

BI-MONTHLY OUTREACH JOURNAL OF NATIONAL TIGER CONSERVATION AUTHORITY
GOVERNMENT OF INDIA

strips

Volume 1 Issue 6

September-October 2010



RELOCATION



CONFLICT

MANAGEMENT



WILDLIFE CRIME

INITIATIVES



PROJECT CHEETAH



प्रधान मंत्री
Prime Minister

MESSAGE



India is richly endowed with biodiversity and is home to a fascinating array of wildlife, including major species like the tiger, lion, elephant and rhinoceros. Our protected areas and other natural ecosystems offer a wide range of tangible as well as intangible benefits.

We are guardians of this treasure and it is our responsibility to protect it for posterity. This could be best achieved by harmonizing our development imperatives with conservation concerns. It is necessary that all Indians recognize this and cooperate towards conserving our irreplaceable wildlife.

Wildlife Week coincides with the birth anniversary of Mahatma Gandhi, the apostle of non-violence. His ideal of non-violence towards all living beings should guide us in understanding our relationship with wildlife. On this occasion, let us reaffirm our commitment to conserving our wildlife.

Manmohan Singh
(Manmohan Singh)

New Delhi
1 October, 2010



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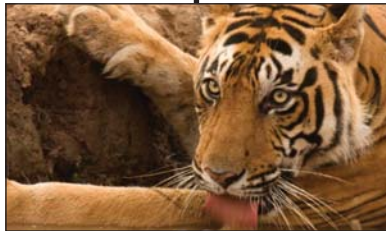
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GOVERNMENT OF INDIA

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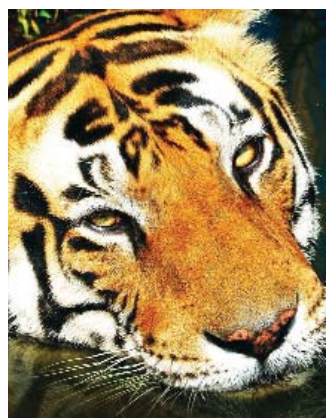
n o t e f r o m t h e e d i t o r



Few of our tiger reserves are 'conflict landscapes' owing to extremist engineered disturbances. The Palamau Tiger Reserve in Jharkhand is one such area.

This reserve has the distinction of being one of the first nine tiger reserves when Project Tiger was launched way back in the early 70's. The landscape also has one of the finest sal forests with bamboo, besides dry deciduous miscellaneous forests and open grassy patches. The habitat supports tigers, elephants, gaur, co-predators and ungulates. However, despite a glorious past, the reserve is now affected by left wing extremism. This issue carries a special feature on its present status, as brought out by the 'Crack Team' of the NTCA. The matter is being pursued with the State for addressing the urgent administrative and ecological issues.

Several States are actively embarking on voluntary



relocation of people residing in the core/critical tiger habitats. This is an important initiative which is fully supported by the Central Government (Project Tiger) to give a fair deal to such people, besides doing justice to the Wildlife (Protection) Act, 1972.

The NTCA has been actively engaging with expertise outside the Government system both for the country level tiger estimation as well as site specific field research. The use of DNA analysis from scats at times, is useful to get the minimum estimate of tiger population. This issue also carries a report brought by the NGO

Aaranyak in this regard for the Buxa Tiger Reserve. Since genetic information is useful for wildlife forensics, besides population estimation, the NTCA is currently discussing with experts in the field for standardizing a uniform protocol for field data collection and analysis.

Dr Rajesh Gopal / Member-Secretary, NTCA

REPORT ON THE PROGRESS OF VILLAGE RELOCATION NAGARAHOLE AND MUDUMALAI TIGER RESERVES

Ajay Desai & Praveen Bhargav

Executive Summary Nagarahole Tiger Reserve

The 643 sq. km. Rajiv Gandhi National Park (Nagarahole Tiger Reserve) supports a very high density of tigers and prey close to their potential carrying capacity. The habitat forms part of a large, contiguous tiger landscape with the Bandipur Tiger Reserve (880 sq km) to the south, Wynad (344 sq km) and Bramhagiri (180 sq km) Sanctuaries to the west-south-west. This makes the Nagarahole TR an extremely important tiger habitat with a great potential for long-term persistence of tigers. A total of 1550 landless tribal families (6145 people) were officially estimated to be living in 54 settlements within the limits of the 643 sq km TR. Subsequently, on the basis of an independent estimation commissioned by the Forest department and carried out by Dr. TBBSV Ramanaih, Professor of Sociology, University of Mysore a total of 1703 families were enumerated. The Ramanaih Committee report has been officially accepted by the Government of Karnataka. 1931 hectares of forest land has been diverted to resettle people volunteering to move out of the TR. These lands are located in the revenue district of Mysore spread across three clusters - Nagapura in Hunsur Taluk, Sollepura in H.D.Kote Taluk and Shettihalli-Lakkapatna in Hunsur Taluk. The voluntary relocation process with funding support, initially from



New resettlement cluster at the Shettihalli-Lakkapatna.

Project Tiger, started in 1999, almost 11 years ago. Till date, 348 families have voluntarily opted for relocation and moved out including eight families under Option I (Rs. 10 lakhs cash compensation) scheme. The excruciating delay is, to a large extent, due to extremely frequent transfers of DCFs (who lead the process) which is best illustrated by the fact that the TR now has its 14th DCF in 10 years. However, there is a genuine, voluntary demand for resettlement from tribal people. The delivery of promised benefits by the State Forest department only to genuine beneficiaries including land, housing and other amenities like land development, schools, access roads, electricity, tube wells, water hand pumps etc, as envisaged

under the BOTD scheme of Project Tiger has greatly contributed to the encouraging

Critical Voluntary Relocation Issue

The much delayed voluntary relocation process in Nagarahole is presently at an extremely crucial stage. A priority list of 350 families living in 13 settlements in the core area of the TR has been prepared. Of these, more than 180 families have already volunteered to relocate. The voluntary relocation of these 350 families is vitally important and must receive the highest priority and get completed by end of March 2011.

High Priority Suggestions / Recommendations

1. Infrastructure (house, land and

other amenities) for 150 families is almost ready and more than 180 families from the identified 350 high-priority families in the core area of the TR have volunteered to relocate. In order to facilitate this important process, the immediate funding requests of the TR require to be processed and released immediately by NTCA on priority.

2. Timely release of further funding to complete the relocation of the remaining 200 families out of the 350 high-priority families must be ensured by NTCA so that the process can be completed by end of March 2011 as planned.

3. NTCA/ MoEF must co-ordinate with relevant central ministries and ensure that appropriate guidelines are issued to ensure that various centrally sponsored schemes/central assistance for social/tribal welfare are specifically directed towards such resettlement areas on priority to complement the central assistance being provided by NTCA.

