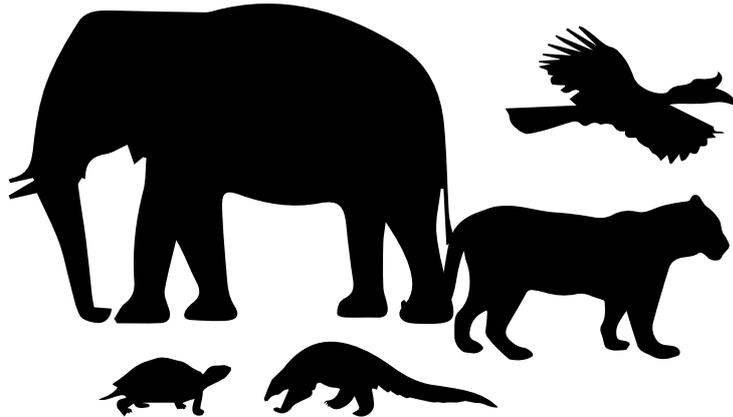


THE ILLUSTRATED

Wildlife Trade Investigation Guide



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Wildlife Crime Investigation: A Handbook for Wildlife Crime Investigation Officers
(Wildlife Crime Control Bureau - Ministry of Environment, Forests and Climate Change)

Important aspects of Investigation in Wildlife Offences (TRAFFIC India)

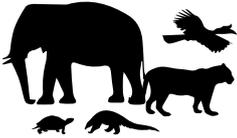
Field Guide on Identification of Marine & Important Wildlife Products
(Wildlife Crime Control Bureau - Ministry of Environment, Forests and Climate Change)

Wildlife Crime: An Enforcement Guide, 2nd Edition
(Wildlife Protection Society of India)

Wildlife Trade: A Handbook for Enforcement Staff (TRAFFIC India)

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THE ILLUSTRATED

Wildlife Trade Investigation Guide

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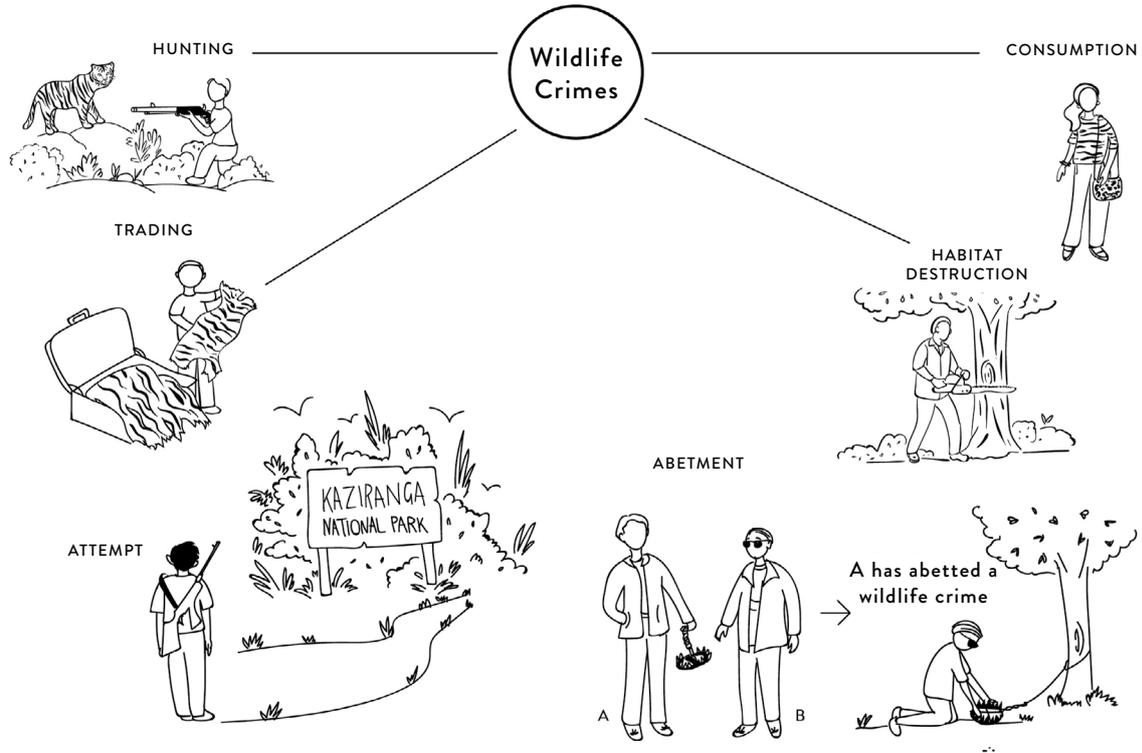
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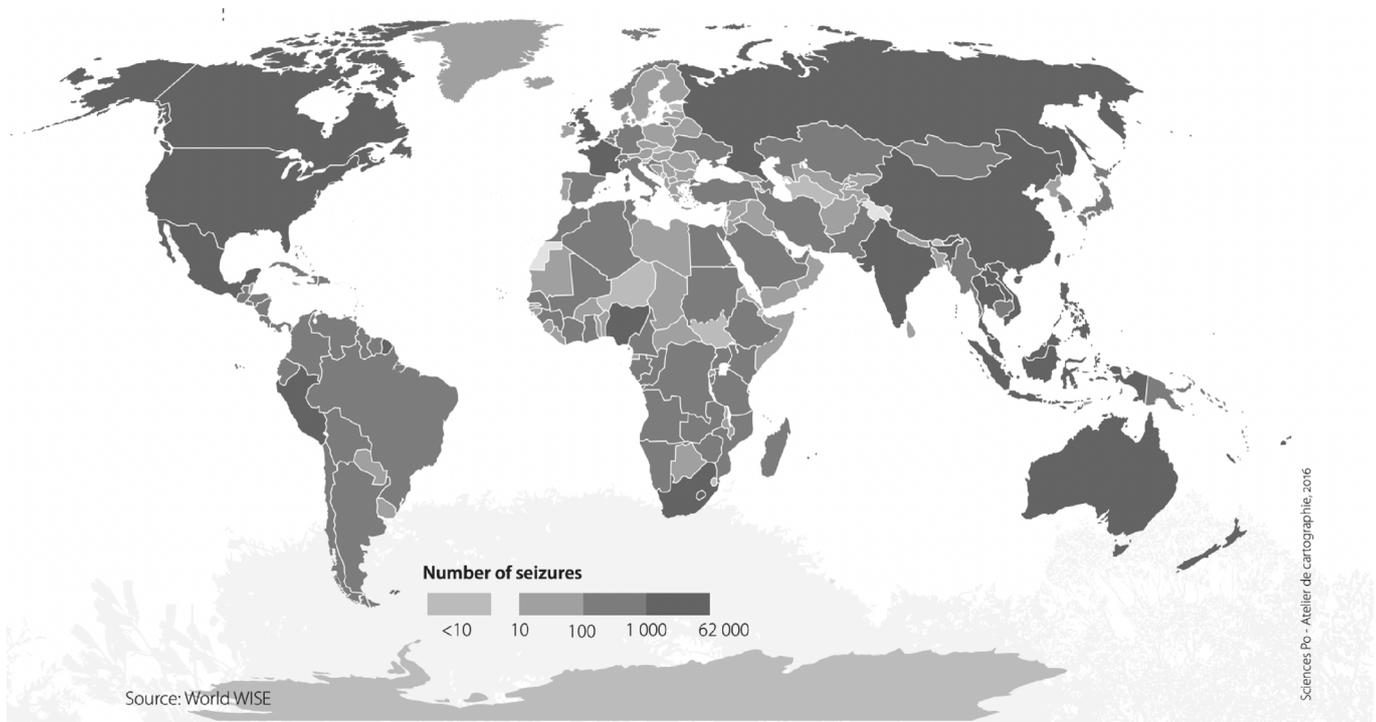
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1. Introduction

