

TRAINING OF TRAINERS



WORKSHOP REPORT

BY

TIGER TRUST



FINAL REPORT
ON
“TRAINING OF TRAINERS”

Under capacity program for frontline Forest staff

in collaboration with

Forest Department Rajasthan

Government of Rajasthan

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INTRODUCTION

Hunting and trading in wildlife is banned under Wildlife Protection Act (1972), Under it, wildlife is categorized under various schedules. Tigers, Rhinos, Elephant, Leopard etc are among those in Schedule I, i.e. they are endangered and stringently protected. However as far as conviction is concerned for wildlife crime take long time. In the entire history of tiger conservation, there have not been many convictions. For example the legendary Sansar Chand, known as the 'Veerappan of the North', who was sentenced in 1982 for only 10 months also. He was released after six months on the ground that he was only 16 when he was caught. He was arrested subsequently in connection with different cases, but at present in juvenile jail.

Ironically, there have been thousands of seizures and a slew of cases filed all over the country. But conviction is rare in wildlife crime cases. A conviction rate close to 0% in tiger poaching is particularly shocking, considering the steadily falling tiger population.

Tiger Trust, an organization established in the year 1989, was founded by Kailash Shankala working for the conservation of Indian wildlife since last twenty years. One of the major conservation initiatives of Tiger Trust is to do capacity building workshops for the forest officials. Tiger Trust is working with Rajasthan Forest Department since last three years and did several capacity building workshop for the frontline forest officials, as after doing several brainstorming sessions with forest staff Tiger Trust has launched the Training of Trainers program in the state.

Tiger Trust has conducted three consecutive capacity building programs during 2008-2009 under the Training of Trainers program (TOT). The workshops were conducted in collaboration with Rajasthan Forest Department. During each workshop two day interaction sessions were organized on wildlife crime detection, prevention and prosecution. The workshops were conducted at following venues;

- a. Sariska Tiger Reserve, Alwar; 22-23rd September, 2008.
- b. Ranthambore Tiger Reserve, Swai Madhopur; 14-15th February, 2009.
- c. Forest Training Institute, Jaipur; 25-26 April, 2009.

The selection of trainees was among the staff that was trained by respective DFO and resource team of Tiger Trust. Copies of the programs are appended at the end of this report.

The workshop provided an opportunity to enforcement officers (range officers, foresters & assistant conservator of forest) to find the answer of their queries related to wildlife crime prosecution. Under the workshop existing techniques and procedure of wildlife crime prosecution were analyzed and suggestions were given to improve the wildlife crime conviction rate. However the entire support for the workshop was provided by the Rajasthan Forest Department, Government of Rajasthan.

Theme of workshop; During the workshop following points were discussed in details and appropriate guidance was given by the experts to the enforcement staff;

1. Field training for preparation of facts of the case by making spot investigation and detection of crime on information
2. Preparation of complaint, list of witnesses, recording of statements and necessary forms to be treated as a final complaint
3. Trial final argument and short comings to be detected in the preparation and procedures, along with detailed interactive session with judicial member and resource person.

The programme brought together following speakers with complementary expertise:

Mr. Anil Verma, is Additional District Judge in Madhya Pradesh, he was involve in earlier training programs held in Bandhavgarh Tiger Reserve under Tiger Trust. He gave judgment in many wildlife crime cases related to different scheduled species. His keen interest in wildlife has made him to attend the final training program at Forest Training Institute, Jaipur from 25-26th April 2009.

Mr. P. S. Somshekhar, CCF, Wildlife, Rajasthan Forest Department, he was also part of Sariska Tiger relocation project. He is experienced in wildlife crime control and also has enough experience in Protected Area management.

Anjana Gosain, Honorary Secretary, Tiger Trust, is a practicing advocate in Supreme Court and High Court with specialization in environmental law. She has authored compilation of cases under Wildlife Protection Act (1972) and ready reckoner for steps for successful prosecution of wildlife criminals. She is the main backbone in planning the modules which

are largely designed on practical aspects of prosecution and emphasis on acts related to wildlife crimes. She has a standing of more than 31 yrs of practice.