4. There is some confusion on the ground about the 35% agricultural land and development component though para 4.2.2 of the relocation guidelines mention that the package (per family) is at the rate of Rs. 10 lakhs. NTCA may therefore issue necessary clarification that a landless family choosing Option II will be entitled to the surplus amount that remains of the 3.5 lakh rupees (35%) after deducting the value

of land (at prevailing government valuation) allotted to him and the cost of land development per acre. The said amount can be deposited in the name of the

beneficiary in a nationalized bank or Post Office for generating income through a monthly interest scheme.

5. The State government must post competent, hand picked field officers and provide them with appropriate financial powers, sufficient frontline staff including surveyors, technicians etc along with all necessary infrastructure to focus only on resettlement.



DCF Shri V.R. Singh (centre) interacting with relocated people at Sollepora

Executive Summary . Mudumalai Tiger Reserve

The resettlement in Mudumalai Tiger Reserve is driven by a High Court judgement asking the government to resettle people living in 28 hamlets inside Mudumalai. Proposals and recommendations for resettling these people date back to early 1980's. Despite this, little has been achieved on ground. The major limitations have been funds, suitable resettlement sites and lack of dedicated staff to follow up on any plans. However under the opportunities provided by the NTCA a new proposal has been made to 368 of the 449 families living in these 28 hamlets. It is hoped that the remaining families will be encouraged to leave once they see the successful implementation of resettlement. A suitable site has been identified for resettlement and Forest (Conservation) Act 1980 clearance has been sought as the area is a notified forest block. There is a plan to get officers on deputation to handle the additional work when the funds are available for the resettlement. At present a proposal with a coarse estimate

of costs has been made to the NTCA for funding. If funding is available the work on the resettlement can proceed immediately (subject to FCA clearance). The consent of the 368 families has been obtained and they want pattas to be issued immediately as they wish to start developing their land immediately and are willing to wait for infrastructure to developed at a later date as and when funds are available. There are some minor issues regarding the budget and these need to be ironed out at the earliest. The present proposal does not address all settlements in Mudumalai and it is suggested that plans for resettlement the other settlements be developed at the earliest.

Critical Voluntary Relocation Issue

- Need to restructure the budget and reduce infrastructure costs so that a) greater cash compensation can be given b) more equitable compensation can be given.
- Need to have a dedicated team to implement the

RELOCATION



(Above) The re-constructed community hall at Nagapura Block IV (Below) NGO leaders P.M. Muthanna (extreme left) and K.S. Lokesh (third from right) with Ajay Desai other officers



resettlement if it is to be a success. Current staff are already overburdened with regular duties.

■ Current proposal does not address all settlements inside Mudumalai Tiger Reserve and targets only those who went to the High Court and got a judgement asking the government to resettle them outside Mudumalai. There is a need to follow up with resettlement of people living in the Kargudy-Thappakadu area. Appropriate plans need to be developed for this.

■ It is also important to follow up and encourage the remaining 61 families in the 28 hamlets currently targeted for resettlement to opt for moving out of the Tiger Reserve.

High Priority Suggestions / Recommendations

■ Forest (Conservation) Act 1980 clearance needed to divert the identified

forest blocks for resettlement should be granted so that work can start at the earliest.

■ Funds needed immediately for those opting for Option 1 (cash) so that these people can be immediately addressed and the others are given assurance that resettlement is actually happening (after nearly 30 years).

■ Ensure that significant funding is given so that people can be moved in large numbers - the initial funding should be first targeted at demarcating plots and issuing of pattas to all those wanting to resettle as this is their major demand.

■ The budget needs to be restructured to make it more equitable and less infrastructure heavy within the broad/flexible parameters of the NTCA format.

PALAMAU TIGER RESERVE, JHARKHAND

Dr. D. S. Srivastava, Dr. R. K. Singh, Samir Kumar Sinha, Dr. Rathin Barman and Dr. R. P. Mishra

On the terms of reference; 1. Appraisal of status of tiger, co-predators and prey animals, 2. Protection efforts taken vis-à-vis the advisories of Project Tiger / NTCA, 3. Administrative / ecological problems and managerial issues, and 4. Suggestions for restoring the area and eliciting local support to strengthen protection. We undertook field visit of Palamau Tiger Reserve during 2nd to 5th September 2009 and we interacted with cross-section of people including frontline staff, senior officials of the reserve and Jharkhand Forest Department, officials of the civil administration and paramilitary forces, local MLA, community representatives, media persons and local villagers. We adopted various methods to accomplish the objectives of appraisal including extensive visits to get first hand information on field realities and situations.

We found that; 1. Naxal activities have adversely affected the functioning of Palamau TR. We found that the reserve staff goes inside the reserve only for developmental works and not for monitoring and protection works. Frontline staff are demoralized and frightened due to regular violent activities of naxals in the reserve since 1990.

2. Naxalites promote illegal activities in the reserve and are

also involved in poaching of prey species. They destroyed the forest department infrastructure if used by administration or armed forces.

3. Wildlife monitoring system has been developed but it has been badly affected by naxal activities, and staff are able to venture into very limited portions of the reserve.

4. Abundance of tiger and prey species is poor and the tiger population has witnessed drastic decline. There is no authentic report available on tiger and co-predator population of the reserve.

We could observe tiger signs only in Betla range. Field records indicated tiger movement in some areas.

5. Breeding of tigers has not been reported in the last few years.

6. Though, wildlife mortalities have not been officially reported, except a leopard, in the last five years, but we strongly suspect high poaching pressure on the reserve. Villagers also reported poaching of prey species, even by outsiders.

7. Regular patrolling is organized only in Betla range. In other



MANAGEMENT



Team meeting with local MLA and conducting SWOT Analysis



ranges, it is very rare to nil. Due to naxal threats staff do not visit interior areas of the reserve and they have not been provided wireless hand sets and weapons due to obvious reasons.

8. Tiger Protection Force constituted at two places in the reserve mainly involves EDC members.

9. Most of the posts of forest guard are lying vacant and infrastructure created for protection and monitoring are less utilized or lying abandoned due to naxal threats.

10. Due to less staff movement, poor surveillance and lack of intelligence network wildlife offences are poorly reported. Conviction rate in wildlife cases is also poor.

11. Very few advisories of NTCA/

Project Tiger issued for protection measures in the reserve are followed up to a satisfactory level.

12. Paramilitary force deployed in the area is not of much help in wildlife protection in the reserve, and co-ordination of the reserve management with the force is not satisfactory.

13. There is no mid-level official in the reserve and the forest divisions are headed by CF rank forest officials. All posts of ACFs are lying vacant and majority of frontline staff are approaching superannuation.

14. Community rights in the reserve have been identified, but yet to be settled. Core/critical area has been extended and notified but notification of buffer has yet to be done. The Tiger Conservation Foundations has not

been constituted.

15. Funds are not available on time.

16. Co-ordination of the reserve management with line departments is not up to the mark.

17. The managers are staff are not trained in wildlife management. Frontline staff is demoralized due to naxal attacks on their colleagues and poor staff welfare measures taken by the reserve.