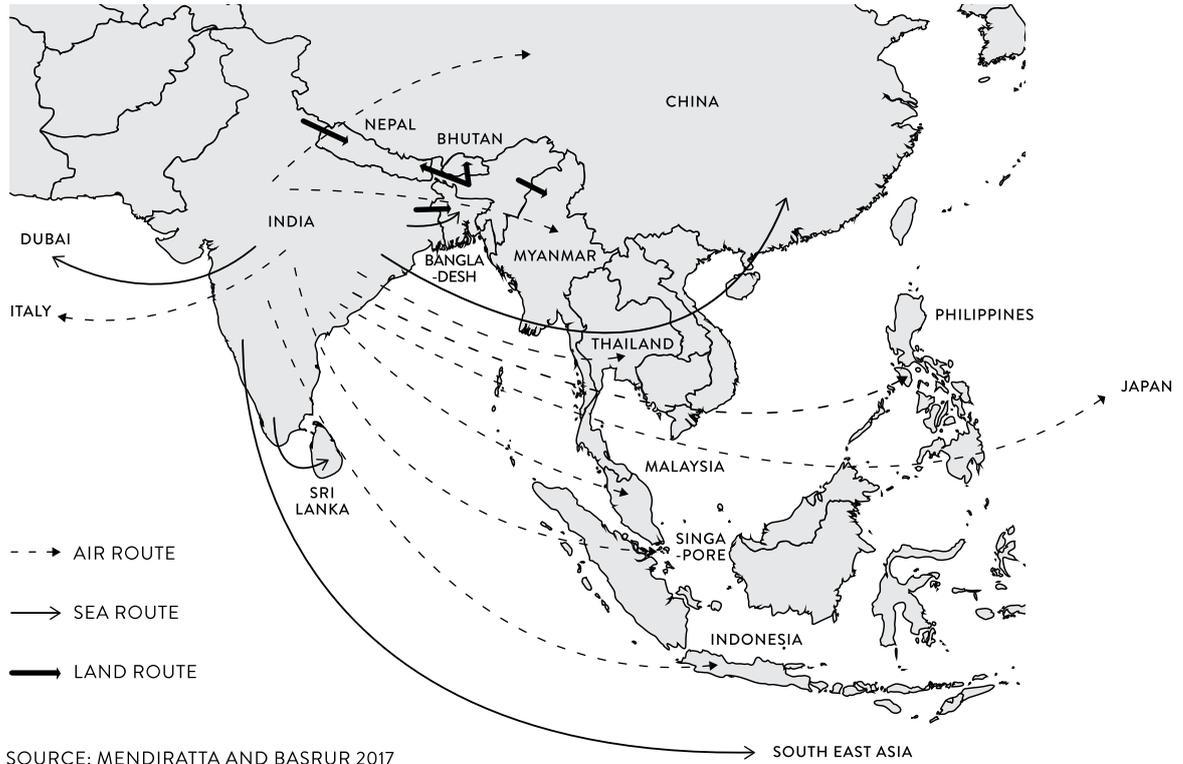
TYPES OF WILDLIFE CRIMES



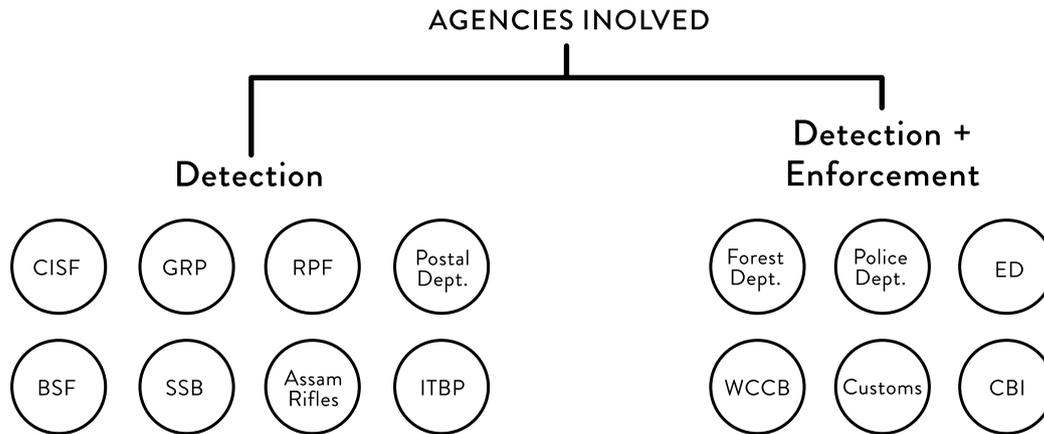
REPORTED SEIZURES, BY COUNTRIES IDENTIFIED AS SOURCE 2004-2015



WILDLIFE TRAFFICKING ROUTES OUT OF INDIA



AGENCIES INVOLVED IN TACKLING WILDLIFE CRIME



SUPPORTING LEGISLATIONS TO TACKLE WILDLIFE CRIME



Wild Life
Protection
Act, 1972



Code of
Criminal
Procedure,
1973



Convention on
International Trade
in Endangered
Species of Wild
Fauna and Flora



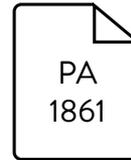
Indian
Forest
Act, 1927



Prevention
of Money
Laundering
Act, 2002



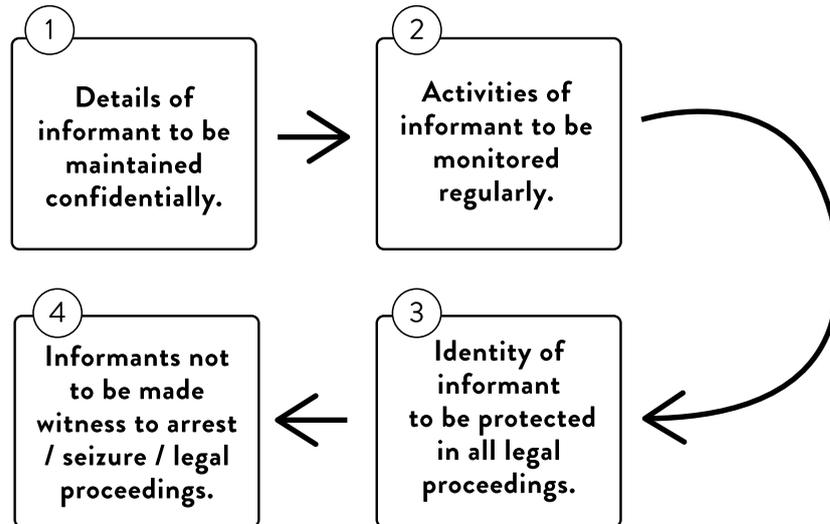
Customs
Act, 1962



The Police Act,
1861

2. Detection & Investigation

DETECTING WILDLIFE CRIME THROUGH INTELLIGENCE NETWORKS



INVESTIGATION OVERVIEW



Enter



Detain



Search



Seize



Arrest

File WLOR and produce accused before court within 24 hours of arrest.



In case of high value goods, copy of filed WLOR to be sent to Directorate of Enforcement

STEPS FOR INVESTIGATION

1.



Crime Scene Investigation

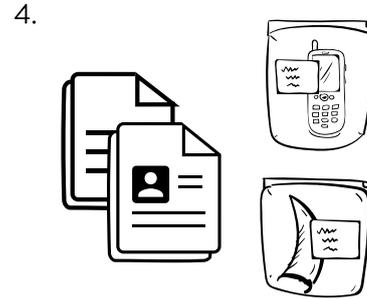
2.



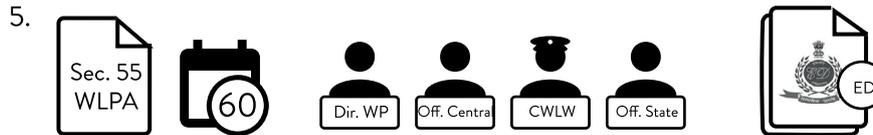
Interrogation



Examination of Witness



Analysis of Evidence

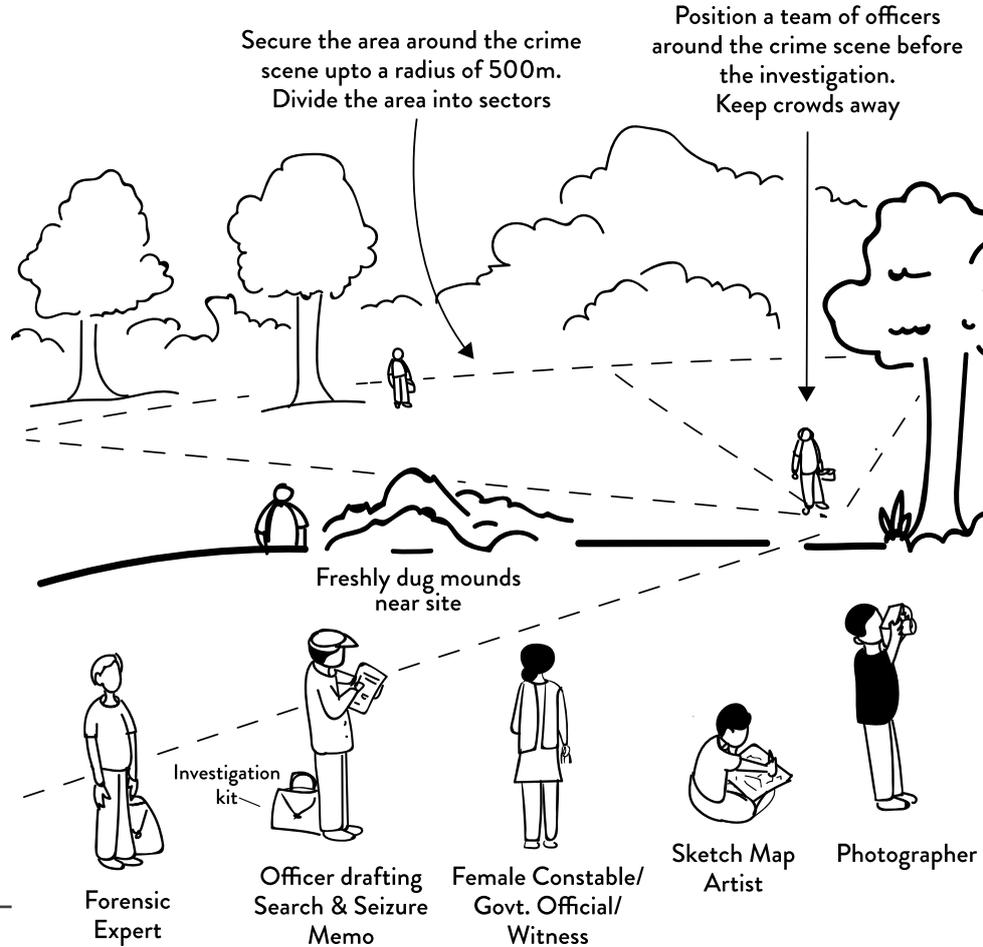


Filing a complaint under Section 55 of the WLP, 1972 within 60 days from date of arrest of the accused