Mr. Manjit Ahluwalia has exclusive background of criminal trials particularly cases under Wildlife Protection Act (1972) in the court of Chief Judicial Magistrate. He has been involved in active prosecution cases in Bandhavgarh and Kanha National Park and imparting training at Indira Gandhi Forest Academy, Dehradun. He is responsible for organizing mock courts, detailed court procedure for recording evidence to depose as a witness and also in teaching the ancillary acts in wildlife has helped the forest officials to make wildlife crime cases more strong.

Mr. Rohit Singh, Project Coordinator, Tiger Trust; He is working for wildlife crime control since last four years. He worked with several NGOs and GOs for wildlife enforcement training. He attended several National and International conferences in India as well as abroad. He was awarded by University of Cambridge for his work on Black Bear Gall bladder trade.



FIELD TRAINING

The field training sessions on various Acts relating to wildlife crimes i.e. Wildlife Protection Act, 1972, Criminal Procedure Code, Indian Evidence Act and other ancillary Acts, practical field training program were conducted. Under this program forest officials were taught about the investigation and preparation of the documents on the spot. Following schedule was followed under this programme:

- a) Mock Information of discovery of skin/bones in the park.
- b) Two different jeeps having four rangers each would go on the spot and they would be asked to prepare the seizure memo, and site plan.
- c) Mock information with regard to movement of suspicious persons by the patrolling party and the same team rushes to the spot and questions those persons, out of which one is detained and the other absconds.
- d) The person under detention on questioning discloses the offence relating to the discovery of skin and points out the area where the weapon was hidden.
- e) The accused accompanies the party and on the basis of statement, the weapon is discovered and trainees were asked to prepare the seizure memo.
- f) After this information, the person is brought at Chowki and ACF is informed for recording the statement and the ACF to recorded the statement.
- g) However, after this the field training was complete but for this forest staff requested two mock volunteers from village who acted as the accused to get the authenticity of the offence.

Rangers have made two sample cases after this program on their own, they have used all the knowledge given to them in earlier workshops about the wildlife laws. This field session was conducted in Sariska Tiger Reserve, Alwar.



A training session was conducted in Ranthambore Tiger Reserve for and following Acts were discussed in details during the workshop;

- 1. Wildlife Protection Act (1972):** This act provides protection to birds, animals, plants and other matters related to them. This act is applicable throughout India except the state of Jammu & Kashmir. It grants powers to the forest officials for detection, investigation and prosecution.
- 2. Indian Evidence Act 1872:** The Act deals with the system of prosecution under which evidences is recorded.
- 3. Criminal Procedure code 1973:** The law relating to criminal procedure applicable to all proceeding in India (except those in states of Jammu & Kashmir and Nagaland the tribal areas in Assam) is contained in the code of criminal procedure, 1989. The code has been amended from time to time by various Acts of the Central and states legislatures. The more important of these were the amendments brought about by Central Legislation in 1923 and 1955.



PROSECUTION UNDER WPA (1972)

The mock cases made by the forest officials in Sariska during the second workshop were discussed in detail in the third session. The session was held in Forest Training Institute, Jaipur from 25-26th April, 2009. The session was preceded by Mr. Anil Verma, Additional District Judge, Madhya Pradesh. The sample cases were analyzed by the judicial expert Mr. Anil Verma. The most important part of this program was to do sample trial in front of judge, this has provided opportunity to forest staff to fill the loopholes of wildlife crime cases.

Final interaction/questioning of participants: A questioning/interaction session was done on the mock cases made by the forest staff in presence of Mr. Anil Verma, Additional District Judge, Madhya Pradesh. The session was aimed to fill the loopholes of the poaching cases.

Anjana Gosain, We have arrested a person with team (RO & ACF), can we record the accused statement in front of same ACF?

Forest Staff, Yes

Anjana Gosain, What will you carry with you for seizure?

Forest staff, Seizure kit.

Manjit Ahluwalia, Do leg hold traps come under weapon or only guns comes under weapon?

Forest Staff, Yes, leg hold comes under weapon, because according to weapon includes ammunition, bows & arrows, explosives, firearms, hooks, knives, nets, poison, snares and traps and any instrument or apparatus capable of anaesthetizing, decoying, destroying, injuring or killing an animal.