18. The reserve totally lacks veterinary and research facilities.

19. Grasslands of the reserve are deteriorating due to poor management and they are occupied by weeds, which has infested in a significantly large area of Palamau. Water scarcity during pinch period is common in many pockets.

20. The reserve bears biotic pressure of about 200 villages inhabited by over 2 lakh people and 85000 cattle. Collection of NTFPs and illicit felling of timber is common.

21. Eco-development activities initiated under the World Bank Funded India Ecodevelopment Project have drastically reduced since no effective measures were taken to ensure sustainability of the actions. Most of the EDCs are non-functional and the department's eco-development activities concentrate on creating asset, water conservation, improved agriculture and employment generation.

22. Problem of human-wildlife conflict is common and the amount of compensation paid for cattle lifting and crop depredations are much lesser than the actual loss. We feel that in Palamau TR, two major issues - status of tiger and prey population, and management of reserve amidst present naxal threats, need serious thoughts of the reserve management & state



Mundu Forest Rest House in Palamau TR burnt by naxalites and (Above) Livestock grazing inside Palamau TR

and central governments alike. We suggest following measures for improvement of the reserve;

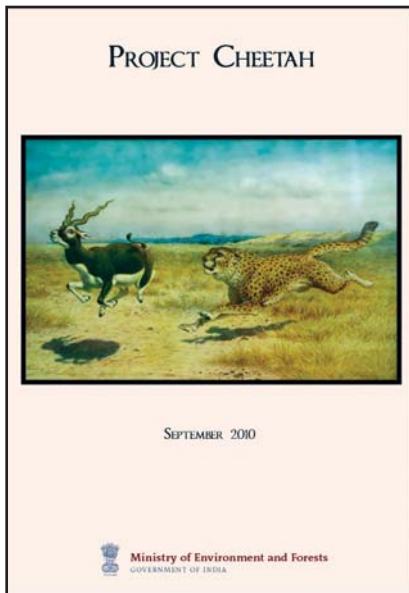
1. Tiger and prey status should be assessed to know the wildlife assets to be protected, managed and improved by the reserve. The assessments should be done as per scientifically validated methodology. Tiger abundance can be estimated using photographic capture-recapture or genetic capture-recapture methodologies by involving competent independent agency.
2. Local people and EDC members should be trained and involved in wildlife monitoring. We also suggest involving local NGO in implementation of year long monitoring exercise by EDC members on experimental basis.

3. Administrative set-up should be changed and the forest divisions should be manned by DCF rank officials.
4. We discourage the plans of in-situ breeding of tiger and prey species in the reserve till the situation improves and negative factors are eliminated.
5. Grassland management should be done regularly.
6. At this stage, we have gut feeling that Palamau can be saved / made accessible only with the proactive support of local communities. The reserve management and staff need to develop proper communication with villagers through committees constituted at forest range and division levels, EDCs and NGOs.
7. Eco-development committees

should be involved in protection of the reserve more rigorously. The committees should be entrusted to assess and refer the compensation claims of cattle death and crop depredation to the reserve management.

8. Eco-development activities should be initiated aiming at reducing the villagers' dependency on the forest and generating employment opportunities. A system needs to be put in place to ensure sustenance of the initiatives and activities taken under eco-development. An ACF rank officer should be deputed to look after ecodevelopment works. It would be better to involve NGOs in implementation of the activities.
9. To gain villagers support, we suggest disposal of minor forest cases at earliest and developing a realistic compensation package for crop depredation and cattle killed by wild animals. The compensation package should be decided in consultation with experts and village panchayat.
10. A well designed awareness campaigns on wildlife conservation, activities of the reserve, and rules and regulations applicable to the protected area should be started targeting women, children and youth in the vicinity of tiger reserve. This activity should also be implemented through NGOs under the supervision of the reserve management.

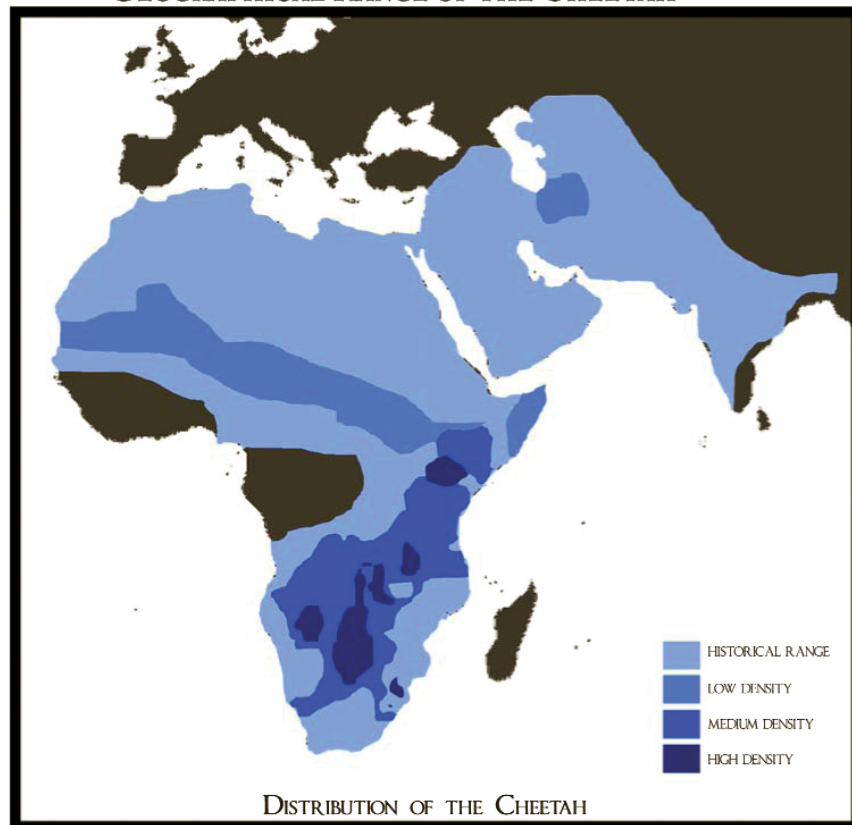
ProjectCHEETAH



Just as the tiger is the flagship species of the forest, the cheetah is the flagship species of the grasslands, scrublands and open forests. Therefore, with the reintroduction of the cheetah, these dryland ecosystems of India will have a chance to return to their natural state. Being a top carnivore, the cheetah is a major evolutionary force that shapes ecosystem functions and enhances species diversity.

