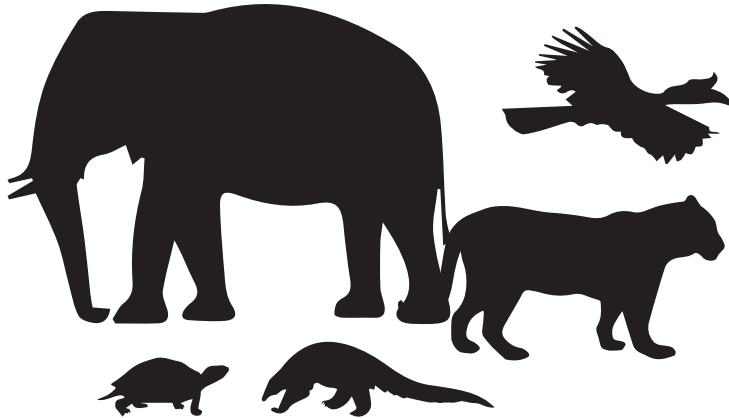


THE ILLUSTRATED

Wildlife Trade Investigation Guide



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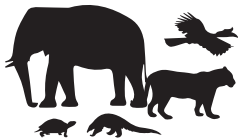
Wildlife Crime Investigation: A Handbook for Wildlife Crime Investigation Officers
(Wildlife Crime Control Bureau - Ministry of Environment, Forests and Climate Change)

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)



THE ILLUSTRATED
**Wildlife Trade
Investigation Guide**

INTRODUCTION

Types Of Wildlife Crimes..... 2

Wealthy Markets That Drive Illegal Wildlife Trade..... 3

Wildlife Trafficking Routes Out Of India..... 4

Agencies Involved In Tackling Wildlife Crime..... 5

Supporting Legislations To Tackle Wildlife Crime 6

DETECTION & INVESTIGATION

Detection Of Wildlife Crime Through Intelligence Networks 8

Investigation Overview..... 9

- *Steps For Investigation* 9-10
- *Search & Seizure*..... 11-14
- *Evidence Collection* 15-19
- *Interrogation Pointers*..... 20