Manjit Ahluwalia, If you have seized a gun and sodium potash from the person inside the protected area, can you arrest him?

Forest Staff, Yes, because no person is allowed to enter in the sanctuary/National Park with any weapon and injurious substance except with the previous permission in writing of the Chief Wildlife Warden or authorized officer.

Mr. Anil Verma, have you documented the information received through wireless?

Forest staff, no provision of writing wireless information

Mr. Anil Verma, always document the information, this will increase the credibility of your information.



Mr. Anil Verma, How can you say the chemical is injurious or explosive, you need to get it checked from the registered lab or expert?

Mr. Anil Verma, How many witnesses should be made for any wildlife crime case?

Forest Staff, Two to four.

Mr. Anil Verma, We have seen in most of the cases forest staff act as witness, it is advisable to have one independent witness. This will make your case more strong.

Forest staff, But inside protected area how can we get independent witness?

Mr. Anil Verma, Ok, if you do the seizure in market or village, in that case you can make independent witness.

Forest Staff, But sir, practically it is not possible, why should somebody help us, get into the court case.

Mr. Anil Verma, Make some NGO representative as independent witness.

Forest Staff, Sir, most of the NGOs are from Delhi they also avoid this as they don't want to come for court hearing from Delhi.

Mr. Anil Verma: ok, but at least try, if get some independent witness then it is good.

Mr. Anil Verma: you have mentioned the measurement of the trap, how did you measure it?

Forest staff, with measuring tape.

Mr. Anil Verma, but you have not mentioned that you were carrying it. You should always mention in the report that you were carrying your tool kit with you.

Mr. Anil Verma, you have given the crime scene map, in this map you have not given the distances between the different points, you should always make the crime scene map very clear with all distances and landmark. If exact distance is not possible write approximate distance/time

Mr. Anil Verma, Is this area comes under protected area?

Forest Staff, Yes, it comes under Sariska Tiger Reserve.

Mr. Anil Verma, but you have not attached the notification for it. You should always attach the notification of declaration of that area as protected area.

Mr. Anil Verma, you have not given the receiving of all the documents attached here. Always submit the receiving of all the documents in court.

Mr. Anil Verma, do you remember the names of accused?

Forest Staff, yes

Mr. Anil Verma, the name you are telling is wrong,

Forest staff, after two three years we don't remember the exact names and case history.

Mr. Anil verma, you can always ask for case papers from court to refresh your knowledge.



Ms. Anjana Gosain, you should eat properly before going for court hearing.

Mr. Anil Verma, when did you arrest them?

Forest staff, after paperwork

Mr. Anil Verma, why didn't you make the arrest immediately?

Forest staff, no answer

Mr. Anil Verma, Who took the statement?

Forest staff, Mr. Arun Sharma, Ranger

Mr. Anil Verma, no signature on the witness statement.

Mr. Anil Verma, have you done the identification parade?

Forest staff, no

Mr. Anil Verma, identification parade should be done in front of the executive magistrate.

Mr. Anil Verma, how will you prove this axe belong to Murarilal (accused)

Forest staff, No answer

Mr. Anil Verma, always show the clear connection between weapon and accused.

Mr. Anil Verma, have you done lab checking of the gun

Forest staff, no we know it was working gun, we have checked it

Mr. Anil Verma, But you are not authorized to do it.

Mr. Anil Verma, always go for certified lab for all the weapons and chemical recovered from the accused.

Mr. Anil Verma, no case against accused earlier

Forest staff, no

Mr. Anil Verma, no wildlife article recovered from the accused?

Forest staff, no

Mr. Anil Verma, this is imaginary case made by forest staff

Forest staff, no, started explaining about the case

Mr. Anil Verma, always give short and clear answer.

Mr. Anil Verma, always get yourself searched this will make sure that the case was not planted.