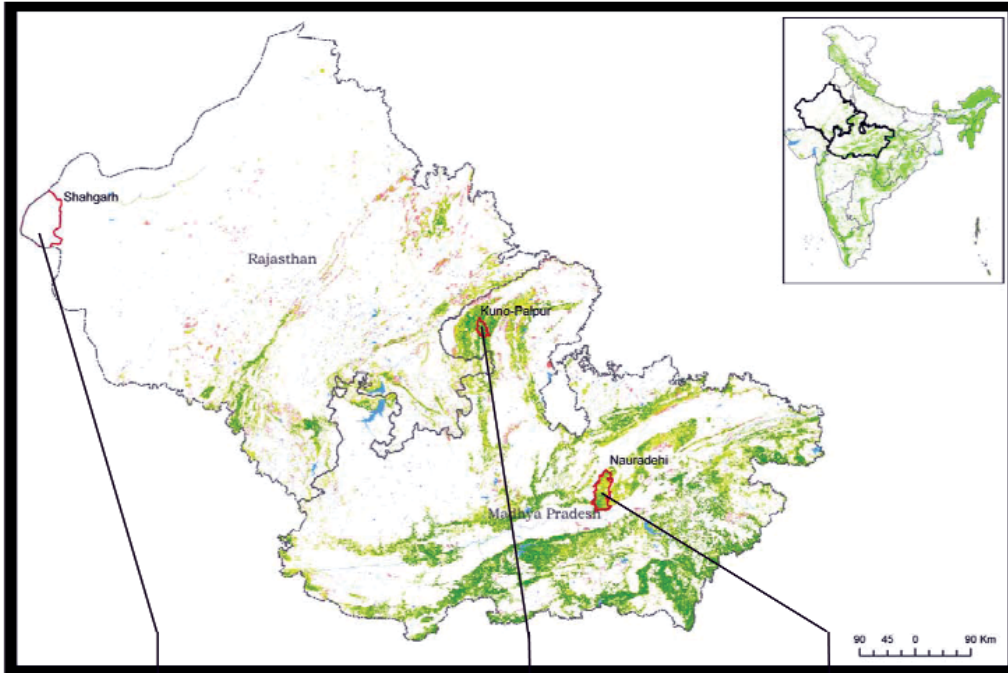
The cheetah is part of our heritage - It is the only large mammal that has been declared extinct in India in recent history. - It is extensively mentioned in Indian literature, with the word 'cheetah' itself originating from the Sanskrit word 'chitraka' which means 'speckled one'. - Indian rulers, especially the Mughals, kept cheetahs as pets and used them for hunting. Emperor Akbar, for example,

GEOGRAPHICAL RANGE OF THE CHEETAH



COVER PAINTING BY HARRINGTON BIRD, 1905, COURTESY OF DR. M. K. RANJITSINH

PROPOSED REINTRODUCTION SITES IN MADHYA PRADESH AND RAJASTHAN



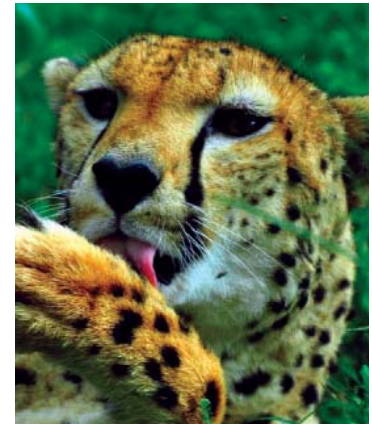
Since the Shahgarh Landscape is fenced along the border region, the addition of more fencing will ensure adequate protection for the cheetah population.

The Kuno-Palpur Wildlife Sanctuary in Madhya Pradesh has the potential to hold populations of the tiger, the leopard, the Asiatic lion as well as the cheetah, which are four of India's big cats.

The Nauradehi Wildlife Sanctuary (1197km²) is part of a much larger forested landscape (5500km²) which can host the cheetah.

With proper management, these three landscapes will be able to accommodate over one hundred individual cheetahs.

India was once home to the cheetah, but the last of them was killed in 1947 and the cheetah was declared extinct in India in 1952. It is the only large mammal which has become extinct in independent India



maintained a stable of over one thousand cheetahs.

Where could the cheetah be reintroduced?

Currently, wildlife experts have identified three regions which have the potential to support cheetah populations. The Nauradehi and Kuno-Palpur Wildlife Sanctuaries in Madhya Pradesh and the Shahgarh Landscape in Rajasthan have been declared potentially suitable for the reintroduction of the cheetah.

Will the cheetah be Prone to Poaching?

While the cheetah has a soft coat

of fur with a unique spotted pattern which makes it a target for some poachers, there is no demand for the cheetah's body parts like there is for the tiger's. Thus, unlike the tiger, the cheetah does not have a huge price on its head and poaching is much less of a threat.

Who Will be affected?

To prevent human - wildlife conflict and to ensure the ethical implementation of Project Cheetah, human settlements that may be affected will be given generous and adequate compensation for their role in this national initiative. 80 seasonally

used human settlements in the Shahgarh Landscape and 23 settlements in Nauradehi Wildlife Sanctuary may be relocated with the consent and cooperation of the inhabitants.

Currently, these local communities have no access to modern amenities such as medical access, transportation, markets, schools, and occasionally even to electricity. Dacoits threaten some areas, while in others conflict with wildlife threatens livelihoods. Aiding them in their endeavour to develop alternative livelihoods will contribute to the success of Project Cheetah, and will need to be an integral part of the project.

Excerpts from the JUDGMENT

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 2024 OF 2010
[Arising out of Special Leave Petition (Crl.) No.5599 of 2009]
Sansar Chand .. Appellant
-versus-
State of Rajasthan .. Respondent**

Until recently habitat loss was thought to be the largest threat to the future of tigers, leopards etc. However, it has now been established that illegal trade and commerce in skins and other body parts of tigers, leopards etc. has done even much greater decimation. Poaching of tigers for traditional Chinese medicine industry has been going on in India for several decades. Tigers and leopards are poached for their skins, bones and other constituent parts as these fetch high prices in countries such as China, where they are valued as symbols of power (aphrodisiacs) and ingredients of dubious traditional medicines. This illegal trade is organized and widespread and is in the hands of ruthless sophisticated operators, some of whom have top level patronage. The actual poachers are paid only a pittance, while huge profits are made by the leaders of the organized gangs who have international connection in foreign countries. Poaching of wild life is an organized international illegal activity which generates massive amount of money for the criminals.

Interpol says that trade in illegal wild life products is worth about US\$ 20 billion a year, and India is now a major source market for this trade. Most of the demand for wildlife products comes from outside the country. While at one time there were hundreds of thousands of tigers in India, today according to the survey made by the Wildlife Institute of India (an autonomous body under the Ministry of Environment and Forests), there were only 1411 tigers left in India in 2008. There are no reliable estimates of leopards as no proper census has been carried out, but the rough estimates show that the leopard too is a critically endangered species.

There is virtually no market for the skins or bones of tigers and leopards within India. The evidence available points out that tigers and leopards, poached in the Indian wilderness, are then smuggled across the border to meet the demand for their products in

neighbouring countries such as China. When dealing with tiger and leopard poachers and traders, it is therefore important to bear in mind that one is dealing with trans-national organized crime. The accused in these cases represents a link in a larger criminal network that stretches across borders. This network starts with a poacher who in most cases is a poor tribal and a skilled hunter. Poachers kill tigers and leopards so as to supply the orders placed by a trader in a larger city centre such as Delhi. These traders are very wealthy and influential men. Once the goods reach the trader, he then arranges for them to be smuggled across the border to his counterpart in another country and so on till it reaches the end consumer. It is impossible for such a network to sustain itself without large profits and intelligent management.

