



Directorate of Forest Education
Ministry of Environment & Forests
Government of India



JAPAN INTERNATIONAL COOPERATION AGENCY



CENTRAL ACADEMY FOR STATE FOREST SERVICE
DEHRADUN

Prepared under the Project for
Capacity Building of State Forest Training Institutions and CASFOS

Project Implemented by

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COURSE GUIDE

Training-cum-Workshop for In- Service SFS Officers on
"Legal Issues in Forestry & Wildlife" (LIFE)

27 August-1 September, 2012



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Established in 1981, Central Academy for State Forest Service (CASFOS), Dehradun is a premier Institute under the aegis of Directorate of Forest Education, Ministry of Environment and Forests, Government of India, with a mandate of imparting forestry training.

Developed by
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Introduction

The ever-increasing population is bringing pressure on space and resources of mega cities. The smaller towns have also started feeling the heat. The forests, its resources and wildlife are no exception to this phenomenon. Often, violation of various provisions of Acts, Rules and Regulations governing forests, protected areas, wildlife, etc., are seen and they are showing an increasing trend. Apart from prevention and early detection of various forest & wildlife offences it is also imperative to achieve the maximum penalty on the offenders. Ultimately, effective prosecution of offences in present & in past, is the biggest deterrent for future offenders. This scenario is throwing open a challenge before the personnel manning the Forests and Wildlife to upgrade and update their legal knowledge and acumen. These aspects including knowledge, skills and right interpretation of extant Acts, Rules and Procedures have been kept in view while preparing this Course.

Aim

- To provide awareness in participants about Acts, Rules, Notifications and Court Orders governing Forests and Wildlife.
- To enhance interpretation skills to enable them to follow the right legal procedures.

Designed for

Forest Officers as 'regulation' is one of their basic function (irrespective of their place of posting).

Facilitators

Both, in-house and guest faculty, who have specialization and experience in the topics concerned.

Course Style

- Six-day workshop
- Trainee-centered
- Experience-sharing and problem-solving
- Emphasis on application flawlessly
- Peer-learning
- Supported/ Supplemented by – Training Kit (Compendiums & CD)
- Case Studies & Case Laws

Objectives

1. Indian Forest Act (IFA), 1927

At the end of the Session, participants will be able to –

- Describe the Penal Provisions under IFA, 1927 related to RF & PF
- State the measures for prevention of Forest Offences
- List the powers of Forest Officers under IFA, 1927
- Describe the provisions relating to 'compounding'
- State the importance of Rules framed under IFA, 1927.
- Carry out a comparative analysis of IFA, 1927 and State Forest Acts.

2. Indian Penal Code (IPC), 1860 & Code of Criminal Procedure (CrPC), 1973

At the end of the Session, participants will be able to –

- Describe the 'Legal Principles' of punishment
- Explain the 'power of arrest'
- Describe the steps involved in holding of inquiry
- List & describe the Sections of IPC as applicable to Forest Laws
- List & describe the Sections of CrPC as applicable to Forest Laws

3. Forest Rights Act, 2006

At the end of the Session, participants will be able to –

- Describe the relevant Sections of the Forest Rights Act, 2006
- Explain the procedures laid down in Forest Rights Act, 2006
- State the current status of the Forest Rights Act, 2006
- State the difficulties encountered in implementation of the Forest Rights Act, 2006

4. Environment (Protection) Act, 1986

At the end of the Session, participants will be able to –

- State the relevant Sections of the EP Act, 1986
- Explain the scope of EP Act, 1986
- Describe the role of 'Authorized officers' under EP Act, 1986
- Describe the relevant subordinate legislations
- List the latest notifications pertaining to EP Act, 1986

5. Environmental Impact Assessment (EIA)

At the end of the Session, participants will be able to –

- Describe the legal provisions pertaining to EIA
- Describe the components of EIA
- State the process of EIA

6. Indian Evidence Act, 1872, Right of private defense & use of firearms

At the end of the Session, participants will be able to –

- Describe the procedure of 'receiving', 'recording' and 'producing' Evidence
- State the legal provisions relating to the 'Use of Firearms'
- Explain the provisions pertaining to 'Right to private defense to Public Servants'

7. Biological Diversity Act, 2002

At the end of the Session, participants will be able to –

- State the relevant provisions of Biological Diversity Act, 2002
- Describe the structure, composition and functions of 'authorities' notified under the Biological Diversity Act, 2002
- Explain the 'mode of operation'
- Explain the 'implementation status'

8. Wildlife (Protection) Act (WPA), 1972

At the end of the Session, participants will be able to –

- Explain the relevant Section of WPA
- List the penal provisions of WPA
- Identify the latest amendments to WPA

9. Wildlife Forensics & WPA case property

At the end of the Session, participants will be able to –

- Describe the procedure of 'specimen identification' as per 'Wildlife Forensics' Practices
- Explain the latest advances in 'Wildlife Forensics'
- Explain the provisions pertaining to 'Case property' as per WPA