Mr. Anil Verma, experts required in wildlife crime cases;

Scientist from Wildlife Institute of India

Government Veterinary Doctor

Forensic expert from certified lab

Ballet expert for arms

Forest Science Lab Expert



RECOMMENDATION & CONCLUSION

After the workshop following recommendations were given by Mr. Anil Verma, ADJ, Madhya Pradesh and Resource Personnel Ms. Anjana Gosain, Mr. Manjit Ahluwalia for and Mr. P.S. Somshekhar for the successful conviction of wildlife crime cases;

- A. Preliminary Official Report (POR) has to be filled, it is equal to First Information Report (FIR).
- B. Once the accused is being arrested the Investigation Officer (IO) should get himself checked by the accused so that no indiscriminate articles are found for which the officer can be blamed later.
- C. If the incident occurs in Protected area (National Park or Wildlife Sanctuary), always attach the notification of the declaration of that particular PA.
- D. Resolution of a criminal case is perfectly co-related with strategic evidence collections with greater accuracy from the scene of offence. It requires a patient, calculative and careful effort to collect substantial linking evidences to establish the crime in the court of law at beyond reasonable doubt. So all evidences has to be collected in proper way, no evidence should be avoided.
- E. Always mention in the report that you were carrying kit with you during the raid/operation. This will help the enforcement officer to justify their report in better way.
- F. Crime scene map has to be made properly with all land marks, distance and time.
- G. In wildlife seizures most of the time forest officials seize the weapons (leg hold traps, nets, spears, gun etc). Always give proper description of every seized weapon.
- H. It is observed that in some wildlife crime cases that papers are not marked with government seals, so every paper has to be marked with Government Seal.
- I. Article 22(2) of the Constitution of India requires that person arrested or detained in custody should be produced before the nearest Magistrate within 24 hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the Magistrate, and that no such person should be detained beyond such period without the authority of the Magistrate. After the arrest identification parade is advisable, this will make the case strong. It can be organized by giving application to executive magistrate.



- J. Extra judicial confession, (in terms of section 50 sub clause 9) to be recorded by ACF with due care which should not show any coercion and fear and possibility to get evidence which is more corroborative in nature.
- K. Always make separate statement for every witness, change the language of the statement, all the statement text should not be same.
- L. Always give receiving of all the documents in court.

Selection of Master Trainers; At the end of the Training of Trainers (TOT) program two master trainers were selected from the forest staff to provide further training in their respective divisions and parks. These master trainers were Mr. A. K. Jha, Range Officer Sariska Tiger Reserve and Mr. Arun Sharma, Range Officer, Ranthambore Tiger Reserve. Two other names were also proposed for the future master trainer, these were Mr. Vijay Pal Singh, Range Officer, Kherwada & Mr. K. K. Sharma, Range Officer, and Wildlife Flying Squad.

Suggestions from the participants:

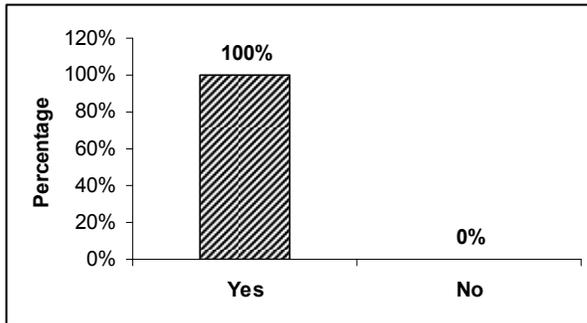
- Duration of training should be more than two days.
- These training should be done at divisional level.
- Outside protected area staff should also be involved in the training program.
- Trainings should be done at every six months.
- Forest Conservation Act should also be covered under the training.
- Some forest officials should also make in charge for the training.
- Live animal trade should also be discussed under this workshop.
- Training should also be given about identification of skin, bones and other wildlife articles.



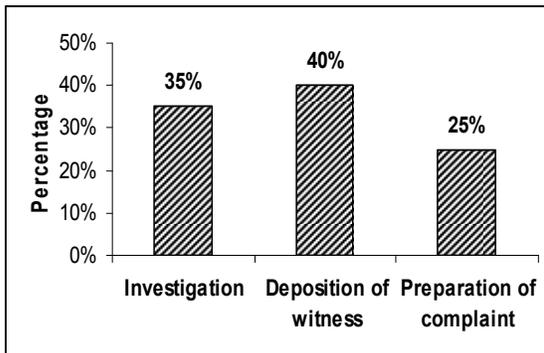
FEEDBACK OF PARTICIPANTS

Tiger Trust distributed feedback forms to all participants to seek their views.