Under the Wildlife (Protection) Act, 1972, trading in tiger, leopard and other animal skins and parts is a serious offence. Apart from that, India is a signatory to both the UN Convention on International Trade in Endangered Species (CITES) and the UN Convention against Transnational Organized Crime (CTOC). However, despite these National and International laws

many species of wildlife e.g. tigers, leopards, bison etc. are under threat of extinction, mainly due to the poaching organized by international criminal traders and destruction of the habitats.

Sansar Chand, the appellant before us has a long history of such criminal activities, starting with a 1974 arrest for 680 skins including tigers, leopards and others. In the subsequent years the appellant and his gang has established a complex, interlinking smuggling network to satisfy the demand for tiger and leopard parts and skins outside India's borders, particularly to China. It is alleged that the appellant and his gang are accused in 57 wildlife cases between 1974 and 2005.

Sansar Chand the appellant herein has a long





Tiger skin costume at Litang Horse Festival, Aug 2005, Sichuan Province, China

history of involvement with wildlife crime. A brief account of the same is given below:

(i) In a seizure dated 11.09.1974 having criminal case No.20/3 Sansar was held guilty by the Court of Shri H.P. Sharma ACMM, Delhi on 1.8.1981 and sentenced on 3.8.1981 to rigorous imprisonment for one year and six months. This Court vide its judgment dated 13.5.1994 ordered the release of Sansar Chand on the ground that he was a juvenile on the date of the offence and his sentence be considered to have undergone.

(ii) In another seizure dated 20.11.1974 he was held guilty and sentenced to pay a fine of Rs. 20,000/-.

(iii) The third conviction of Sansar Chand was by the Special Railways Court vide its order dated 20.4.2004 which was pleased to award Sansar Chand rigorous imprisonment for 5 years. The said judgment has been subsequently affirmed by the

Sessions Court on 19.10.2006 and the High Court of Rajasthan vide its order dated 10.12.2008 against which Sansar Chand has preferred this special leave petition.

(iv) In addition to the above there are other cases pending against the appellant which provide details of his pending cases in various Courts and which were admitted by him in his statement under Section 313 Cr.P.C. and which are Ex. P-46 and P-47. These exhibits show the extent of involvement of Sansar Chand in wildlife crime.

(v) In order to highlight the extent of the organized nature of wildlife crimes being committed by the appellant, it is important to mention here that it is not just Sansar Chand, but other members of his family and associations who are also involved in the illegal trade in wildlife. It is alleged that the appellant's younger brother Narayan Chand is mentioned in FIR No. 82/2005, Kamla Market Police Station, New Delhi, involving the seizure of, inter alia, 2 tiger skins, 38 leopard skins and 1 snow leopard skin and has been named as an accused in the complaint filed under Section 55 of the Wild Life (Protection) Act, 1972 in this case. Narayan Chand is also an accused in Court Case No. 1145/2009 being tried before the Additional Chief Judicial Magistrate, Haldwani, arising from Preliminary Offence Report No. 13/Fatehpur/2008-2009, involving the seizure of 1 tiger skin and a tiger skeleton. Sansar Chand's wife Rani and son Akash are accused in the case arising from FIR No. 362/2004, Manak Chowk Police Station, Jaipur, involving the seizure of leopard paws and claws. CBI in the year 2005 invoked MCOCA against Sansar Chand and his family members and associates which case is pending trial in a Delhi Court.

The present case is only one of the cases in which the appellant has been accused. The facts of the case have been set out in detail in the judgment of the High Court and hence we are not repeating the same here. Briefly stated, on January 5, 2003 the police arrested one Balwan who was traveling in a train with a carton containing leopard's skin. During investigation the said Balwan on January 7, 2003 made a disclosure statement to the SHO, GRP Bhillwara that the two leopard skins were to be handed over to Sansar Chand at Sadar Bazar, Delhi. The appellant was charge sheeted and after trial he was convicted by the Additional Chief Judicial Magistrate (Railways), Ajmer, Rajasthan by his judgment dated 29.4.2004. The appellant filed an appeal which was dismissed by the Special Judge, SC/ST (Prevention of Atrocities) Cases, Ajmer vide his judgment dated 19.8.2006. Thereafter the appellant



SIRSHENDU MOOKHERJEE

filed a Revision Petition, which was dismissed by the Rajasthan High Court by the impugned judgment dated 10.12.2008. Hence, this appeal.

Thus, all the courts below have found the appellant guilty of the offences charged.

Learned counsel for the appellant submitted that the prosecution case is solely based on the extra judicial confession made by co-accused Balwan vide Ex.P-33. We do not agree. Apart from the extra judicial confession of Balwan there is a lot of other corroborative material on record which establishes the appellant's guilt.

It must be mentioned that persons like the appellant are the head of a gang of criminals who do illegal trade in wildlife. They themselves do not do poaching, but they hire persons to do the actual work of poaching. Thus a person like the appellant herein remains behind the scene, and for this reasons it is not always possible to get direct evidence against him.

In the courts below the prosecution filed a list of pending cases against Sansar Chand, in some of which he has been found guilty and punished. The appellant has been prosecuted by the Wildlife Department in various courts as mentioned in the letter of the Deputy Inspector General of Police, CBI, New Delhi to the Inspector General of Police, Jaipur dated October 20, 2004.

Ex.P-33 which contains the confession of the appellant, was written by PW-11 Arvind Kumar on the instructions given by the accused Balwan while in custody. Prior to Ex.P-33, Balwan has also disclosed the name of the appellant vide Ex.P-6 on January 6, 2003.

In our opinion, Ex.P-33 supported by the evidence of Arvind PW 11 and Ex.P-6 cannot be treated to be concocted documents which cannot be relied upon. As per the disclosure statement of Balwan the other co-accused persons were also arrested and articles used for killing and removing skins from the bodies of leopards were also recovered.

The accused Balwan was released on bail on 18.01.2003, and thereafter he sent the written confession Exh.P-33 on 23.01.2003 during judicial custody at Central Jail, Ajmer. In our opinion it cannot be held that the accused Balwan was under any pressure of the police. The said letter Ex.P-33 dictated by Balwan to Arvind Kumar was directly sent from the Central Jail, Ajmer to the Chief Judicial Magistrate's Court, Ajmer. We are of the opinion that the letter P-33 was not fabricated or procured by pressure. The accused Balwan has clearly stated in Exh.P-33 that he was paid Rs.5000/- and Rs.10000/- by the appellant. The appellant has several houses in Delhi, purchased in his name and in the name of his wife. It appears that these houses were purchased with the help of gains made out of his illegal

activities stated above.