Complaint to be filed by Director of Wildlife Preservation/ Chief Wildlife Warden / an officer authorised by the State or Central Government

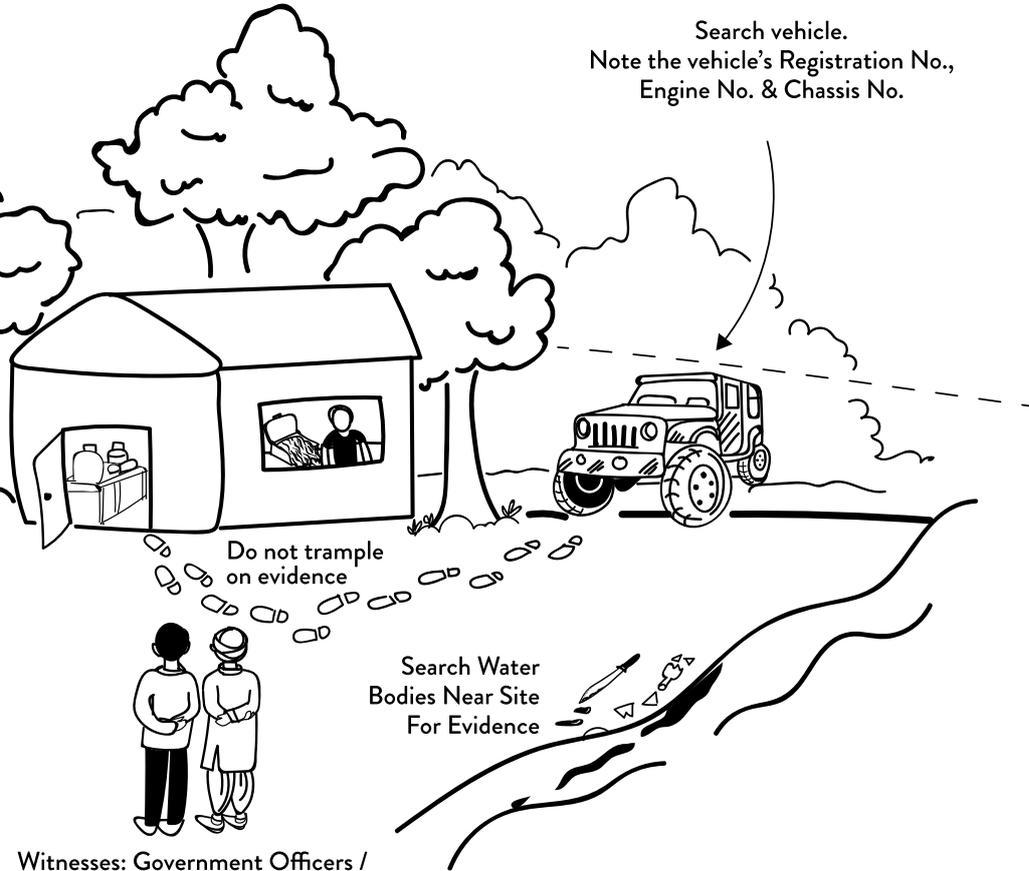
In case of high value goods, copy of filed complaint to be sent to Directorate of Enforcement

SEARCH & SEIZURE SCENARIO: OUTDOORS



Note location and permanent features of site

Search vehicle.
Note the vehicle's Registration No.,
Engine No. & Chassis No.

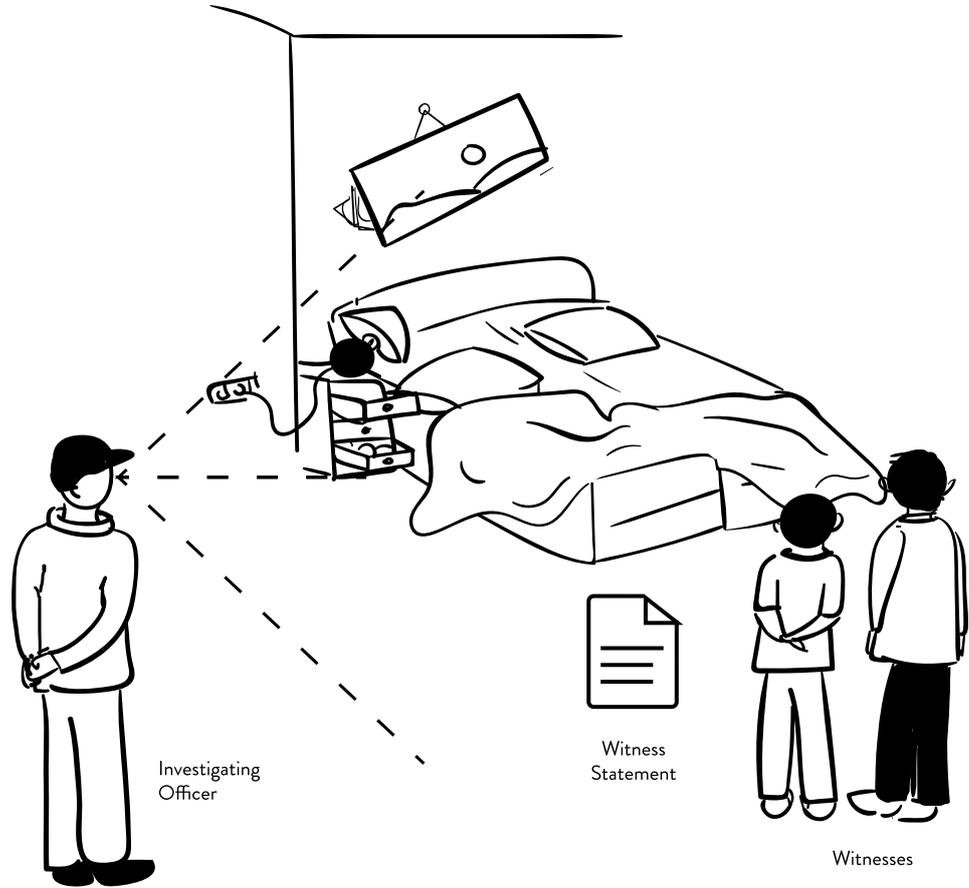


Do not trample
on evidence

Search Water
Bodies Near Site
For Evidence

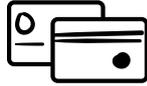
Witnesses: Government Officers /
Gram Panchayat Members