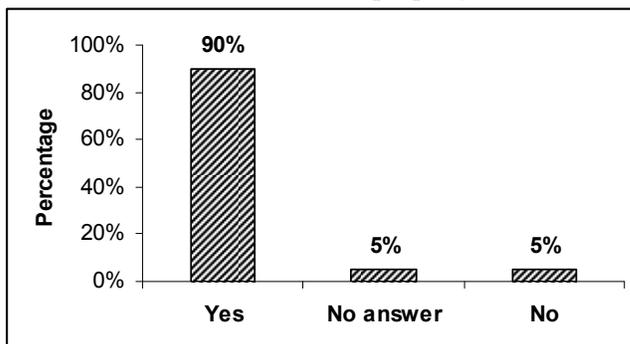
Have you found this training of trainers program useful? During the interaction we have received very positive response from the forest officials about the training program. All participants (100%) said that they found this workshop very useful for the successful prosecution of wildlife crime.



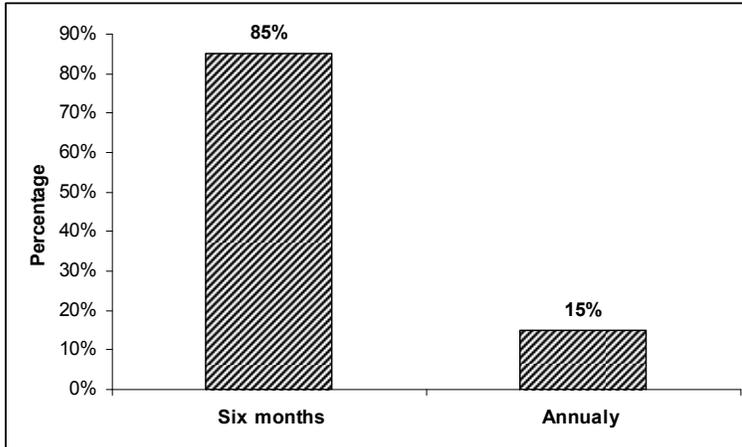
In which area of prosecution did you feel difficulties? It was found that forest officials feel difficulties in most of the prosecution. But the maximum problems are faced during deposition of witness.



Whether these difficulties were sufficiently addressed by the trainers? When we asked the officials whether these difficulties were sufficiently addressed by the resource personnel, 90% of the forest officials said difficulties were addressed properly, while 5% of them said difficulties were not addressed properly. 5% of them didn't answer the question.



How often such program should be held? Most (85%) of the participants said that these training should be done at every six month followed by 15% who said that these training session should be done at least once in a year.



Appendix I
Training of Trainers
QUESTIONNAIRE /FEEDBACK FORM

DATE:

TIME:

A. BASIC INFORMATION:			
1	Name		
2	Designation		
3	Age		
4	National Park		
5	Contact number		
6	E mail		
6	Since how many years you have been in this protected area (PA)?		
7	Have you had any wildlife training earlier?	YES	No
B. ABOUT THE WORKSHOP:			
1.	Have you attended earlier TOT program organized by Tiger Trust?	YES	NO
2.	If yes please furnish the details	Date _____, Location _____	
3.	Have you found this training of trainers program useful?		
4.	In which area of prosecution did you feel difficulties?	<input type="checkbox"/> Investigation <input type="checkbox"/> Deposition of witness <input type="checkbox"/> Preparation of complaint	
5.	Whether these difficulties were sufficiently addressed by the trainers?		
6.	Whether the session and modules are adequate in the workshop?		
7.	Whether this training program is useful & beneficial towards better law implementation to combat illegal wildlife crime?		



Training of Trainers

8.	Whether you would like to have departmental trainers along with outside faculty?	YES	NO
9.	If Yes, How often such program should be held?	Quarterly / Six monthly/ Annually	
10.	Resource person	Excellent / Very Good / Good / Fair	
11.	Module	Excellent / Very Good / Good / Fair	
12.	Arrangements of boarding and lodging	Excellent / Very Good / Good / Fair	
13.	Which location do you prefer for the training program?	Field/ Academic Institution / Both	
14.	Any other suggestion or recommendation?		