Pw-11 Arvind Kumar has stated in his deposition before the Court that he wrote the letter Ex.P-33 at the instance of the accused Balwan. The thumb impression of the accused Balwan is on that letter.

At the instance of the appellant one Bhua Gameti was questioned who stated that the panther's skin had been taken by various persons e.g. Khima, Nawa, Kheta Ram, Mohan and Chuna, who were also arrested. At their pointing out the equipment used for hunting the leopard and poaching it were seized. Panther's nails were also recovered from accused Bhura and the guns, cartridges, and knives for removing the skins of panthers were recovered from the accused.

There is a large amount of oral and documentary evidence on record which has been discussed in great detail by the learned Magistrate and the learned Special Judge and hence we are not repeating the same here. Thus the appellant has rightly been held guilty beyond reasonable doubt.

As already stated above, in such cases it is not easy to get direct evidence, particularly against the leader of the gang (like the appellant herein).

The appellant, Sansar Chand has been doing this illegal trade for more than 30 years. He is habitual of doing this illegal business of trade in skins and parts of panthers and tigers. He has, as far back as in 1974, committed his first crime when he was barely 16 years of age and the conviction was upheld by the Supreme Court in Criminal Case No. 15 of 2001. A large number of cases are pending against him in Delhi, Uttar Pradesh and Rajasthan. Taking all these

materials into account there is no doubt that the appellant is guilty of the offence charged.

There is no absolute rule that an extra judicial confession can never be the basis of a conviction, although ordinarily an extra judicial confession should be corroborated by some other material vide *Thimma vs. The State of Mysore* - AIR 1971 SC 1871,

Mulk Raj vs. The State of U.P. - AIR 1959 SC 902, *Sivakumar vs. State by Inspector of Police* - AIR 206 SC 563 (para 41 & 42), *Shiva Karam Payaswami Tewar vs. State of Maharashtra* - AIR 2009 SC 1692, *Mohd. Azad vs. State of West Bengal* - AIR 2009 SC 1307. In the present case, the extra judicial confession by Balwan has been referred to in the judgments of the learned Magistrate and the Special Judge, and it has been corroborated by the other material on record. We are satisfied that the confession was voluntary and was not the result of inducement, threat or promise as contemplated by Section 24 of the Evidence Act.

The learned Magistrate and the Special Judge have discussed in great detail the prosecution evidence, oral as well as documentary and have found the appellant guilty. The High Court has affirmed that verdict and we see no reason to take a different view. The appeal, therefore, stands dismissed.

Before we part with this case, we would like to request the Central and State Governments and their agencies to make all efforts to preserve the wild life of the country and take stringent actions against those who are violating the provisions of the Wildlife (Protection) Act, as this is necessary for maintaining the ecological balance in our country.

EIA-WPSI

SIRSHENDU MOOKHERJEE



Tiger skin costume at Litang Horse Festival, Aug 2005, Sichuan Province, China

ASSAM SHOWS THE WAY

FIRE POWER TO ALL FOREST PERSONNEL TO PROTECT NATURAL HISTORY

The Government of Assam, being conscious of the vulnerability of Forest land and Forest based resources in forest area as well as wildlife in Protected and Reserved Forest areas of the state to mounting threats to their conservation, protection and existence have decided to arm forest personnel of the State with fire arms. The Government of Assam is aware that the use of fire arms in discharge of their mandated duty and responsibility, may expose forest personnel to vexatious criminal proceedings and that there is need to provide them immunity from prosecution without prior sanction.

Now, therefore, in exercise of the power and conferred by sub-section (3) of section 197 of the Code of Criminal Procedure, 1973 (2 of 1974) and all other powers enabling him in that behalf, the Governor of Assam is hereby pleased to direct that:-

(a) The provisions, as envisaged in sub-section (2) of Section 197 of said Code shall apply to all forest officers including Game Watchers, Forest Guards,

Foresters, Forest Rangers, Assistant Conservator of Forests, Deputy Conservators of Forest, Divisional Forest Officers, Conservators of Forests, Chief Conservators of Forests, Principal Chief Conservator of Forests, Members and Supervisory Officers of Assam Forest Protection Force in the State of Assam and who are charged with maintenance of public order relating to forest and wildlife protection, conservation and management.

(b) Wherever firing is resorted to by any personnel mentioned in Clause (a) above, each such incident shall be enquired into by an Executive Magistrate of the locality, and any proceeding including institution of a criminal case of any nature or effecting an arrest can be initiated by the Police, only if, it is held, as a result of the Magisterial Enquiry that use of firearms has been unnecessary, unwarranted and excessive and such report has been examined and accepted by the Government. It extends to the whole of Assam. and it shall come into force at once.



Minister Jairam Ramesh Congratulates Tiger Range Countries for finalising a Global Program to recover wild tigers.

Minister Jairam Ramesh has congratulated TRCs for finalizing an ambitious Global program for restoring wild tiger populations to levels achieved in the late 90s. The Global Tiger Recovery program (GTRP) is to be adopted by Heads of Government who are to meet at a first of its kind Tiger Summit in St Petersburg Russia in November. The Summit is to be hosted by Prime Minister Putin and joined by World Bank President Mr Zoellick.

The two day workshop which the Minister inaugurated earlier, was organized by the Ministry of Environment and Forests through the NTCA and co-hosted by the Global Tiger Initiative of the World Bank and its partners.

The GTRP has emerged from a year long consultation process in which TRCs have taken the lead in learning from each other about best practices and for defining priority actions to be taken to deal with the crisis of extinction facing the Tiger. The decades long experience of India and its experts gained through Project Tiger has been a valuable input into the GTRP. Early actions to implement policy and insitutional actions have begun in TRCs.

Minister Jairam said: " I welcome the consultative knowledge based process undertaken by GTI through Mr Zoellick's initiative which has brought all TRCs on the same

platform. I look forward to present the finalized GTRP at the upcoming Summit on behalf of TRCs. India is happy to share its expertise and work with the Bank on further enhancing the capacity of Indian wildlife institutions working with global leaders on this agenda.

Referring to the poorly understood value of tiger landscapes, Minister Ramesh said: " I would urge our economists and conservationsists to come together and help develop a better understanding by all of us, including policy makers in other sectors, of the enormous value provided by the tiger landscapes."

According to GTI, the GTRP has a high probability of success because all 13 TRCs are working in concert, with a high level of political commitment to implement a comprehensive program which will be supported and closely monitored by the global community.

Mr Keshav Varma, Program Director of GTI said: " Some 40 years ago India made a huge commitment to wild tiger conservation through the launch of Project Tiger and through this workshop, which led to the finalization of the GTRP, India is now setting the stage for a global recovery of wild tigers and protection of the economic and bio diversity values of these habitats."

MEASURES TO TACKLE HUMAN-TIGER CONFLICT

There have been several instances of human-tiger conflict during the recent past. This has become almost a recurring feature at some places since the last two years, on account of tigers straying out from source areas to other landscapes having varied land uses. In this context, the following urgent measures are suggested:

(1) Identifying the "crisis spots"/"district" in the State.