Arrest..... 21-24

**WILDLIFE OFFENCE REPORT &
JUDICIAL CUSTODY**

Wildlife Offence Report Pointers..... 26-28

Bail 29-30

INVESTIGATION POST WLOR

Interrogation & Further Investigation 32

Recording Statements..... 33-34

Importance of a Case Diary 35

Analysis..... 36

COMPLAINTS

Complaint Pointers..... 38-40

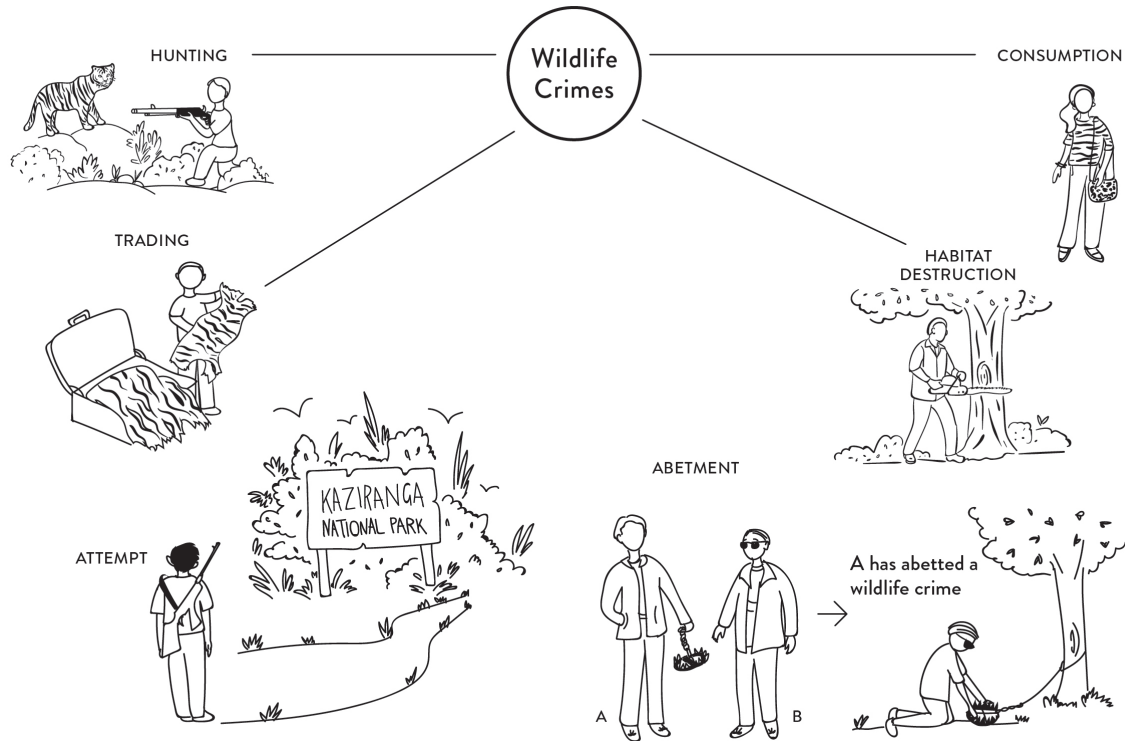
Prosecution..... 41

Post Trial Action..... 42

**Common Offences in Wildlife Trade*..... 43-46

1. Introduction

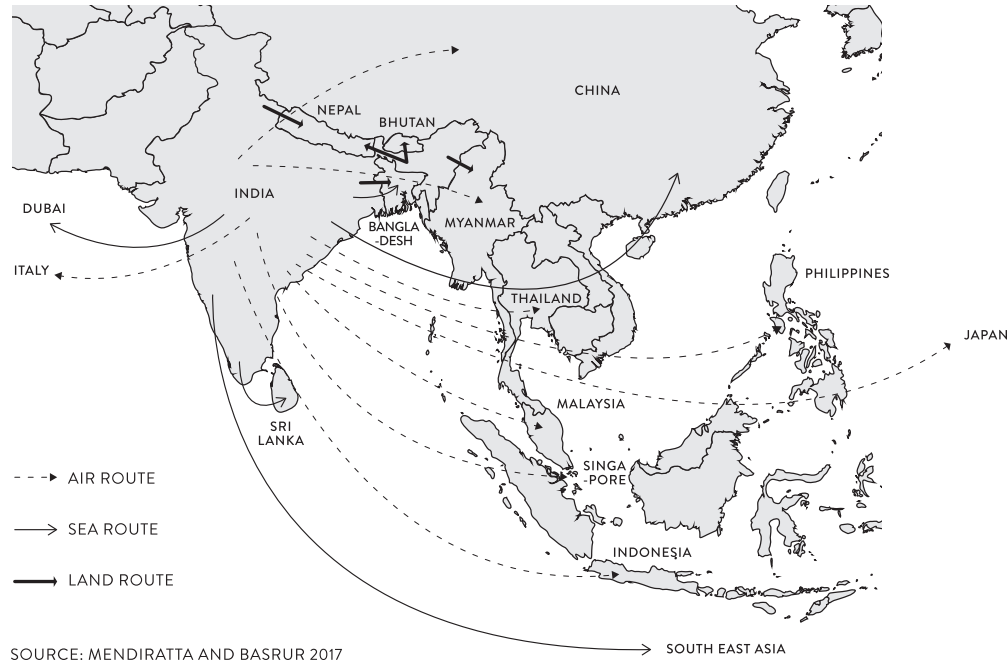
TYPES OF WILDLIFE CRIMES



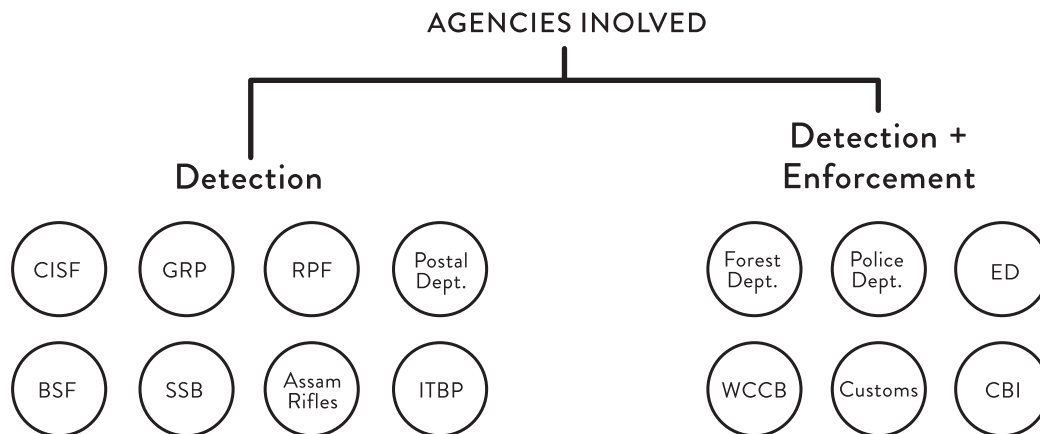
WEALTHY MARKETS THAT DRIVE ILLEGAL WILDLIFE TRADE



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 Tra
in Endangered
Species of Wild
Fauna and Flora



Prevention
of Money
Laundering
Act, 2002



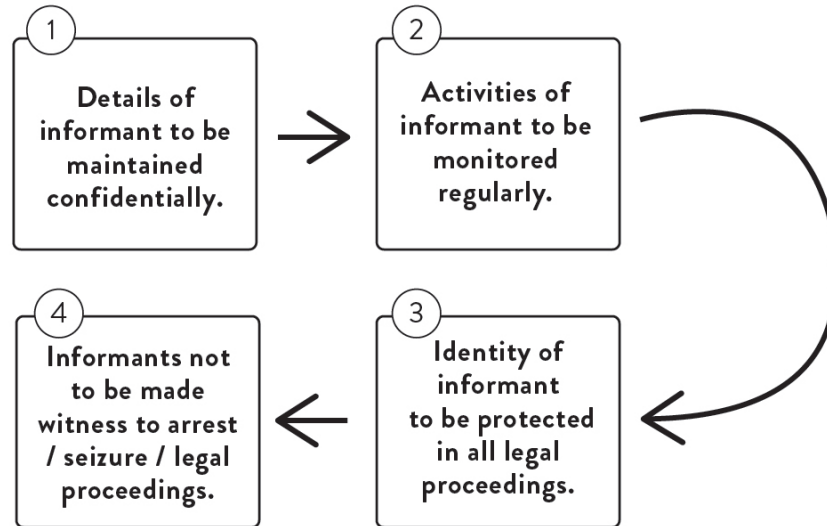
Customs
Act, 1962



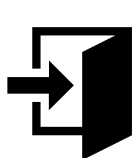
Delhi Special
Police
Establishment
Act, 1946

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.



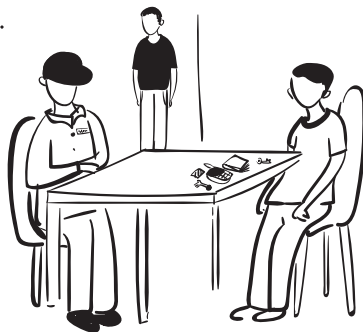
Crime Scene Investigation

2.



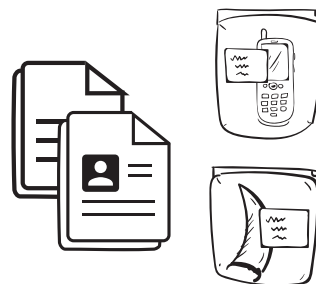
Interrogation

3.



Examination of Witness

4.



Analysis of Evidence

5.