Signature of the respondent

Note: Please feel free to answer in Hindi



Appendix II

List of participants in the workshops

S.no	Name	Designation	Protected area
1	Vijay Pal Singh	Range Officer	Kherwada
2	A. K. Jha	Range Officer	Sariska Tiger Reserve
3	N. C. Bhandari	Range Officer	Keoladeo National Park
4	S. R. Yadav	ACF	Ranthambore Tiger Reserve
5	J. P. Sharma	ACF	Sariska Tiger Reserve
6	Pratap Singh	Forester	Keoladeo national Park
7	Phoolchand Barwal	Range Officer	Kota Wls
8	Dharamvir Singh	Forester	Sariska Tiger Reserve
9	H. P. Sharma	Assistant Forester	Sariska Tiger Reserve
10	Dhashrath Singh	Range Officer	Sariska Tiger Reserve
11	Tej Kumar Sharma	Forester	Rescue centre
12	K. K. Sharma	Range Officer	Wildlife Flying Squad
13	Anand Verma	Range Officer	Keladevi Wls
14	Suresh Kumar Gupta	Range Officer	Keladevi Wls
15	Arun Sharma	Ranger Officer	Ranthambore Tiger Reserve
16	Omprakash Shakhawat	Forester	Ranthambore Tiger Reserve
17	Ganesh Ram Burdak	ACF	Sariska Tiger Reserve



Appendix III

Schedule for the training programme on the wildlife crimes under the TOT programme – Training No.2

14.02.2009 – FOREST DEPARTMENT, RANTHAMBORE

11.00 - 12.00 Noon Introduction to main provisions of Cr.P.C. (proposed amendments) and Indian Evidence Act with main emphasise on confession.

12.00 to 1.30 p.m. Narration of facts of the case studies by Ranthambore Staff and its evaluation.

1.30 to 2.30 p.m. Lunch Break

2.30 to 4.30 p.m. Case studies and its evaluation of Sariska staff by the participants

15.02.2009

10.30 to 1.30 p.m. Evaluation of facts, evidence, supporting documents by the resource person with a ratio of 5 : 1 (5 students – 1 resource person)

1.30 to 2.30 p.m. Lunch

2.30 to 4.00 p.m. Selection of three case studies for training No.3 for recording of further procedures with short listing of first eight trainers.



Appendix IV
Workshop on Wildlife Crimes, its detection, investigation and prosecution by the Forest Department – steps towards conviction of poachers” to be held on 25th and 26th April, 2009 at Jaipur, FTI.

Date	Time	Topic With Brief Outline
25.04.2009	10:00 a.m.	Welcome Address by CCF, Wildlife Mr. Somshekhar or any other person.

	12:00-01.30 p.m.	Programme to be decided by looking at the choice of the participants and on going process of the workshop.
	01.30-02.15 p.m.	Lunch

	10:15 a.m.	Inauguration of the workshop and introduction of the subjects by PCCF, Wildlife/ Training as per the decision of the Department.
	10:30-11.15 a.m.	Introduction of preparation of case studies of Sariska National Park by Ms.Anjana Gosain and Mr.Arvind Jha.
	11.15-11.30 a.m.	Tea
	11.30-01.30 p.m.	Trial of the witnesses in the case study of Sariska to be judged by Sh.Anil Verma.
	1.30-02.15 p.m.	Lunch
	02.15-03.30 p.m.	Appraisal of trail by Sh.Anil Verma with emphasis on Indian Evidence Act and other points for trial.
	03.30-05.00 p.m.	Open house question-answers by the trainees to the panel especially to answered by Sh.Anil Verma, ADJ.
	05.00-05.30 p.m.	Conclusion of the day by Sh.Manjit Ahluwalia
26.04.2009	9:30-10:15 a.m.	Introduction to Court case prepared by Sh.Arun Sharma from Ranthambore.
	10:15-11.30 a.m.	Trial and recording of evidence to be presided by Sh. Anil Verma and prosecution to be assisted by Sh. Manjit Ahluwalia.
	11:30-12:00 p.m.	Tea.