10. Investigation procedure in Wildlife cases

At the end of the Session, participants will be able to –

- Describe the investigation procedure in WL Cases
- State the relevant Sections of IPC and CrPC with reference to WPA
- Outline the steps involved in 'recording of evidence'

11. Trial of Wildlife cases

At the end of the Session, participants will be able to –

- Describe the 'trial procedure' in WL cases before the judicial courts
- Point out the flaws/discrepancies in Wildlife Crime Litigation

12. Forest (Conservation) Act, 1980

At the end of the Session, participants will be able to –

- Describe the scope of FCA, 1980 in the light of latest cases
- Explain the orders of Hon'ble Supreme Court in "Godavarman case vis-a-vis FCA"
- Differentiate FCA vis-a-vis FRA, 2006
- Describe the procedure for violations of FCA & penalties thereof

13. National Green Tribunal Act, 2010

At the end of the Session, participants will be able to –

- State the provisions of ‘Green Tribunal Act’
- Provide the ‘current status’
- Describe the mode of the functioning of the ‘Green Tribunal Act’

14. Judicial Activism

At the end of the Session, participants will be able to –

- Differentiate the PILs related to Forests and Wildlife
- Explain the orders of Hon’ble Supreme Court in ‘Godavarman case’
- List Case Laws to substantiate the ‘judicial activism’.

15. Right to Information Act (RTI Act), 2005

At the end of the Session, participants will be able to –

- State the relevant provisions of the RTI Act
- Explain the procedure under the RTI Act
- Explain the penal provisions of RTI Act
- List the ‘Barred information’ under the RTI Act

16. Search, Seizure & Confiscation

At the end of the Session, participants will be able to –

- State the legal procedures pertaining to ‘search’
- Describe the procedure of ‘seizure’
- State the function of ‘Authorized Officer’ in terms of the Confiscation Procedure
- Describe the procedure of disposal of forest produce, tools, equipments, etc.
- State the ‘Transit Rules’

Assessment

The priority during the Course is to help participants to develop awareness about the legal and related provisions pertaining to -

- Indian Forest Act (IFA), 1927;
- Relevant provision of Indian Penal Code (IPC), Code of Criminal Procedure (CrPC);
- Indian Evidence Act;
- Forest (Conservation) Act, 1980;
- Forest Rights Act, 2006;
- Environment (Protection) Act, 1986
- Environmental Impact Assessment processes;
- Wildlife (Protection) Act, 1972;
- Biological Diversity Act, 2002;
- National Green Tribunal Act, 2010;
- Right to Information Act, 2005; and
- Judicial Activism

Accordingly, the assessment will be with formal & informal feedback from the participants.



Timetable

Given below is an indication of how the various learning activities are scheduled into six days of the Course.

Day	Session-I 0915-1105 hrs.	Session-II 1120-1310 hrs.	Session-III 1430-1600 hrs.	Participants Session 1620-1730hrs.
Monday (I)	Registration, Inauguration, Expectations	IFA, 1927 & Rules: Case studies & Interpretations 1	IPC & CrPC as applicable to Forest Laws 2	IFA, IPC & CrPC Q & A
Tuesday (II)	Forest Rights Act, 2006 : Ground realities 3	E.P. Act, 1986 & Subordinate Legislations 4	EIA: processes & case studies 5	EPA & EIA : Q & A
Wednesday (III)	Evidence Act: Legal position of use of fire arms, Right to private defence 6	Biological Diversity Act 2002 7	W. P. Act, 1972: Case studies & Interpretations 8	WPA: Q & A
Thursday (IV)	Wildlife Forensics & WPA case property 9	Investigation procedure in WPA cases 10	Trial procedure & Case studies on wildlife crime litigation 11	Field Visit to WL Forensic lab at WII
Friday (V)	FC Act 1980: Latest case studies & Interpretations 12	Green Tribunal Act: Provisions & recent judgements 13	Judicial Activism in Forest & Wildlife cases 14	RTI Act, 2005 15
Saturday (VI)	Search, Seizure & Confiscation procedure 16	Valedictory & Feedback	Field Visit to Mussoorie	

Yoga Session 0600 hrs to 0700 hrs

Sports time 1730 hrs to 1830 hrs

Time Distribution

Registration, Inauguration & Expectations	: 1hr 50mins
Valedictory & Feedback	: 1hr 50mins
Input Sessions	: 15 sessions of 1hr 50mins each & 1 session of 1hr 10mins (Total: 28hrs 40 mins)
Participants Sessions	: 3 sessions of 1hr 10 mins each (Total: 3hrs)
Field visit to WII	: 1 hr 30 mins
Field visit to Mussoorie	: Half Day
Yoga Session	: 5 sessions of 1hr each (Total: 5hrs)
Sports time	: 5 sessions of 1hr each (Total: 5hrs)