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



Dir. WP



Off. Central



CWLW



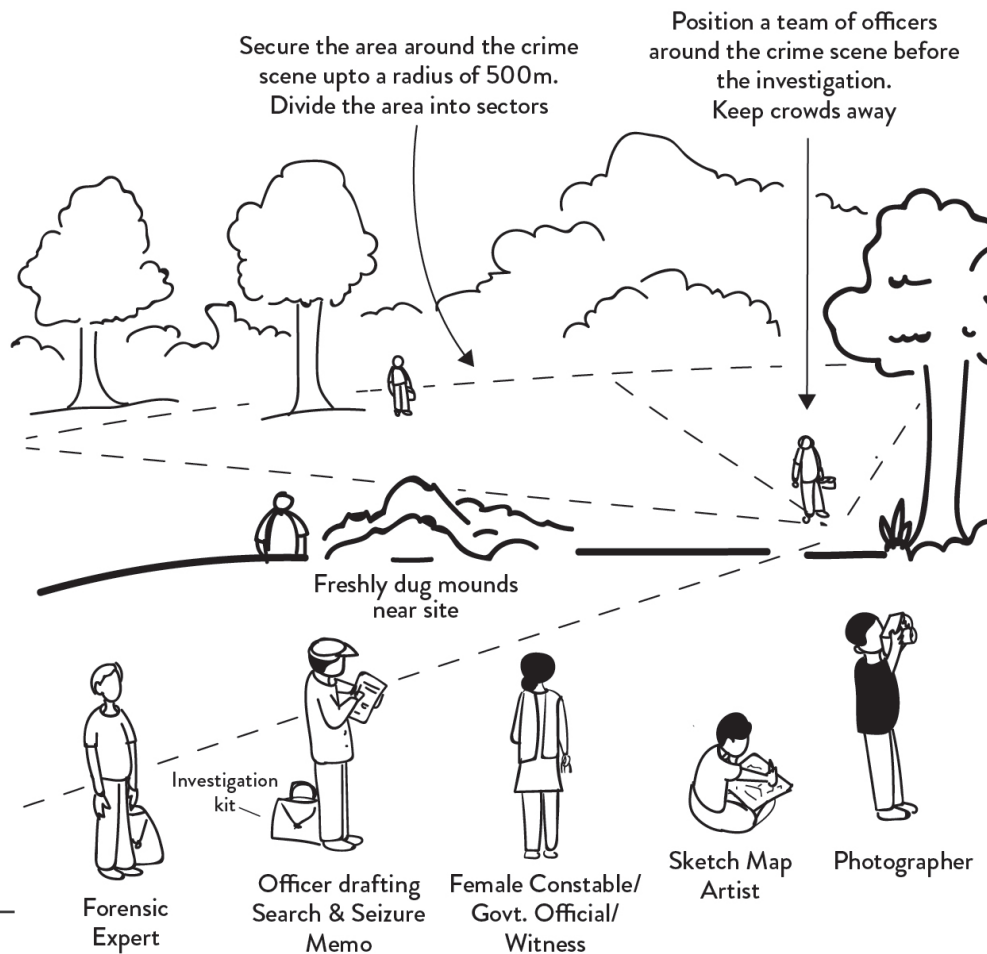
Off. State

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



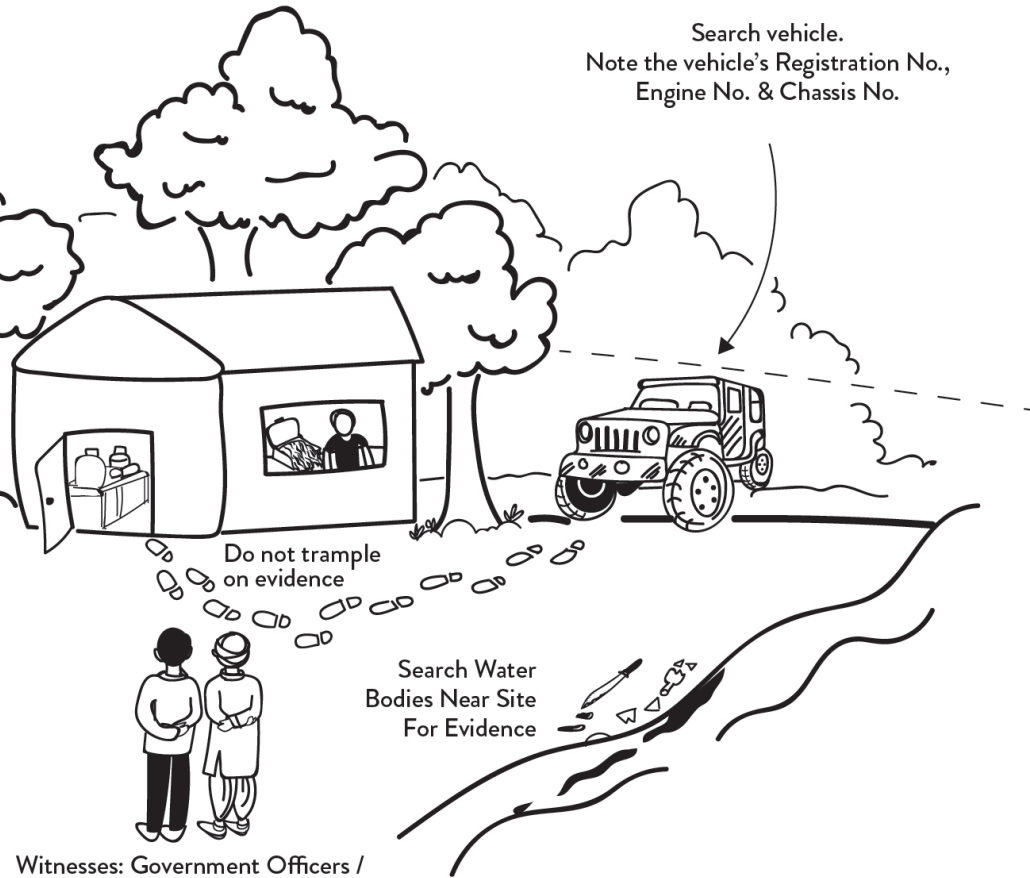
In case of high value goods, copy of filed complaint to be sent to Directorate of Enforcement