(2) Putting in place at least 3 "Rapid Response Units" in such spots to readily address the problem for capturing the animal to avoid lethal encounters.

The "Rapid Response Team" suggested above needs to be equipped with the following:

(i) A field van/mini-truck with built in rails for accommodating a trap cage, with space for equipments, attendants and staff.

(ii) A tranquilization kit with drugs for chemical immobilization.

(iii) 2 mobile phones for continued communication with the authorities.

(iv) 4 wireless handsets.

(v) 2 GPS sets.

(vi) 1 long ranging night vision for seeing objects in the dark.

(vii) A digital camera.

(viii) 4 trap cages (2 for tiger and 2 for leopard).

(ix) 1 mini-tractor for transporting the cage in rugged terrain.

(x) 2 search lights.

(xi) 2 radio collars with receiver and antenna.

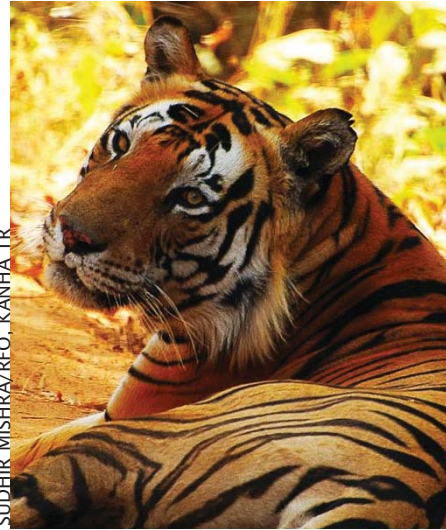
(xii) 2 portable tents

(xiii) 2 folding chairs with table.

(xiv) Hand audio system.

(xv) Rope and net.

In all instances of wild carnivores like tiger/leopard straying into a human dominated landscape, the district authorities need to ensure law and order by imposing Section 144 of the Cr.PC. This is essential to avoid agitated/excited local people



SUDHIR MISHRA/REO, KANHA TR

surrounding the animal spot which hampers capture operation, leading to serious injuries on people and staff. Further, the local people should be inadequately alerted by district authorities for avoiding the area being traversed by the straying carnivore. The rapid rescue team is required to ensure unobtrusive close monitoring of the animal with least disturbance, for tracking its movement. In addition, at places which are not waterlogged, camera traps should be set up (fixed to a post or a tree) for establishing the identity

of the animal. The rapid rescue team also requires due capacity building and 'hands on' field training involving the WII. Since it may not be always possible for experts from the WII to provide assistance, it is also advised that some outside experts may be involved in the ongoing monitoring.

It is requested that a proposal pertaining to above may kindly be sent to this Authority for needful assistance from this end.

COMPENSATION FOR LOSS

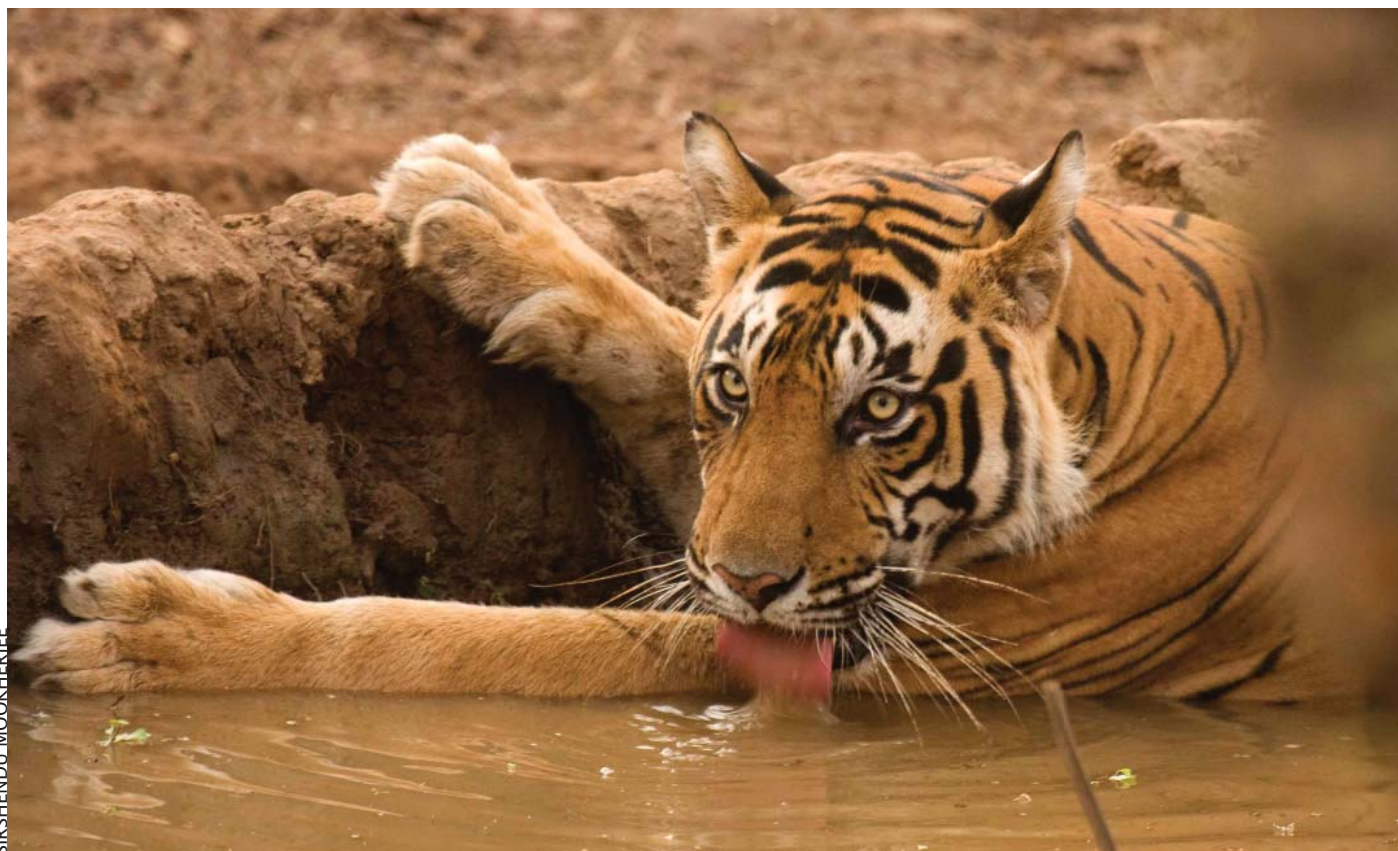
The Government of India has decided to request the State Governments of increasing the amount of ex-gratia payment in cases of death or permanent incapacitation of any person by a wild animal from Rs. 20,000 to Rs. 1,00,000. The State Governments may authorize local officers to pay atleast 25% of this amount as interim relief to the family of the deceased incapacitated person after due verification in anticipation of formal sanction. The balance amount could be released after completing the formalities prescribed by the State Government. The compensation in grievous injuries would continue to be 1/3rd of the amount fixed for cases of death/permanent incapacitation.