02.15-04.00 p.m.	Concluding session and vote of thanks
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No. 1-3-Tiger Trust

Appendix V

“Workshop on Wildlife Crimes, its detection, investigation and prosecution by the Forest Department – steps towards conviction of poachers” to be held on 28th March, 2008 at Bharatpur.

Date	Time	Topic With Brief Outline
28.03.2008	9:30 a.m.	Welcome Address by Director
	9:45 a.m.	Inauguration of the workshop and introduction of the subjects by Ms. Anjana Gosain, Hony. Secretary, Tiger Trust.
	10:00-11.30 a.m.	Introduction of Wildlife Protection Act and its main provisions relating to Crime Detection, Investigations and Trial of offences under Wildlife Protection Act along with ancillary Acts.
	11.30-11.45 a.m.	Tea
	11.45-13.15 p.m.	Introduction of Criminal Procedure Code with main provisions by Ms.Pushpa Jhurany
	13.15-14.00 p.m.	Lunch
	14.00-16.00 p.m.	Preparation of forms and discussions on local problems for preparation of cases in relation to the Wildlife Crimes or felling of trees.
	16.00-16.30 p.m.	Tea break.
	16.30-16.30 p.m.	Inter-action and vote of thanks.

No. 1-127-WL&ET

Dated: - 25.3.2008





Photo: Participants at Workshop held in Sariska Tiger Reserve on 22nd February, 2009.



Photo: Participants at Workshop held in Forest Training Institute, Jaipur from 25-26th April, 2009.



Photo: Participants at Workshop held in Ranthambore Tiger Reserve on 21st March, 2009.

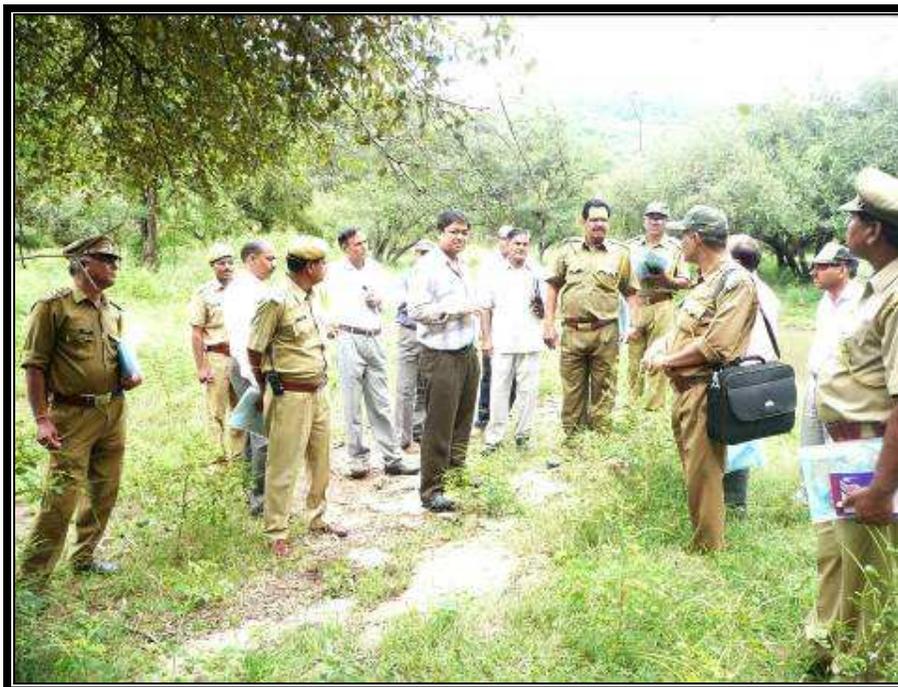


Photo: Field training for collection of evidences in Sariska Tiger Reserve.



Photo: Resource personnel giving training in FTI, Jaipur



Photo: Trial of sample cases in the presence of Mr. Anil Verma, Additional District Judge, Madhya Pradesh.



Photo: Trial of sample cases in the presence of Mr. Anil Verma, Additional District Judge, Madhya Pradesh





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