SEARCH & SEIZURE SCENARIO: OUTDOORS

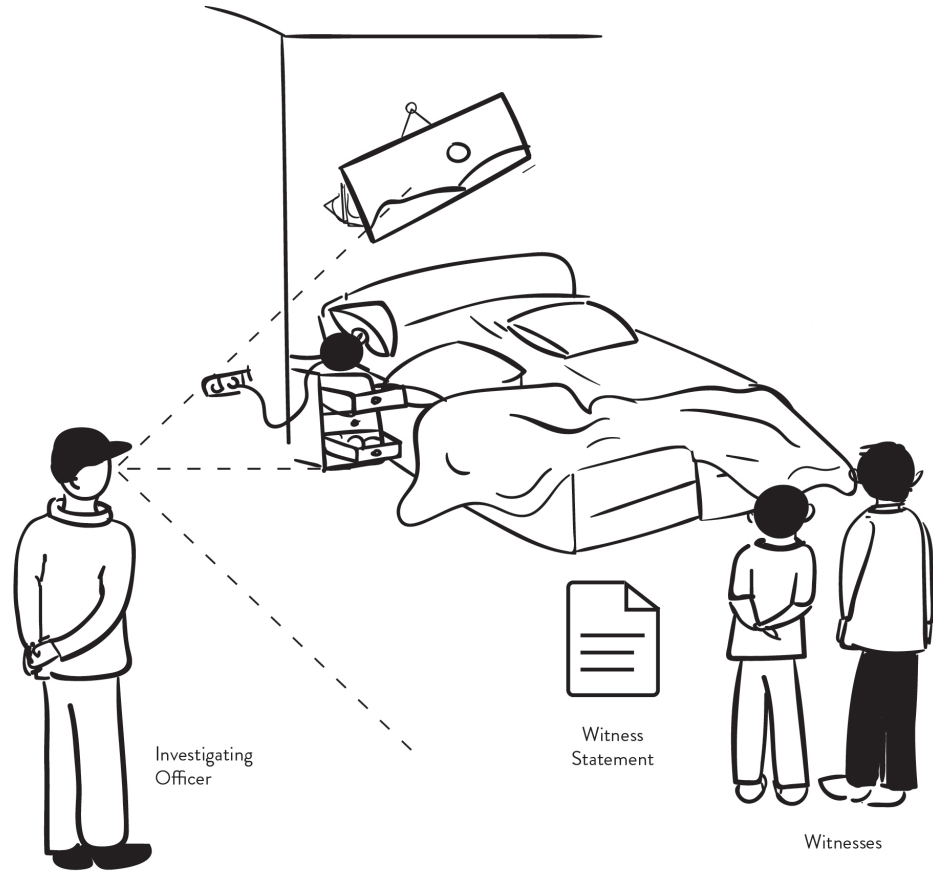


Note location and permanent
features of site

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



SEARCH & SEIZURE SCENARIO: INDOORS

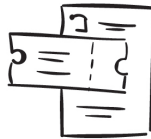




Cash



Cards



Tickets



Passport
& IDs



Poisons / Drugs



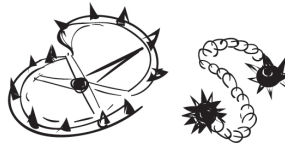
Phone Books /
Diary



Bank Account
Documents



House / Car / Shop
Documents