It is also clarified that reimbursement of the amount of compensation by this Ministry under various schemes of wildlife conservation would be made on the enhanced rates only, subject to availability of funds, in respect of incidents that occur after the issue of this circular.

Genetic Assessment of the Status of Tigers in Buxa tiger reserve, West Bengal

With dwindling global population, estimation of the minimum number of tigers has always been curiosity to wildlife researchers as well as to protected area managers. In this study, we have used DNA-based techniques for identification of tiger individuals from their fecal (scat) samples to count the minimum number of tiger present in Buxa Tiger Reserve (BTR), West Bengal, India. This work was undertaken upon the request and financial support from BTR Authority. Scat samples collected by BTR authority were handed over to Wildlife Genetics Laboratory of Aaranyak situated at Guwahati, Assam, India. We have used genetic markers developed by other Researchers to identify tiger scats from other sympatric carnivores such as leopard. We have used a set of highly polymorphic microsatellite markers to

identify tiger individuals and sex chromosome linked markers to identify gender of the tiger scat samples. We have maintained stringent laboratory conditions for assessing and minimizing error associated with genetic identification of individuals. We hereby confirm the presence of 15 individual tigers, including 3 male and 9 female tigers. For three individuals, we could not determine the gender identity following the methodology described in this study. Our study shows that DNA-based techniques of identification of individual tigers may be considered as a practical and low cost option for population estimation and long term monitoring of this species in the protected areas of India.
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SIRSHENDU MOOKHERJEE



भारत का राजपत्र

The Gazette of India

असाधारण

EXTRAORDINARY

भाग III—खण्ड 4

PART III—Section 4

प्राधिकार से प्रकाशित

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राष्ट्रीय व्याघ्र संरक्षण प्राधिकरण

अधिसूचना

नई दिल्ली, 15 सितम्बर, 2010

फा. सं. 15-25/2009-एनटीसीए. केन्द्रीय सरकार, वन्य जीव (संरक्षण) अधिनियम, 1972 (1972 का 53) की धारा 38ठ की उप-धारा (1) और उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राष्ट्रीय व्याघ्र संरक्षण प्राधिकरण में निम्नलिखित व्यक्तियों को सदस्यों के रूप में, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से और 3 सितम्बर, 2012 की समाप्ति तक की अवधि के लिए नियुक्त करती है तथा उक्त प्रयोजन के लिए, भारत सरकार के पर्यावरण और वन मंत्रालय की अधिसूचना सं. का.आ. 1403(अ) तारीख 4 सितम्बर, 2006 में, निम्नलिखित और संशोधन करती है, अर्थात् :-

उक्त अधिसूचना में,—

(i) क्रम संख्यांक 4 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्यांक और उससे संबंधित प्रविष्टियां रखी जाएंगी, अर्थात् :-

“4. डॉ. ज्योति मिर्धा, —सदस्य”;
संसद् सदस्य (लोक सभा)

(ii) क्रम संख्यांक 5 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्यांक और उससे संबंधित प्रविष्टियां रखी जाएंगी, अर्थात् :-

“5. प्रो. सैफुद्दीन सोज, —सदस्य”;
संसद् सदस्य (राज्य सभा)

डॉ. राजेश गोपाल, अपर प्रधान मुख्य वनपाल
(व्याघ्र, परियोजना) और सदस्य-सचिव
[विज्ञापन III/4/187 एन/10-असा.]

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टिप्पण—राष्ट्रीय व्याघ्र संरक्षण प्राधिकरण गठित करने वाली मूल अधिसूचना भारत के राजपत्र, असाधारण, संख्यांक का.आ. 1403(अ), तारीख 4 सितम्बर, 2006 द्वारा प्रकाशित की गई थी और पश्चात्त्वती संशोधन संख्यांक का.आ. 1889(अ), तारीख 2 नवम्बर, 2006 और का.आ. 981(अ), तारीख 15 जून, 2007 द्वारा तथा सं. 15-25/2009-एनटीसीए, तारीख 4 सितम्बर, 2009 (भारत के राजपत्र, असाधारण, भाग III, खंड 4 में प्रकाशित) द्वारा किए गए।

NATIONAL TIGER CONSERVATION AUTHORITY NOTIFICATION

New Delhi, the 15th September, 2010

F. No. 15-25/2009-NTCA.—In exercise of the powers conferred by sub-sections (1) and (2) of Section 38L of the Wildlife (Protection) Act, 1972 (53 of 1972), the Central Government hereby appoints the following persons as Members in the National Tiger Conservation Authority with effect from the date of publication of this notification in the Official Gazette and ending on the 3rd September, 2012 and for that purpose makes the following further amendments in the notification of the Government of India in the Ministry of Environment and Forests number S.O. 1403(E), dated the 4th September, 2006, namely :—

In the said notification,—

(i) for serial number 4 and the entries relating thereto, the following serial number and entries relating thereto shall be substituted, namely :—

“4. Dr. Jyoti Mirdha —Member”;
Member of Parliament
(Lok Sabha)

2

THE GAZETTE OF INDIA : EXTRAORDINARY

[PART III— SEC. 4]

(ii) for serial number 5 and the entries relating thereto, the following serial number and entries relating thereto shall be substituted, namely :—

“5. Prof. Saif-ud-Din Soz —Member”;
Member of Parliament
(Rajya Sabha)

Dr. RAJESH GOPAL, Addl. Chief Prl.
Chief Conservator of Forests
(Project Tiger) and Member-Secy.
[ADVT III/4/187-N/10-Exty.]

Note.—The principal notification constituting the National Tiger Conservation Authority was published in the Gazette of India, Extraordinary, *vide* notification number S.O. 1403(E), the 4th September, 2006 and subsequently was amended *vide* numbers S.O. 1889(E), dated the 2nd November, 2006, S.O. 981 (E), dated the 15th June, 2007 and number 15-25/2009-NTCA, dated the 4th September, 2009 (published in the Gazette of India, Extraordinary, Part III, Section 4).

Dr Jyoti Mirdha (Member of Parliament, Lok Sabha) and Prof. Saif-ud-Din Soz (Member of Parliament, Rajya Sabha) are appointed as members in the National Tiger Conservation Authority

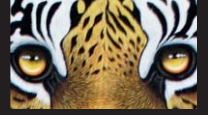
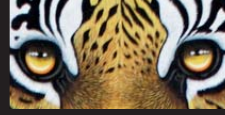
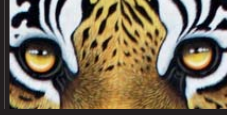
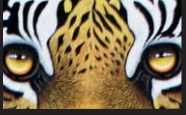
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