीवों के शिकार पर रोकथाम का प्रशिक्षण के लिए आयोजित दो दिवसीय कार्यक्रम के दौरान कहा रहे थे। उन्होंने कहा कि वन्यजीवों के शिकार का अपराध प्रमाणित करने के लिए घटनास्थल, वन्यजीव को लगी गोली, फंदा लगाने या उसे मारने के लिए अपनाए गए अन्य तरीके की जानकारी मौके पर जाकर फॉरेंसिक की मदद से एकत्रित करनी चाहिए। ट्रस्ट की मुख्य सचिव सुश्री अंजना गोसाईं, मनजीत सिंह आहलवालिया व कैलाश सांखला ट्रस्ट गतिविधियों की जानकारी दी। मुख्य वन संरक्षक एम.एल. मीणा, वनसंरक्षक ईशाक अहमद मुगल,

बाइनेर उपवन संरक्षक बी.आर. भादू, जालौर उपवन संरक्षक किशन सिंह, माउंट आबू उपवन संरक्षक जी.के. वर्मा, सहायक वन संरक्षक अर्जुनदान चारण, धानाधिकारी राजेश बाफना समेत अधिकारी उपस्थित थे।

साहित्य चर्चाई
राजस्थान प्रशासनिक एवं अधीनस्थ सेवा 2010 में श्री मणिपाल सिंह देवड़ा पुत्र श्री पावसिंह देवा जालपुर जिला, A.C.T.O में एवं श्री भगवतम पटेल पुत्र श्री राजछोड़राम मजरा का J.C.T.O पद पर चयन होने पर

श्री मणिपाल सिंह
हादिक चर्चाई एवं उज्ज्वल भविष्य की कामना करते हैं

श्री मंडार

श्री मंडार : डा. कामसिंह कोटकी (विद्यापीठ शिक्षा), श्री इन्द्रजित गुप्ता मीरा देसा (सहायक चरक), श्रीमती सुनी देवी (संस्कृत कोटकी), सचिव (उप-संरक्षण), शास्त्रीलाल सिधारी, डॉ. पहलवान मलिक (M.A.C मजरा), चौधरी, रतनसिंह भीसाणा (अध्यक्ष), राजेन्द्रसिंह, राजेन्द्रसिंह कोटकी, साकदवा, पुष्पाराम (ग्राम सेवक), जालाराम सेववाल (अध्यक्ष), गदोड़ (अध्यक्ष), भल्लाराम चौधरी, लालिया (अध्यक्ष), सुरेशसिंह येनाराम चौधरी, येनाराम देवड़ा (अध्यक्ष), भूपाराम (अध्यक्ष), पटेल, भोतराम पटेल (पुंभाड़ा), हरिष पटेल, राजछोड़राम पटेल, केशराम सुरेश एवं सर्व सभ्य शिक्षण मजरा।

सादर

शुभकामनाएं
अब आइए
कभी कभी
कर्मकांड व
अधिकांश

Article in a Rajasthan daily (19.2.2012) reporting on the training conducted by Tiger Trust at Mt. Abu.

TRANSLITERATION: COLLECTION OF EVIDENCE AT SCENE OF CRIME

Ms Anjana Gosain, M.S Ahluwalia from Tiger Trust imparted the training on wildlife crime to the forest staff of Mt Abu. The function was presided over by M.L Meena, C.C.S, C.F Shri Ishaq Ahmad Mughal DFO, Shri V.R. Bhadu, Dy Ranger, Kishan Singh Mt Abu, Dy Directors G.K Varma, ACK Arjun Das Charan and SHO Rajesh Bafna was also present.

Dr Parag Nigam from Wildlife Institute of India as a resource faculty emphasized that the evidence should be collected at sight so that poachers can be adequately punished. He gave his presentation in the programme, which lasted 2 days. Main emphasis was on preparation of scene of crime, collection of evidence, adequate use of forensic/bellastic science, proper sampling of trap, blood and bullet or any other tool used in the crime would go long way for successful prosecution.

Workshop to fight legal lacunae in saving wildlife

Pics: TOI

AK Sharma

Mount Abu: As you take the picturesque climb to Mount Abu from the plains, all along there are boards. They are either informing the travellers and revellers not to feed the wild animals or a warning to poachers. Alas, in spite of all the good intention of the forest department, the caution is falling on deaf ears. At any time of the day, one can see visitors to the Abode of Gods, Mount Abu. They do not realize that they are helping in murdering the innocent mute wild by not only spoiling their wild traits, but also exposing them to the ever present threat of road accidents.

Worst still is the clan of all those incorrigible, merciless poachers prowling all over the hills and the dales to kill the innocent, precious wildlife – right from the wild hen to leopard, not even leaving the cute green muntia or the helpless snakes. It is pertinent to bring to state that it was in these columns that the first ever apprehending of a leopard poacher in Rajasthan by Kayzad Contractor and the team lead by divisional forest officer (DFO) Laxman Parmar was reported. Legal lacunae in such efforts save the miscreants from being caught and rightly punished and frustrate the passionate animal lovers and the forest officials.

Supreme Court advocate and activist Anjana Goswami, chief conservator of forest M L Mina of Jodhpur division, Mount Abu DFO G K Verma, assistant conservator of forest A D Charan and nearly 30 other forest officers from Jodhpur division gathered at Orian village in Mount Abu to get trained in fighting the shortcomings in apprehending the wrong doers and saving the precious wildlife in this eco-sensitive zone.

Led by Goswami, all the participants were taken in the bowls of the forest. Mock drills were done to learn how to rightly apprehend the poachers. After apprehending poachers the participants were taught in the art of right, legal interrogation and collection and preservation of facts. They were also taught how to make the best use of whatever resource they have at hand. As one of the trainers told them, "You might have an article of few rupees, but it could be worth of thousands of rupees benefit in helping to remove legal lacunae in such cases."

The workshop commenced on Saturday and will continue for three days, both for theory and practical in the forest. One of the villagers commented, "Sahib, such drills should be held at regular intervals so that even the villagers could get trained and help the much beleaguered forest officials in manning the vast wild area of Mount Abu. This will go a long way in saving the wild, particularly the fast dwindling leopard population."



The training workshop which began on Saturday



Article in *The Times of India* (19.2.2012) on the training programme

PHOTO GALLERY



A scene from the the mock case trial -12 May 2012, Mt. Abu Sanctuary



Women Forest Guards at the Mock Trial Session- Mt. Abu Sanctuary, 12 May



Trainees participating in the mock interrogation during the field training



Forest Officer, Mr. Bhado, explaining the case during the discussion session-13 May



Mr.Vohra, Range Officer, Jalor explaining the details of the case under discussion



Field Training



Field Training

Field Training



Field Training



Valedictory function- Vote of Thanks by Ms. Anjana Gossain



GROUP PHOTOGRAPH

