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India's Assam state moves to fast track trials for wildlife crime

by Moushumi Basu on 4 July 2017

- *Poachers in Assam state target endangered and vulnerable species including rhinos, tigers and leopards.*
- *Even when poachers are caught, authorities have often struggled to secure convictions.*
- *Assam is working to reverse this trend with the establishment of fast-track courts for wildlife crime, as well as training programs for police and forest officials.*
- *Six convictions have been secured in wildlife cases this year, compared to just one in all of 2016.*

India's northeastern state of Assam is taking steps to rein in wildlife crimes by speeding up prosecution and conviction of poachers. Thanks to new fast-track courts set up especially for trying wildlife offenses, six convictions have already been made in five separate cases so far this year.

Out of 17 wildlife crime-related arrests in the state so far this year, 11 cases have been prosecuted, according to official figures. Six convictions have already been secured in 2017 — three relating to rhino poaching in Kaziranga National Park and the rest pertaining to illegal entry and habitat destruction near Nameri Tiger Reserve.

By contrast, official figures show just one conviction for wildlife crime in Assam in all of 2016, five in 2015, two in 2014, four in 2013, none in 2012 and two in 2011. From 2000 to 2010, there was a combined total of just three convictions.

The acceleration of prosecutions follows a Nov. 28, 2016 order by Assam State's Gauhati High Court to set up ten fast-track courts specializing in wildlife crimes in the districts where most of the state's parks and wildlife sanctuaries are located.



A Bengal tiger, pictured here in India's Ranthambore National Park. Photo by Rhett A. Butler/Mongabay.

Holding poachers accountable

The most recent conviction was handed down on June 2, when a court in Sonitpur sentenced Budhram Soren to six months of rigorous imprisonment and a 12,000 rupee (\$185) fine. He was charged with trespassing and damage and destruction of trees in Sonai Rupai Wildlife Sanctuary, recently declared a satellite area of Nameri National Park.

Two other offenders were convicted in March by the same court for similar crimes. In each of these cases, the court made the rare decision to reward forest personnel for capturing offenders by awarding them bonuses out of the fines paid by the convicts.

In another recent case, a fast-track court in Golaghat on May 25 put poacher Sukhdeo Kutumb behind bars for seven years, and imposed a 25,000-rupee fine, for involvement in two 2013 rhino killings in Kaziranga.

At the time of the incident, Kutumb managed to escape after an encounter with forest personnel. He remained in hiding for almost three years, until he was captured by the forest service in September 2016. Once arrested, Kutumb confessed to cutting away

rhino horns and selling them at Dimapur, a clandestine trade hub for rhino horns and other wildlife products in the neighboring state of Nagaland.

“Earlier, such trials took more than four to five years to be decided, which eventually weakened the case. The poachers, taking advantage of such inordinate delays, often escaped to other places and tracing them would become further time consuming,” Kaziranga National Park Field Director Satyendra Singh told Mongabay.



A greater one-horned rhino (*Rhinoceros unicornis*) in Kaziranga National Park. Photo by Metaphysical Music via [Flickr](#).

A string of high-profile arrests

The surge in prosecutions has been matched by an increase in the number of arrests for wildlife crimes in the state. According to the chief wildlife warden, Bikash Brahma, 207 people were arrested from May 2016 to May 2017. These cases, he said, are in various stages of investigations or are currently facing trial in the fast-track courts. This is among the highest rates during the last five years, Brahma added.

On May 16, four people — including a government employee from the neighboring state of Arunachal Pradesh — were arrested in possession of leopard bones and skin from Assam’s Sonitpur district.

That followed a surprise raid conducted on March 25, in which the Assam unit of the Directorate of Revenue Intelligence recovered a tiger skin more than 10 feet long as well as more than 200 tiger bones at the Banderdewa checkpoint on the vulnerable Assam – Arunachal Pradesh border. One person was arrested, while two other fled.

The bulk of arrests, however, continue to be related to rhino poaching. The latest of these came on June 9, when five suspected poachers were arrested from the Mayong area in Kamrup district. They were allegedly planning to kill a rhino in nearby Pobitora Wildlife Sanctuary.

On April 29, the Assam police nabbed a gang of six alleged poachers and wildlife traders, recovering a rhino horn from the Nagaon district. Two more poaching suspects, including a student, were apprehended on March 24, by the Anti Rhino Poaching Task Force from the Kamargaon area in Golaghat district, while they were heading towards Kaziranga. A .303 rifle, ammunition, a silencer and a motorbike were seized from them. The task force, operational since May 2014, is a joint initiative of the forest and police departments.



Nameri National Park in the Sonitpur District of Assam is home to numerous species including elephants, tigers, leopards and sambar. Photo by Giridhar Appaji Nag Y via [Flickr](#).

However, upping arrests and fast-tracking prosecution is not enough, on its own, to secure more convictions for poachers, said Rahul Dutta, a consultant on wildlife trade and crime for the International Rhino Foundation. Investigators need to be properly trained to investigate such crimes, he explained.

When it comes to wildlife crimes, Indian law stipulates that courts cannot act on ordinary charge sheets or First Information Reports (FIR) filed by the police. Instead, the Wildlife Protection Act requires that petitions of complaint be filed before a magistrate

by designated authorities of the forest or police departments, or other specially designated persons. "However, due to lack of clarity in this understanding, countless such cases filed through charge sheets or FIRs are either pending in the court or has not moved beyond the investigation stage," said Dutta.

To make matters worse, when charges are (incorrectly) brought by the police, offenders may be accused under "inappropriate" statutes, Dutta said. For example, wildlife traffickers may be charged under laws concerning the theft or killing of domesticated livestock. Such cases fail to stand in the courts thus get quashed, enabling the poacher to go scot-free, he said.

If offense reports are not prepared correctly, even fast-track courts can't expedite cases, Dutta added.



A greater one-horned rhino in Assam State's Kaziranga National Park. Photo by Udayan Dasgupta for Mongabay.

In an effort improve conviction rates, the forest department is conducting training programs in investigation methods for both forest and police staff, said Brahma, the wildlife warden. These include instruction on forensic techniques such as the recovery and seizure of evidence and proper recording of statements from the accused and from witnesses. The aim, he said, is to allow investigators to present evidence that meets legal standards and can help bring cases to a solid conclusion. The latest of these exercises was organized in Kaziranga on June 3.

The state is also stepping up its anti-poaching efforts with the procurement of sophisticated weapons as INSAS rifles, Self Loading Rifles, Ghatak Rifles (the Indian

equivalent of AK 47) and 9 mm pistols for the soon-to-be-launched 112-member Special Rhino Protection Force in the state, said Brahma.

"All such initiatives put together are certainly clamping down on wildlife crimes in the state," said Deba Kumar Dutta, a member of IUCN's Asian Rhino Specialist Group and senior project officer at WWF India. Such efforts are also helping the authorities combat major crimes in the region in general, since poachers are often linked with extremist groups or criminals involved in drug and human trafficking, he said.