SEARCH & SEIZURE SCENARIO: INDOORS

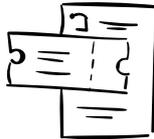




Cash



Cards



Tickets



Passport
& IDs



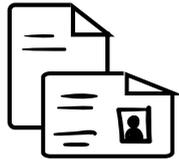
Poisons / Drugs



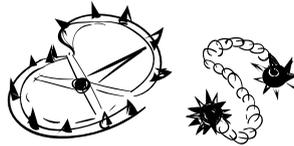
Phone Books /
Diary



Bank Account
Documents



House / Car / Shop
Documents



Animal Traps



Arms



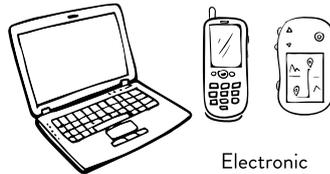
Newspapers /
Bits of paper



Maps



Biological
Evidence

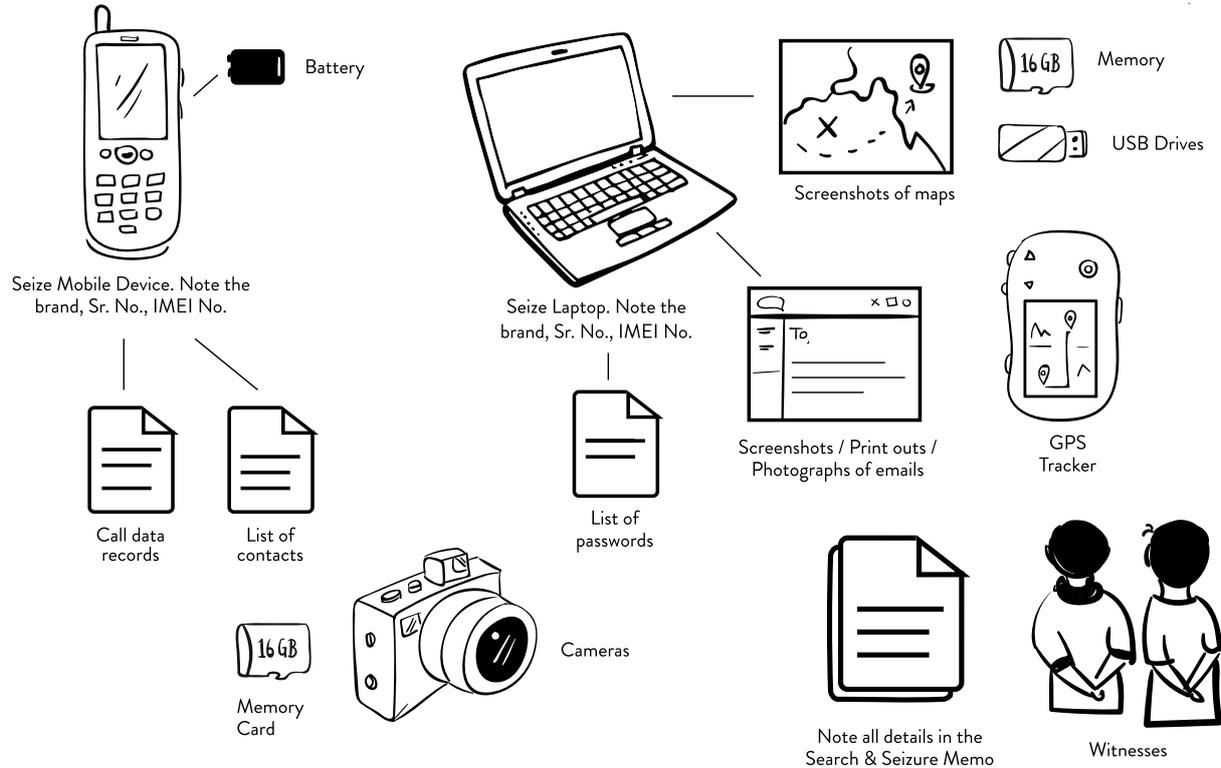


Electronic
Evidence

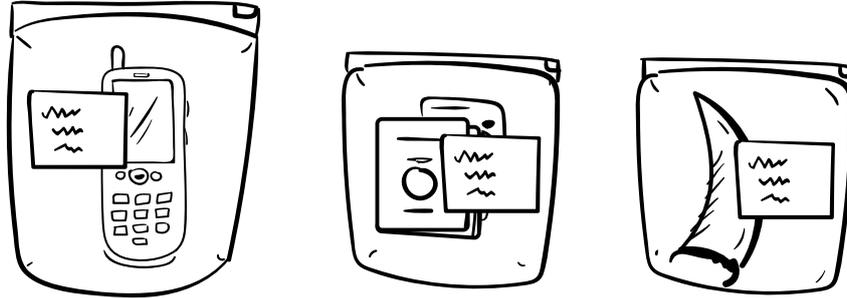


Note all details
in Search &
Seizure Memo

ELECTRONIC EVIDENCE COLLECTION



LABELLING EVIDENCE



All seized articles must be marked, sealed & labelled in transparent polythene bags

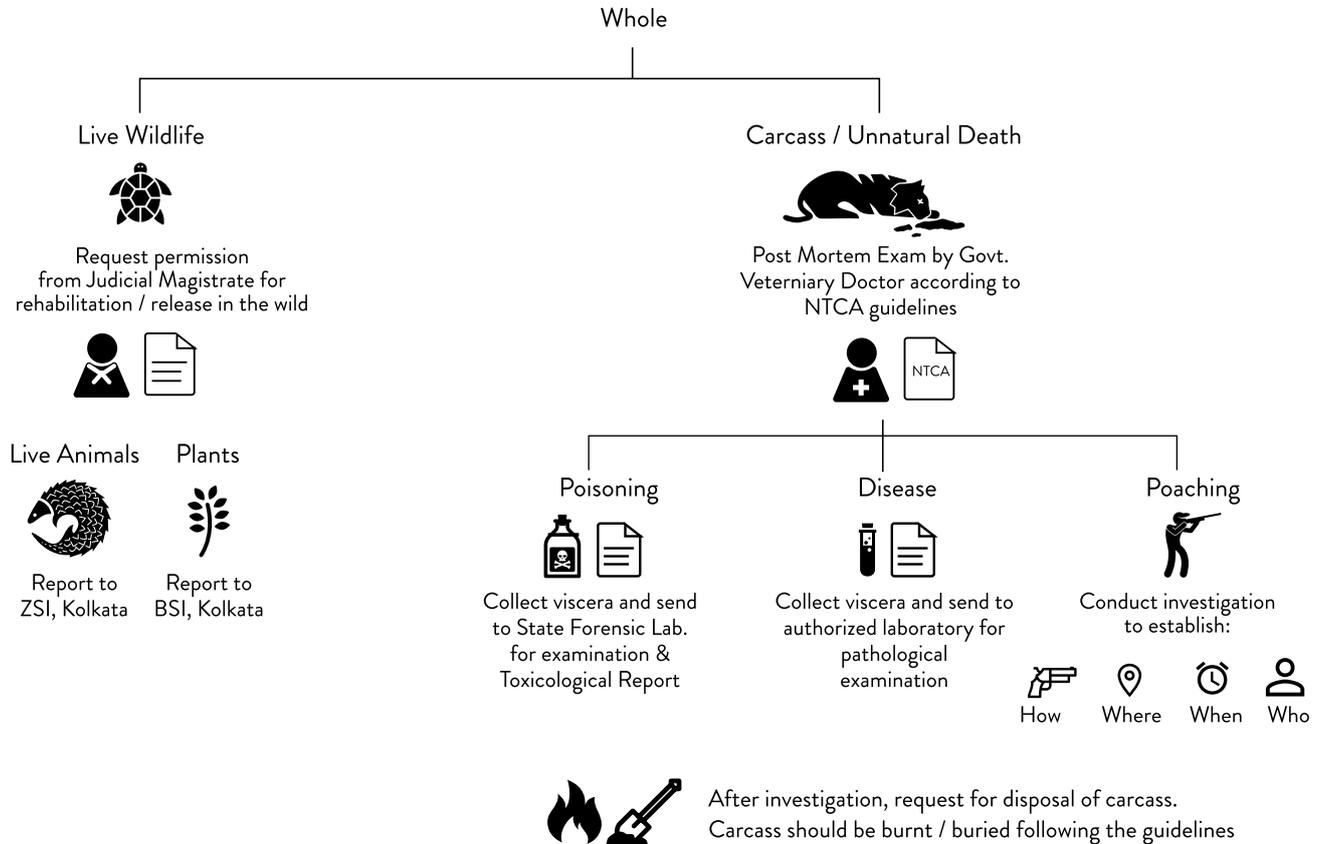
Label must contain:

1. Name of item
2. Case Reference
3. Date of Collection
4. Number/Amount inside
5. S/N number (Electronics)
6. Sign of IO, accused & witness