Animal Traps



Arms



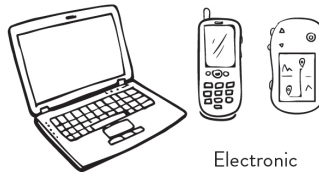
Newspapers /
Bits of paper



Maps



Biological
Evidence

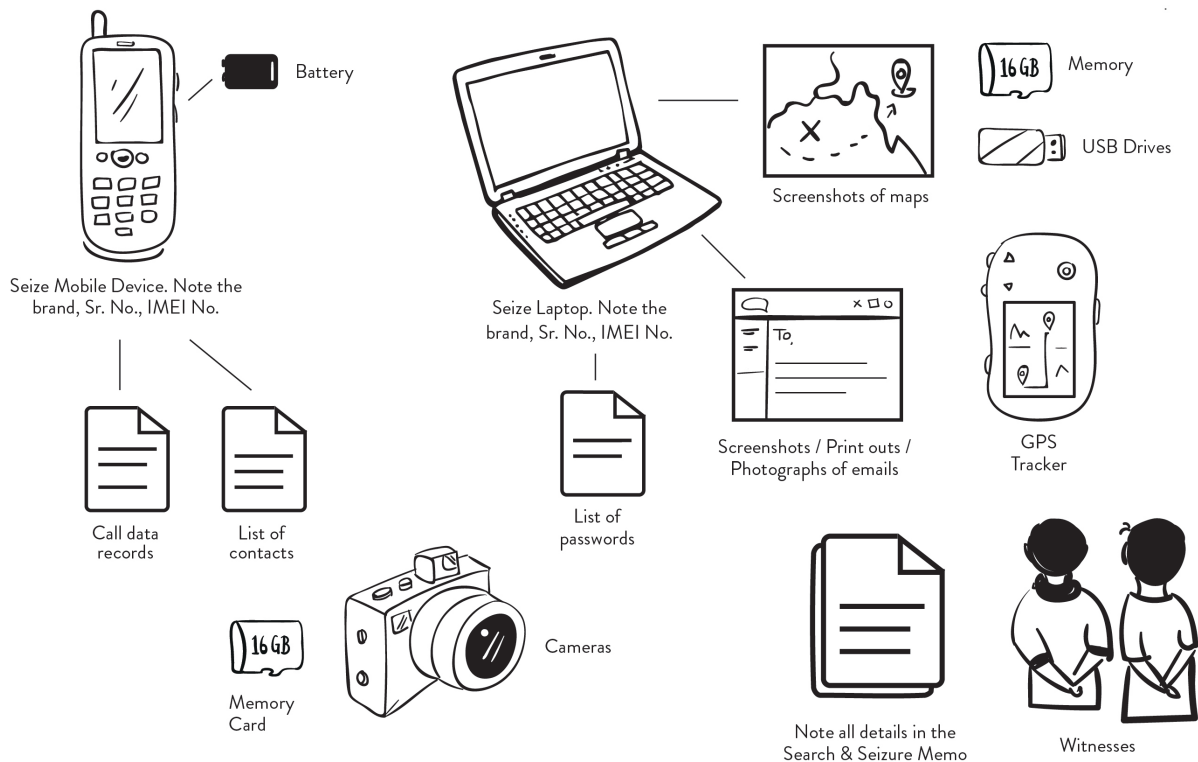


Electronic
Evidence

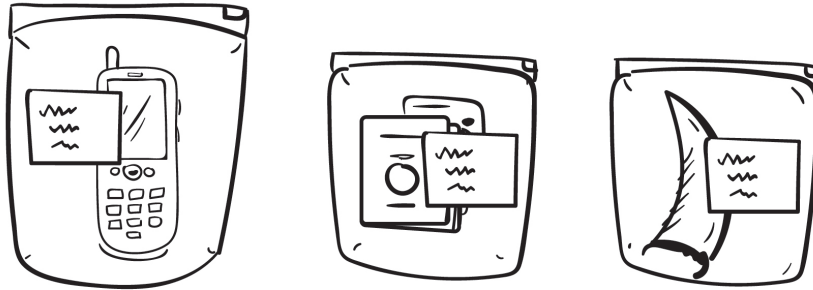


Note all details
in Search &
Seizure Memo

ELECTRONIC EVIDENCE COLLECTION



LABELLING EVIDENCE



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

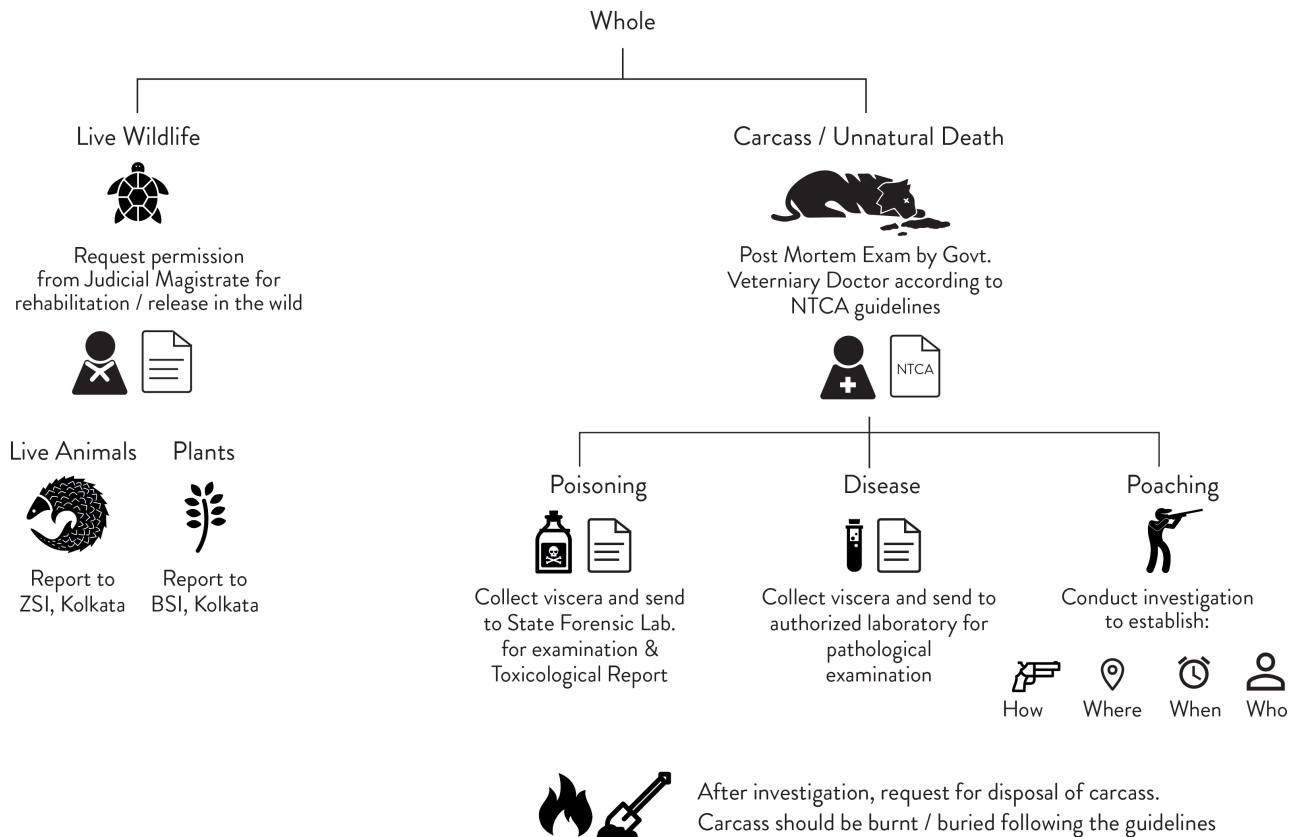
Label must contain:

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

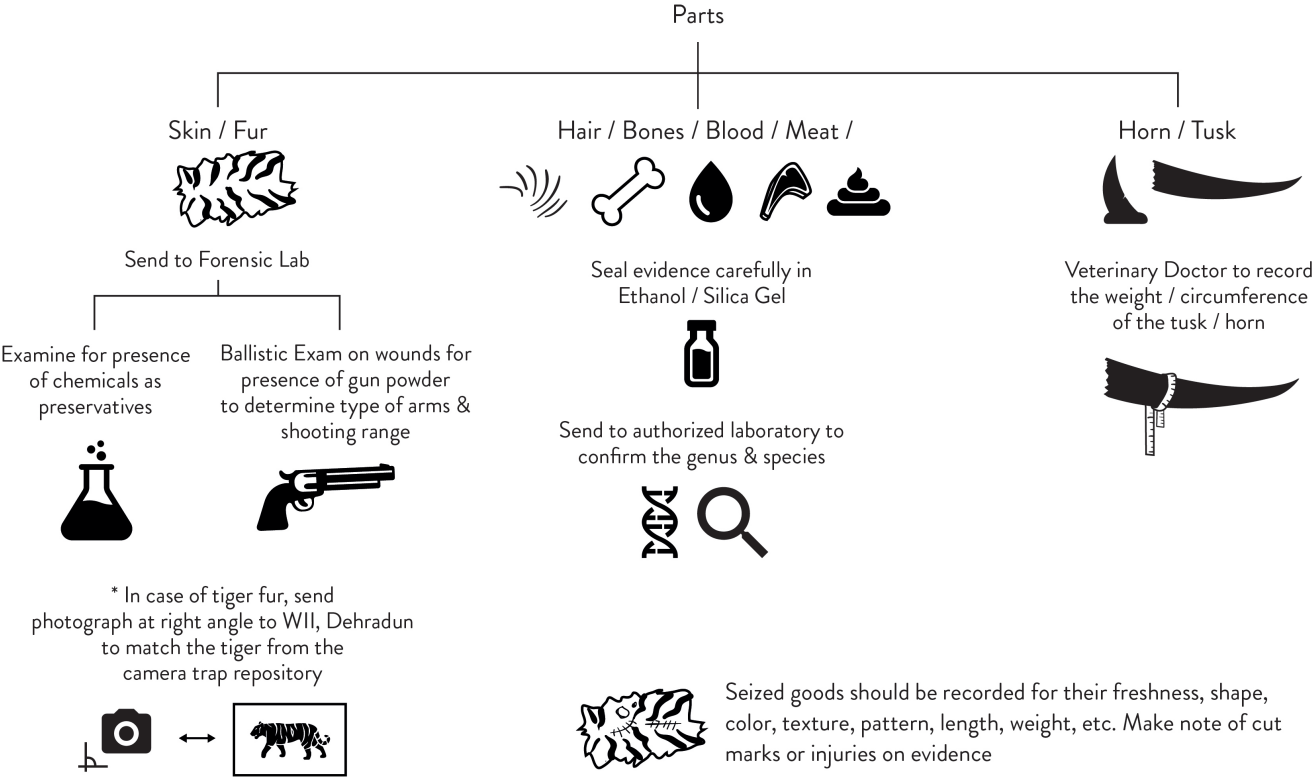


Mention all evidence
in Search & Seizure
Memo

BIOLOGICAL EVIDENCE COLLECTION



BIOLOGICAL EVIDENCE COLLECTION



BIOLOGICAL EVIDENCE: COLLECTION & SEALING



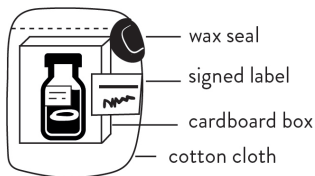
For meat / skin / scat

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



For blood

Collect in a vacutainer tube at 4°C



wax seal

signed label

cardboard box

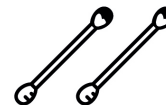
cotton cloth

Sealing Evidence

Place evidence in a cardboard box, wrap in a muslin/cotton cloth, stitch 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.



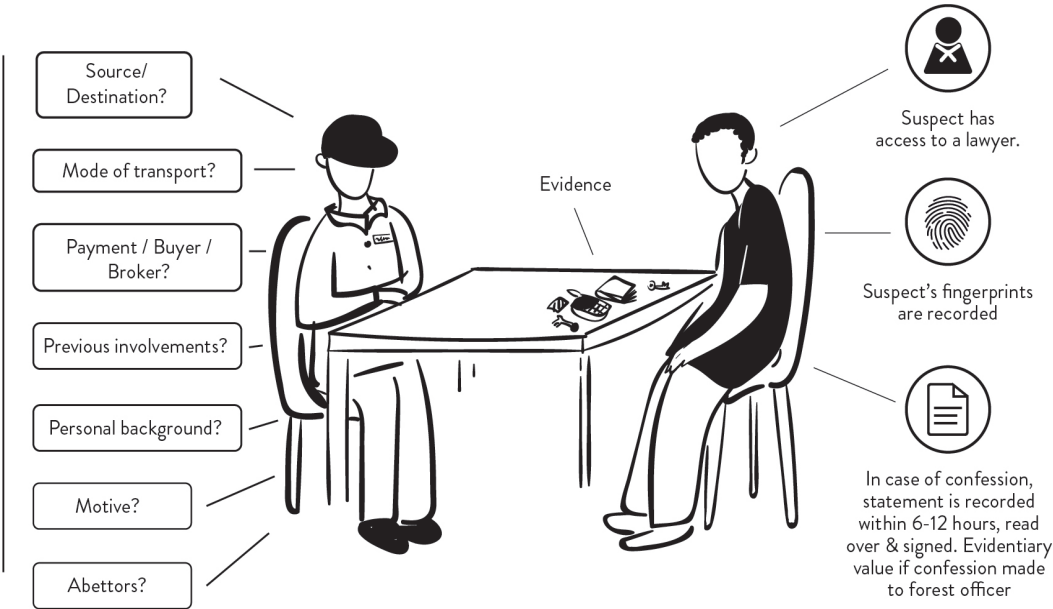
Sanitize gloves while handling samples from different animals



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

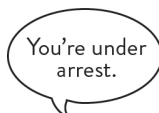
INTERROGATION

Preliminary interrogation of suspect at the site of seizure



ARREST

1.



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

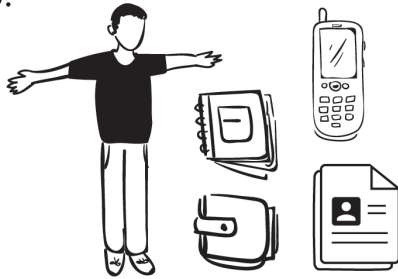


Inform accused of the offence they are arrested for



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

7.



Verify the address given by the accused

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

9.