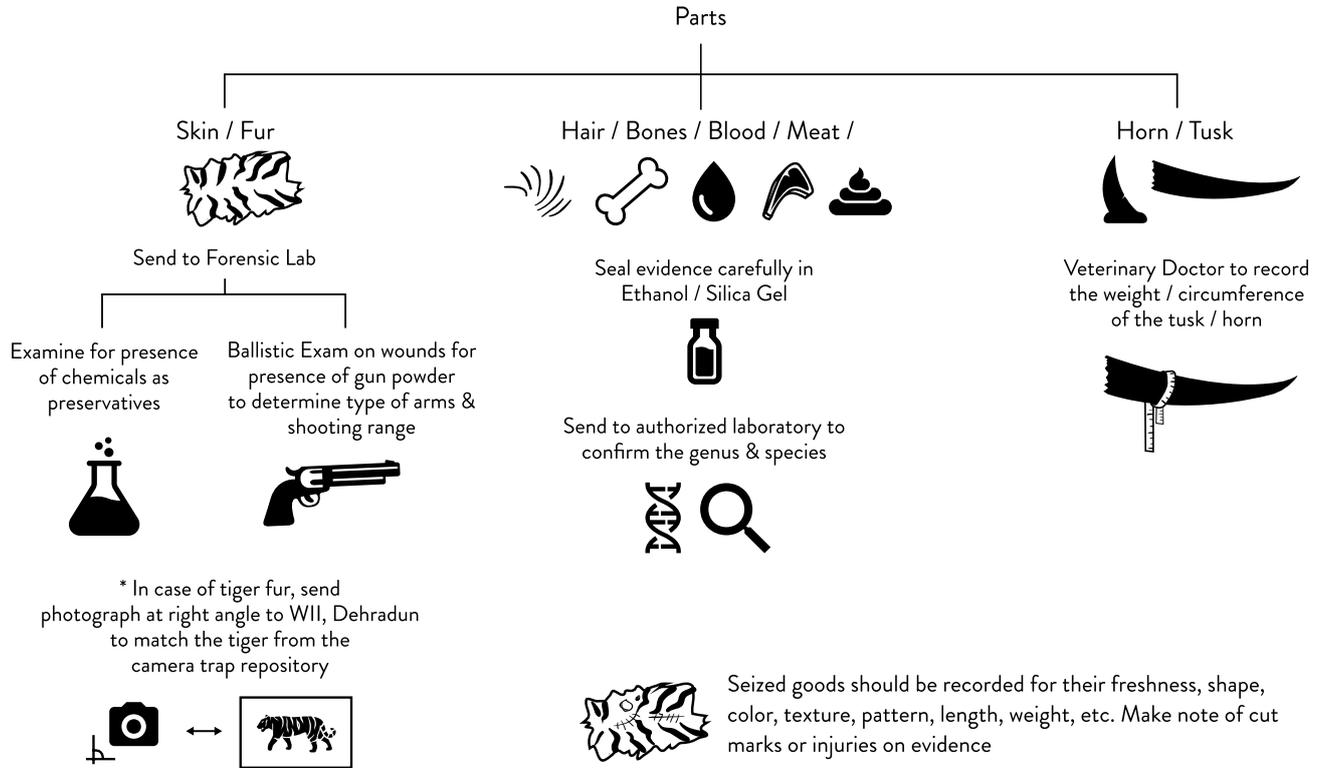


Mention all evidence in Search & Seizure Memo

BIOLOGICAL EVIDENCE COLLECTION



BIOLOGICAL EVIDENCE COLLECTION



BIOLOGICAL EVIDENCE: COLLECTION & SEALING



For meat / skin / scat

1. Take a screw cap vial (<100ml/g capacity)
2. Fill it halfway with Silica Gel & cover with filter paper or fill 2/3rd with 75% absolute Ethanol
3. Place animal matter from different parts of animal's body in the vial & label with specie, place of collection & date

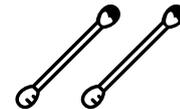


Sanitize gloves while handling samples from different animals

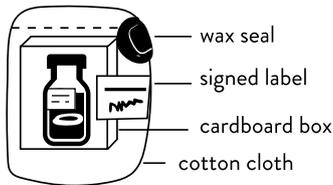


For blood

Collect in a vacutainer tube at 4°C



Use cotton swabs to take sample of blood, vomit and other liquids

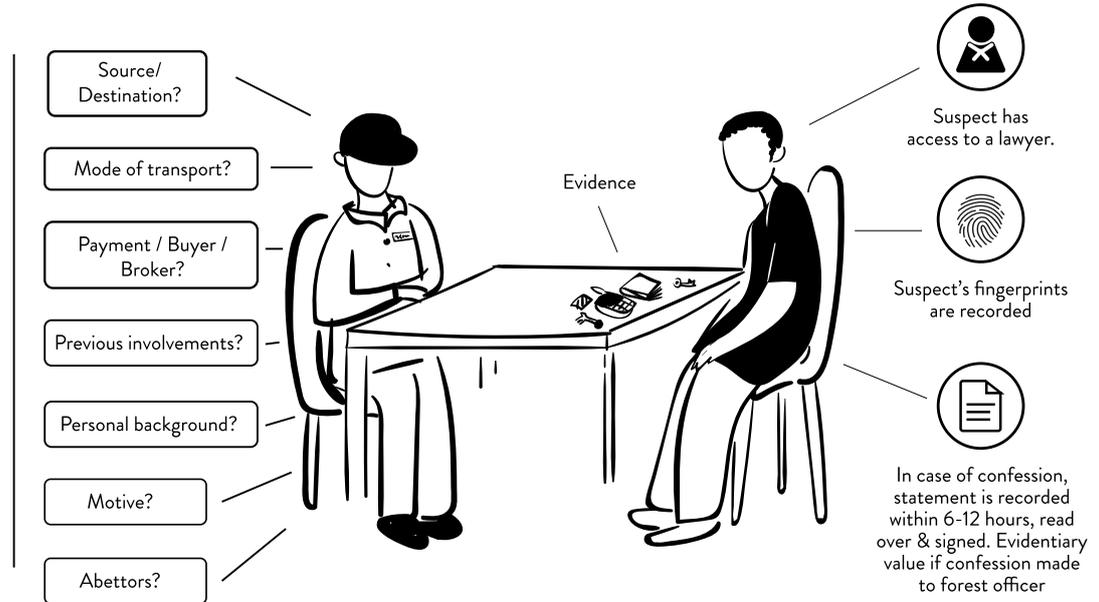


Sealing Evidence

Place evidence in a cardboard box, wrap in a muslin/cotton cloth, stich all sides and seal with hot wax (resin/lac) with the official stamp of forwarding authority. Label with signature of the Veterinary Doctor. Mention in the Search & Seizure Memo.

INTERROGATION

Preliminary interrogation of suspect at the site of seizure



ARREST

1.



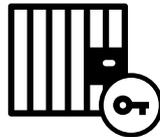
You're under arrest.

-  In case of female, arrest should be made by female officer
-  In case of juveniles, inform parent/guardian and follow procedure under Juvenile Justice Act 200
-  In case of foreign nationals, arrest should be intimated to the Embassy of their country

Arrest the suspect in presence of a relative, wellwisher or two witnesses



2.



Inform accused of their Right to Bail

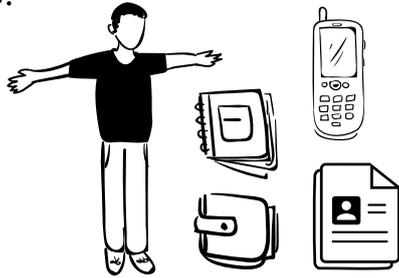


Inform accused of the offence they are arrested for



Accused has access to a lawyer

3.



Personal search of the accused & articles found on their person to be mentioned in the Arrest & Personal Search Memo

4.



Arrest & Personal Search Memo with personal details of accused at the scene of arrest.

5.



Photographs & finger prints to be collected in a Personal Profile. Details to be given to District Crime Records Bureau / Modus Operandi Bureau & Fingerprints Bureau

6.  Intimation of arrest to be sent to a family member
-  Intimation of arrest to be sent to the Chief Wildlife Warden

If informed telephonically, the same should be confirmed in writing

8. 
-  Provide medical treatment if required
 -  Medical exam to be conducted
 -  Certificate of fitness from Asst. Civil Surgeon or a Government Doctor
 -  Repeat medical exam every 48 Hrs

Physical injuries or deformities of the accused to be recorded in the Memo

7. 
- Verify the address given by the accused

9. 
- Avoid interrogation between 6 PM & 6 AM



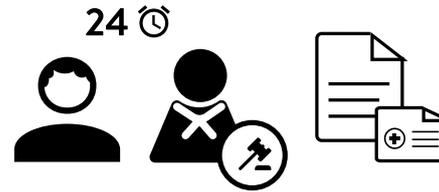
Accused should not be subjected to physical coercion or torture

10.



Arrest & Personal Search Memo (with left thumb impression) to be signed by the accused, witnesses & the Investigating Officer. Copy to be provided to the accused under acknowledgement

11.



Within 24 hours of arrest, excluding travel time, present the accused before a Judicial Magistrate along with Remand Report, enclosing a medical certificate

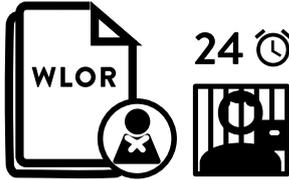
12.



In case judicial custody is required, file a petition under Section 167, CrPC

3. Wildlife Offence Report and Judicial Custody

WRITING THE WILDLIFE OFFENCE REPORT



WLO is to be filed before the Magistrate within 24 hours of arrest of the accused



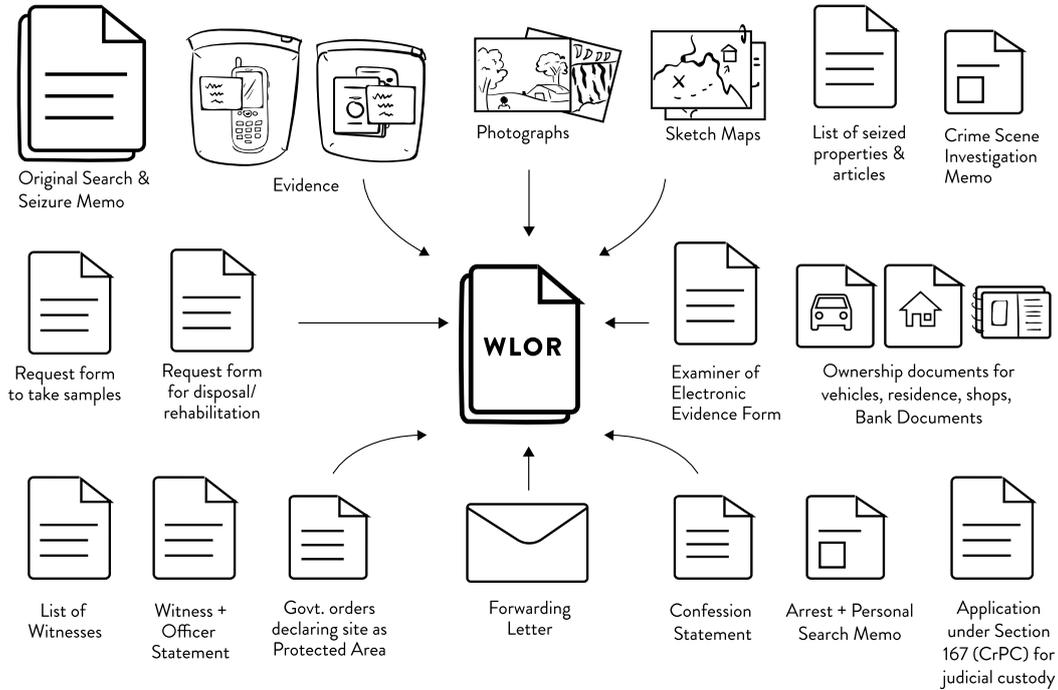
In case of absconding accused, efforts made to find the accused must be clearly mentioned



WLO should be preferably typed, or should be neatly hand written without any over writings or alterations

- Should be specific and without any ambiguity.
- Should be in plain language and narrated sequentially.
- Name of the species, Schedule, quantum of punishment prescribed, whether accused is a first time or a repeat offender should be mentioned.
- Officer filing the complaint should sign all pages of the WLO.
- WLO must have a prayer seeking judicial custody of the accused and permission to send seized evidence for forensic examination.

WLOR CHECKLIST



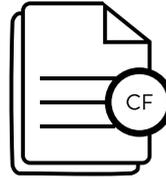
REGISTERING THE WLOR



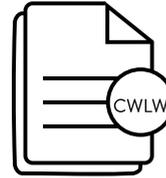
Submitted to the
Chief Judicial
Magistrate / JMFC



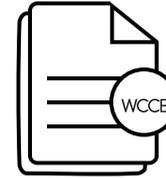
Copy to Deputy
Conservator of
Forests



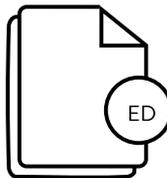
Copy to
Conservator of
Forests



Copy to Chief
Wildlife Warden



Copy to
Additional
Director, WCCB



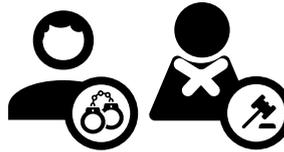
In case of high value goods,
copy of filed WLOR to be sent to
Directorate of Enforcement

BAIL



Bail applications are made under Section 436 of the CrPC

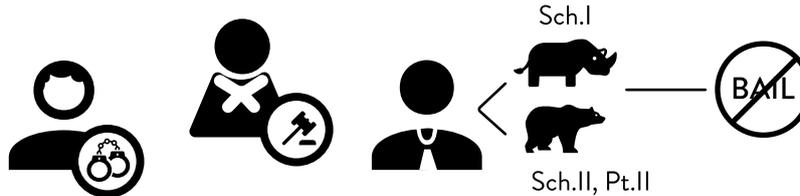
24 ⌚



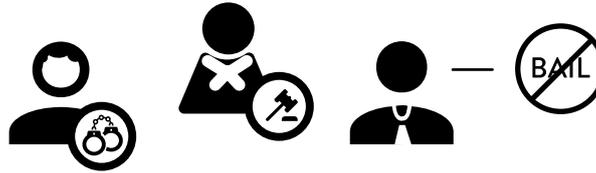
Accused to be produced before a Magistrate within 24 hours of arrest



Upon presenting the accused before the Magistrate, a bail application may be heard.



In case of repeat offences relating to animals in Schedule I and Schedule II Part II, Section 51A of the Wildlife Act, clearly states that bail cannot be granted without hearing the Public Prosecutor's arguments against bail



Other factors which Public Prosecutor may present before the Magistrate to oppose the bail application include:



If the arrestee tries to run away or provides fake name and address during arrest



Show how his absence will severely affect the investigation of the case



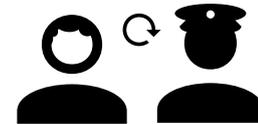
Show that he is a threat to society/might commit another offence if released



Show a record of previous convictions, if applicable.



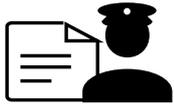
If bail is granted, request for passport to be impounded so that accused does not escape the country



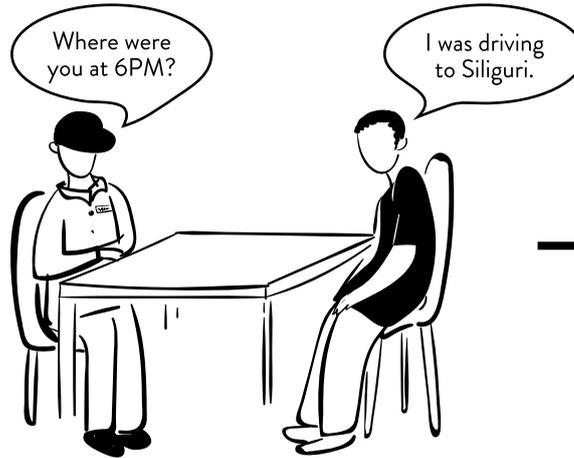
If bail is granted, request the magistrate to make the accused appear in the police station regularly

4. Investigation Post WLOR

INVESTIGATION POST WLOR



Take warrant from
ACF for further
investigation



Interrogate the
accused



Conduct further
investigation based on
interrogation

RECORDING STATEMENTS - WITNESS



Witness statements to be recorded by the ACF



Make sure witness statements match and there is no deviation

RECORDING STATEMENTS - CONFESSION



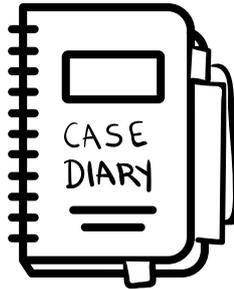
In case confession is made, it is recorded by the ACF or any rank above

“I have explained to (name) that he is not bound to make a confession, and that if he does so, any confession he may make will be used as evidence against him in a court of law. I believe he has made this confession voluntarily. It was recorded by me and was read over to the person making it and was admitted by him to be correct and true.”

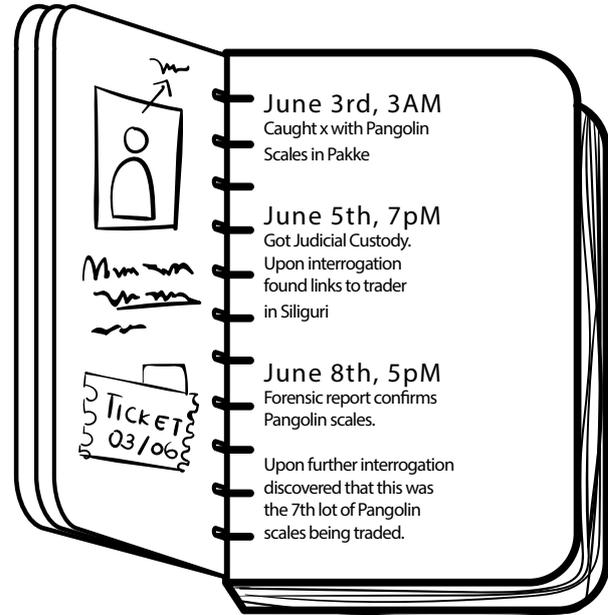


Confessionary Statement

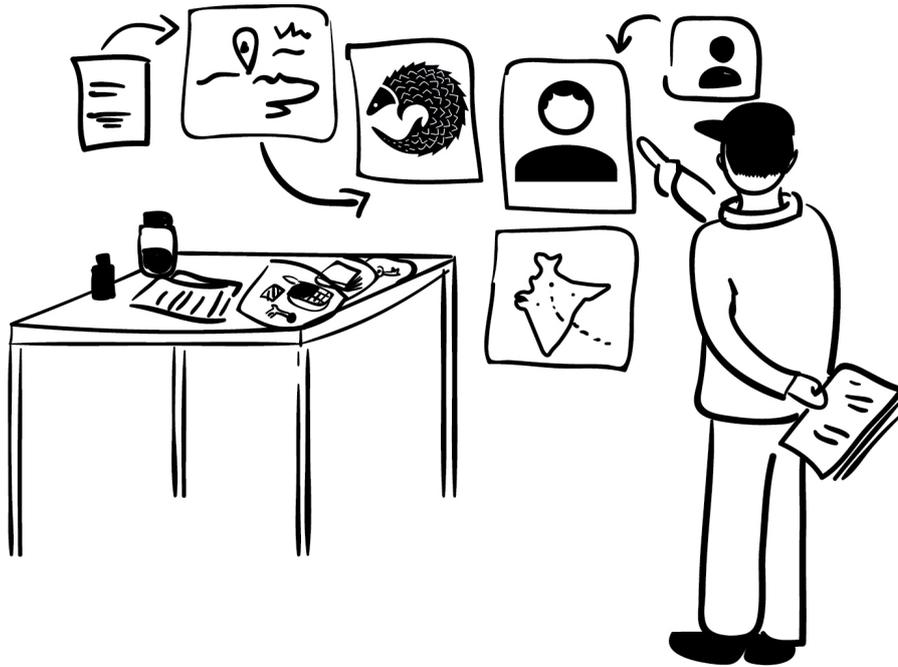
IMPORTANCE OF A CASE DIARY



Maintain a case diary throughout the investigation. Use it when you are called to give your statements in court as this may happen after a significant period of time after filing a complaint.