Avoid interrogation between 6 PM & 6 AM



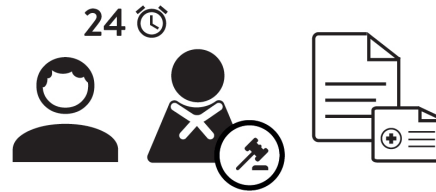
Accused should not be subjected to physical coercion or torture

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



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



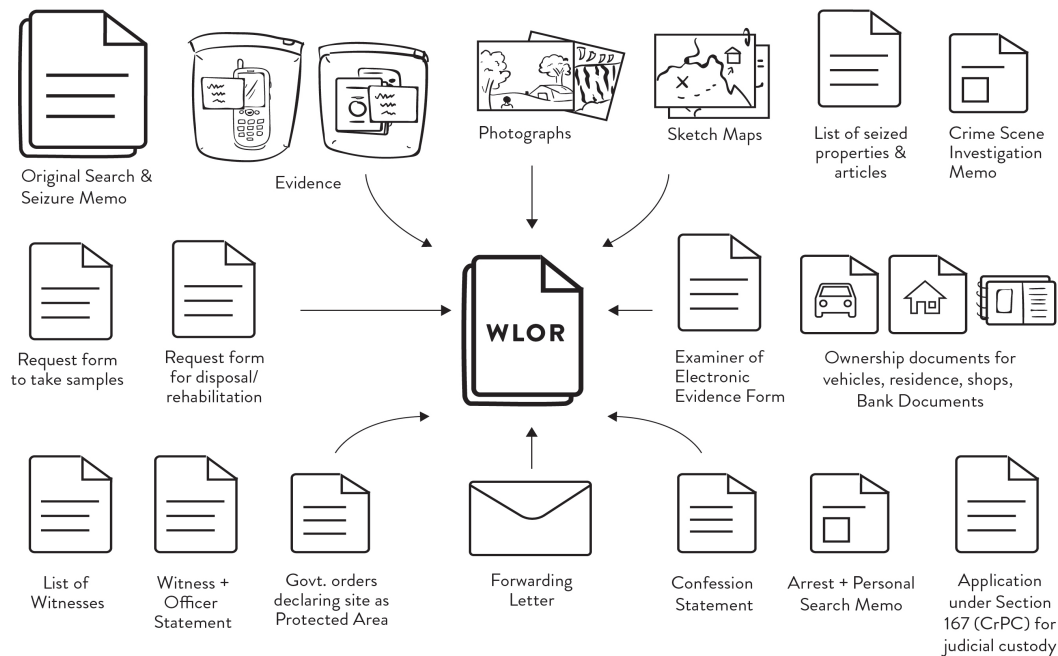
In case of absconding accused, efforts made to find the accused must be clearly mentioned



WLOR 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 WLOR.
- WLOR must have a prayer seeking judicial custody of the accused and permission to send seized evidence for forensic examination.

WLOR CHECKLIST



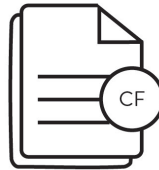
REGISTERING THE WLOR



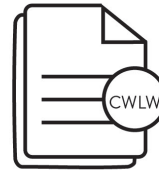
Submitted to the
Chief Judicial
Magistrate / JMFC



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 ⌚



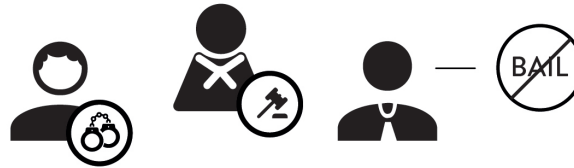
Accused to be produced before a Magistrate within 24 hours of arrest



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



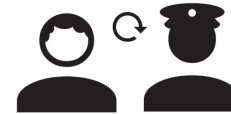
Show that he is a threat to society/might commit another offence if released



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

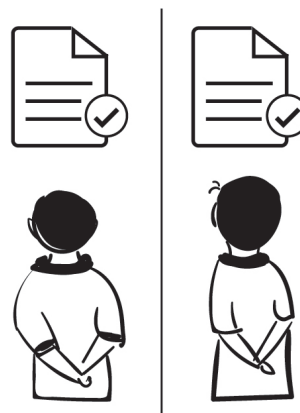


Conduct further
investigation based on
interrogation

RECORDING STATEMENTS - WITNESS



Witness statements to be
recorded by the ACF



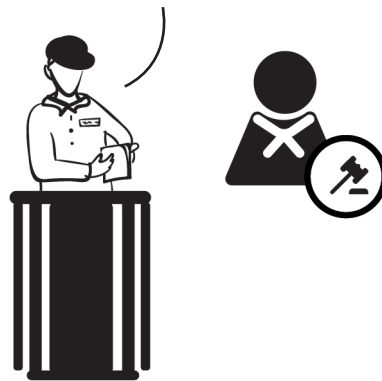
Make sure witness
statements match and there
is no deviation

RECORDING STATEMENTS - CONFESSION



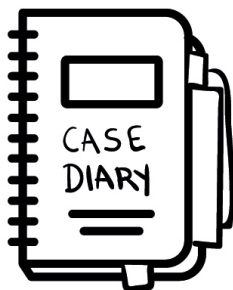
In case confession is made, it is recorded by the ACF or any rank above

"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."

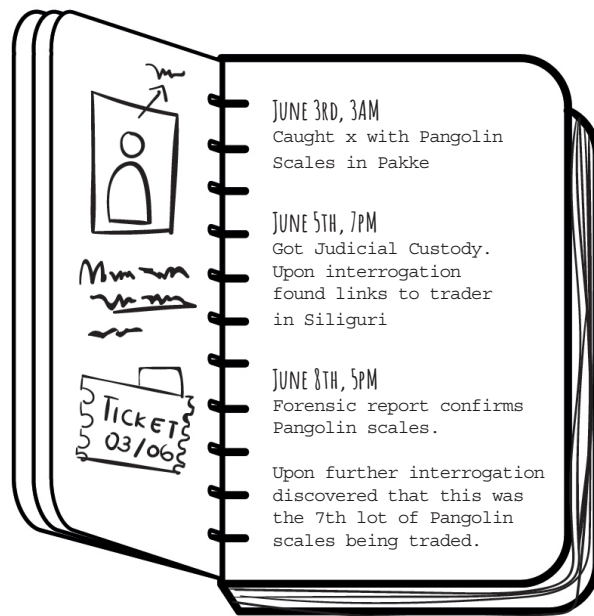


Confessionary Statement

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.