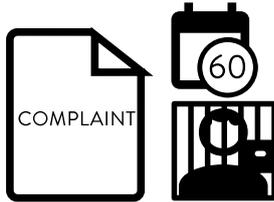


ANALYSIS



5. Complaints

WRITING THE COMPLAINT



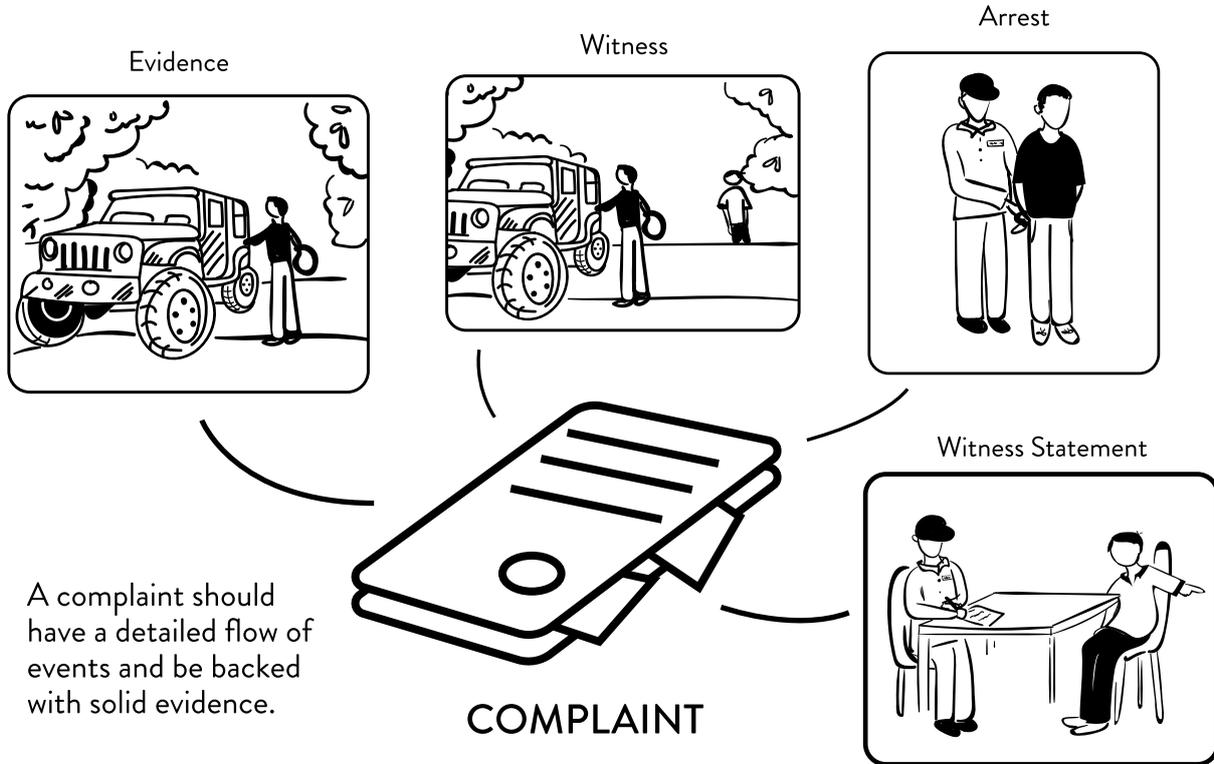
Complaint is to be filed within 60 days of arrest of the first accused in case of judicial custody of the accused



Complaint should be preferably typed, or should be neatly hand written without any over writings or alterations

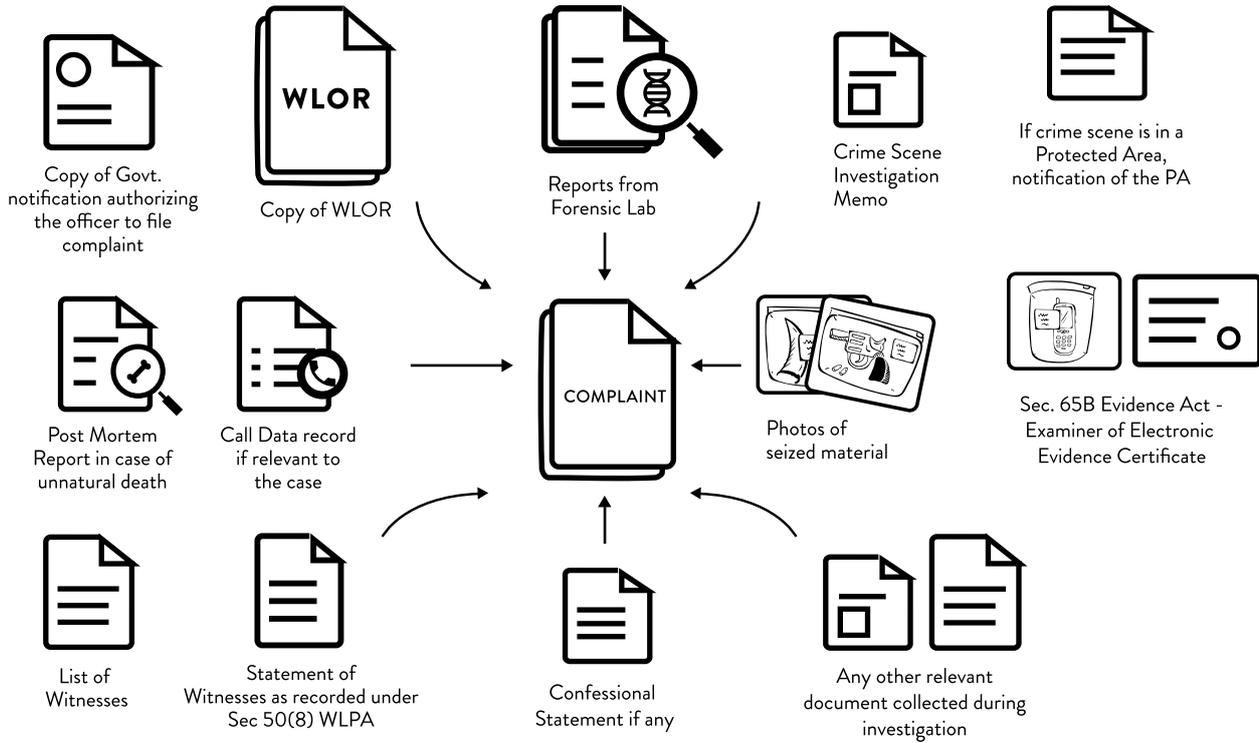
- Should be specific and without any ambiguity.
- Should be in plain language and narrated sequentially.
- Name of the species, Schedule, quantum of punishment prescribed, whether accused is a first time or a repeat offender should be mentioned.
- Authorised officer filing the complaint should sign all pages of the WLOR.
- Complaint must have a prayer seeking imprisonment and / or fine.

OVERVIEW OF A COMPLAINT



A complaint should have a detailed flow of events and be backed with solid evidence.

LIST OF DOCUMENTS TO BE ATTACHED WITH THE COMPLAINT



PROSECUTION



Investigating Officer (IO) to ensure the attendance of witnesses and brief them before evidence



IO to work closely with the Public Prosecutor



IO to maintain a daily court diary and submit it to the ACF/DCF

WITNESS PREPARATION

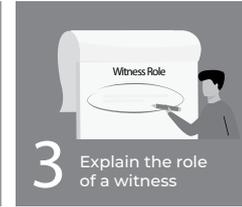
THE TRIAL PROCESS



1 Choose a reliable witness



2 Recommended to have 2 - 3 department/ independent witnesses only



3 Explain the role of a witness



4 Prepare them for the trial



5 Practice answers to common questions



6 Note down case details for reference

PROTOCOL TO FOLLOW IN COURT

DO



Know the POR, the Panchnama and your witness statement



Be consistent with the earlier statement made in court



Take the time to think before you answer a question



If required, say that a question cannot be answered in one word



If required, seek leave from the Court to refresh your memory

WITNESS PREPARATION

DON'T X X X X X

				
Make up or guess the details of a case before the Court	Answer beyond the scope of your knowledge	Get angry, defensive or impatient when you are questioned	Argue or get in a fight with the defense lawyer	Use words like 'hmm', 'uhm' or 'nu-uh' as an answer

IMPORTANT CASE DETAILS TO REMEMBER

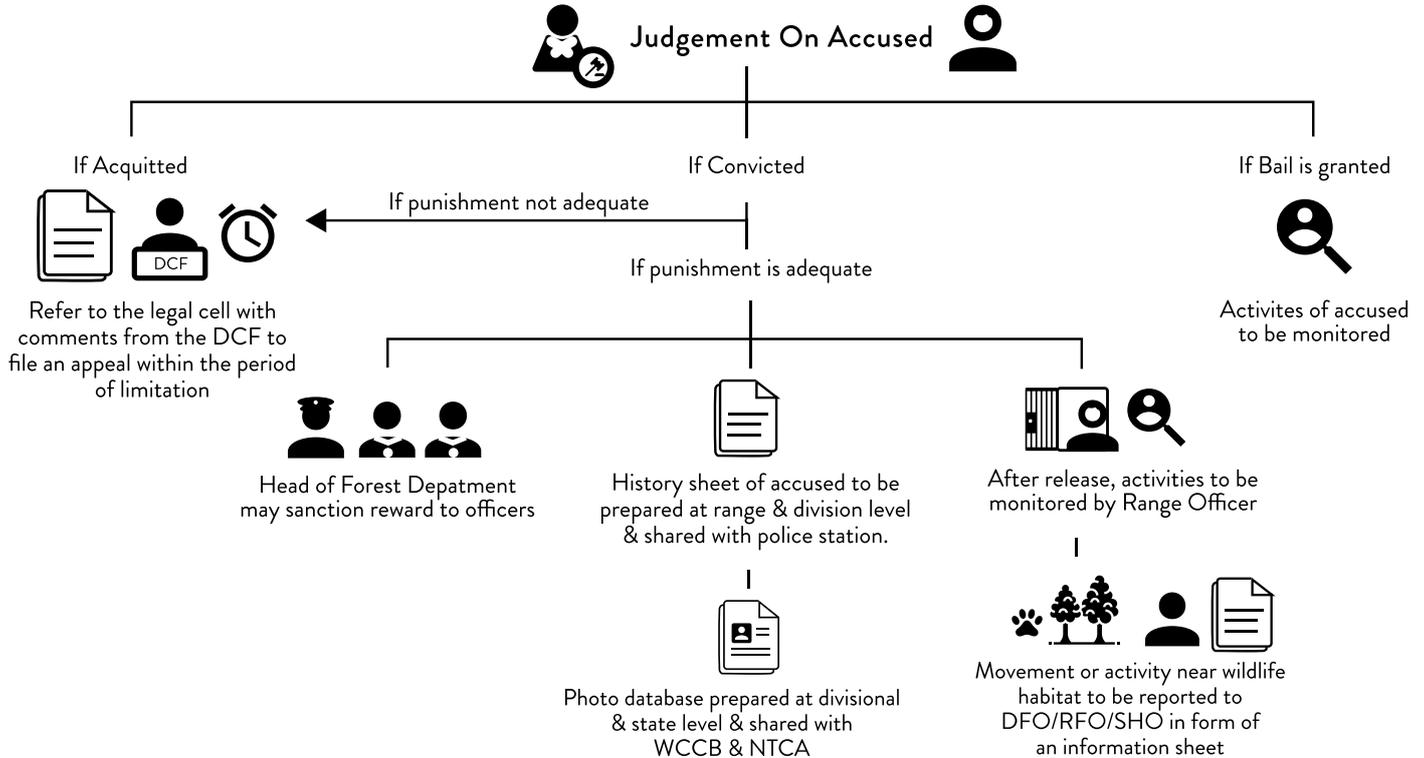
THE SEIZURE & THE INVESTIGATING TEAM

 THE OFFICER WHO ARRESTED THE ACCUSED	 PATROLLING VEHICLE DETAILS	 DETAILS IN SEIZURE LIST	 LOCATION OF WITNESS'S SIGN/ THUMBPRINT	 LANGUAGES KNOWN BY THE WITNESS	 METHOD OF SEIZURE
 WHERE ACCUSED WAS TAKEN	 REASON FOR NO INDEPENDENT WITNESSES	 ROLE OF THE WITNESS	 PLACE OF SEIZURE	 POR NUMBER	 INVESTIGATION KIT - WHO CARRIED IT

THE ACCUSED & THE CRIME SCENE

 DATE & TIME	 ABSCONDING ACCUSED	 DISTANCE B/W CRIME SCENE AND FD OFFICE
 DETAILS OF THE CRIME SCENE	 NO. OF ACCUSED ARRESTED	 OWNER OF SEIZED ITEMS

POST TRIAL ACTION



*COMMON OFFENCES IN WILDLIFE TRADE

Trade and Hunting Offences under the Wild Life (Protection) Act, 1972

Sr. No.	Section / Offence	Prescribed Punishment	Appropriate Court
1.	Section 9 r/w 51 Hunting of any wild animal listed in Schedules I to IV within a Sanctuary or a National Park	First Conviction: Imprisonment for not less than 3 years extending to 7 years AND fine not less than Rs 10,000 Second/Subsequent offence: Imprisonment for not less than 3 years extending to 7 years AND fine not less than Rs 25,000.	JMFC
2.	Section 9 r/w 51 Hunting of any wild animal listed in Schedule I or Part II of Schedule II outside a Sanctuary, National Park or Tiger Reserve.	First Conviction: Imprisonment for not less than 3 years extending to 7 years AND fine not less than Rs 10,000 Second/Subsequent offence: Imprisonment for not less than 3 years extending to 7 years AND fine not less than Rs 25,000.	JMFC
3.	Section 9 r/w 51 Hunting of any wild animal listed in Part I Schedule II, Schedule III and Schedule IV outside a Sanctuary, National Park or Tiger Reserve.	Imprisonment upto 3 years or fine of upto Rs 25000 or both.	JMFC

Sr. No.	Section / Offence	Prescribed Punishment	Appropriate Court
4.	Section 9 r/w 51(1C) Hunting animals in the tiger reserve	First Conviction: Not less than 3 years and up to 7 years imprisonment and a fine not less than Rs 50,000 and up to Rs 2 Lakh. Second/Subsequent offence: Not less than 7 years imprisonment and a fine not less than Rs 5 Lakh and up to Rs 50 Lakh.	JMFC
5.	Section 27(3) r/w 51 Damage to boundary mark to cause wrongful gain Section 29 r/w 51 Destruction in a sanctuary	First Conviction: Imprisonment for not less than 3 years extending to 7 years AND fine not less than Rs 10,000. Second/Subsequent offence: Imprisonment for not less than 3 years extending to 7 years AND fine not less than Rs 25,000.	JMFC
6.	Section 30 r/w 51 Causing fire in a Sanctuary, National Park or Tiger Reserve.	First Conviction: Imprisonment for not less than 3 years extending to 7 years AND fine not less than Rs 10,000. Second/Subsequent offence: Imprisonment for not less than 3 years extending to 7 years AND fine not less than Rs 25,000.	JMFC

Sr. No.	Section / Offence	Prescribed Punishment	Appropriate Court
7.	Section 31 r/w 51 Entry into a sanctuary or a National Park with weapon without permission	First Conviction: Imprisonment for not less than 3 years extending to 7 years AND fine not less than Rs 10,000. Second/Subsequent offence: Imprisonment for not less than 3 years extending to 7 years AND fine not less than Rs 25,000.	JMFC
8.	Section 32 r/w 51 Usage of injurious substances inside a Sanctuary, National Park or Tiger Reserve	First Conviction: Imprisonment for not less than 3 years extending to 7 years AND fine not less than Rs 10,000. Second/Subsequent offence: Imprisonment for not less than 3 years extending to 7 years AND fine not less than Rs 25,000.	JMFC
9.	Section 29, 35(8) r/w 51 Section 35(6) r/w 51 Destruction in a National Park	First Conviction: Imprisonment for not less than 3 years extending to 7 years AND fine not less than Rs 10,000. Second/Subsequent offence: Imprisonment for not less than 3 years extending to 7 years AND fine not less than Rs 25,000.	JMFC

Sr. No.	Section / Offence	Prescribed Punishment	Appropriate Court
10.	<p>Section 39 r/w 51 Wild animals, etc. to be government property (Illegal Possession)</p>	<p>In case of Schedule I & Schedule II Part II species, not less than 3 years and upto 7 years imprisonment and fine not less than Rs 10,000.</p> <p>In case of Schedule II Part I , Schedule III and IV species, not more than 3 years or fine upto Rs 25,000.</p>	JMFC
11.	<p>Section 42 r/w 51 Certificate of ownership</p> <p>Section 44 r/w 51 Dealings in trophy and animal articles without license prohibited</p> <p>Section 48A r/w 51 Restriction on transportation of wildlife</p> <p>Section 49 r/w 51 Purchase of captive animal, etc. by a person other than a licensee</p> <p>Section 49B r/w 51 Dealing in trophies, animal articles, etc of Schedule I and Schedule II Part II animals</p>	<p>In case of Schedule I & Schedule II Part II species, not less than 3 years and upto 7 years imprisonment and fine not less than Rs 10,000.</p> <p>In case of Schedule II Part I, Schedule III and IV species, not more than 3 years or fine upto Rs 25,000.</p>	JMFC

Sr. No.	Section / Offence	Prescribed Punishment	Appropriate Court
12.	Section 52 r/w 51 Attempts and abetment	Same punishment as the offence attempted or abetted	

Note:

- The above-indicated sections are only the key provisions that may be invoked in wildlife crime subject to the facts and circumstances of the cases. However, for in-depth understanding and application of the law, it is recommended that the Wildlife (Protection) Act 1972 must be referred to.
 - In case of any second / subsequent offence, the term of imprisonment shall not be less than 3 years but may extend to seven years and also with fine which shall not be less than Rs. 25,000.
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