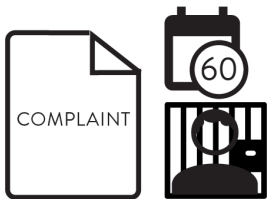


ANALYSIS



5. Complaints

WRITING THE COMPLAINT



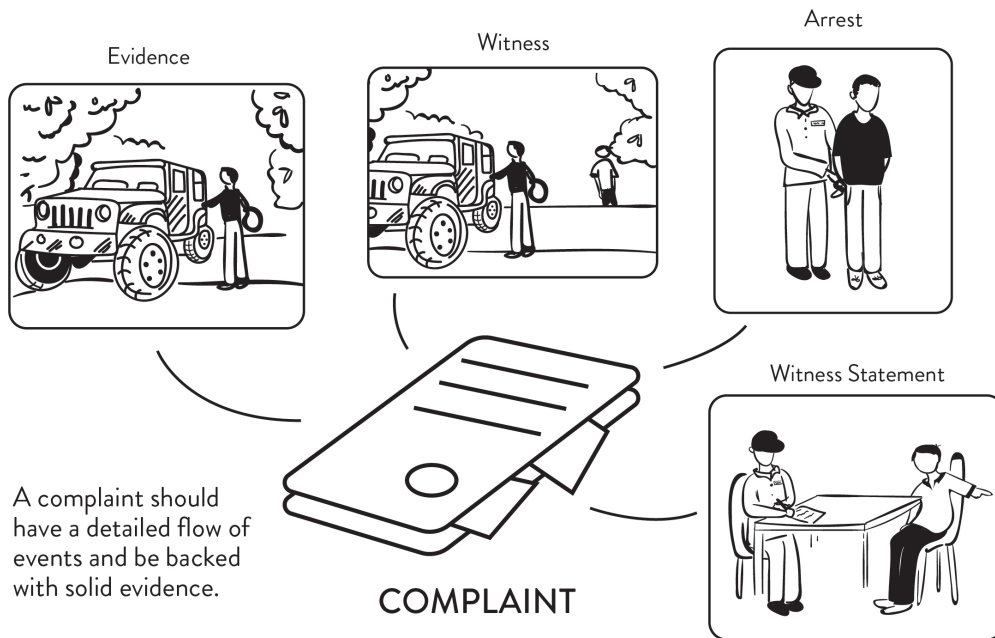
Complaint is to be filed within 60 days of arrest of the first accused in case of judicial custody of the accused



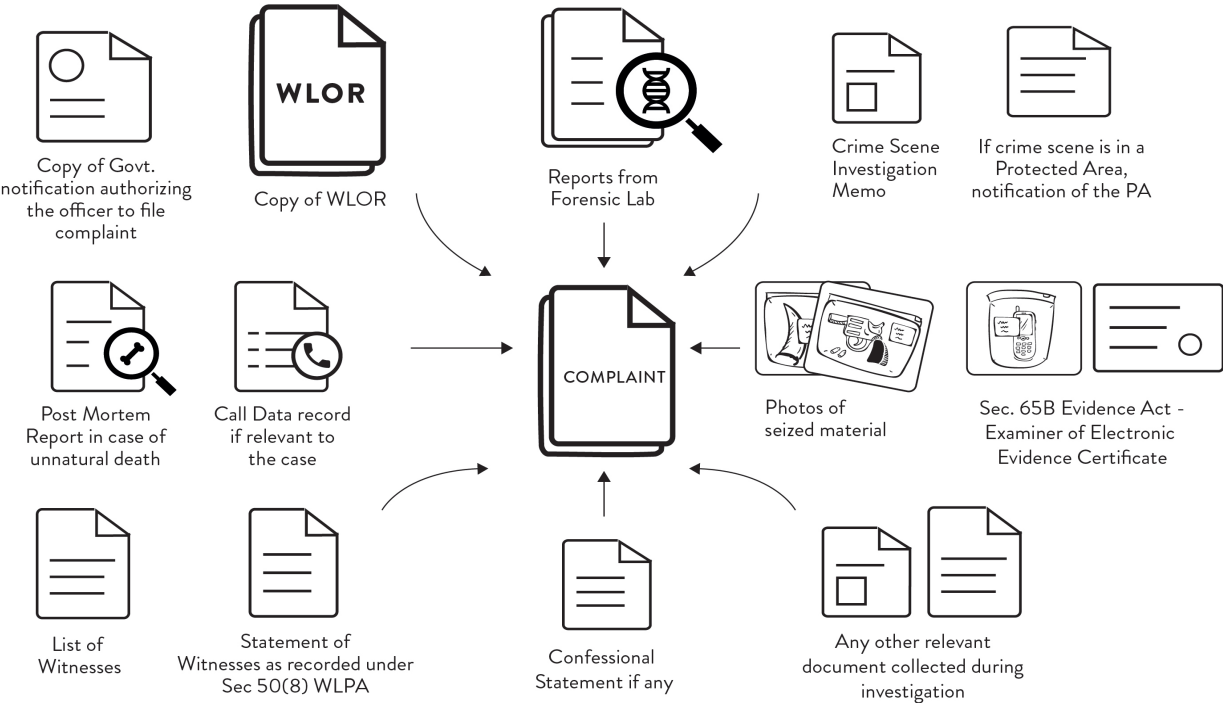
Complaint should be preferably typed, or should be neatly hand written without any over writings or alterations

- 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



LIST OF DOCUMENTS TO BE ATTACHED WITH THE COMPLAINT



PROSECUTION



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

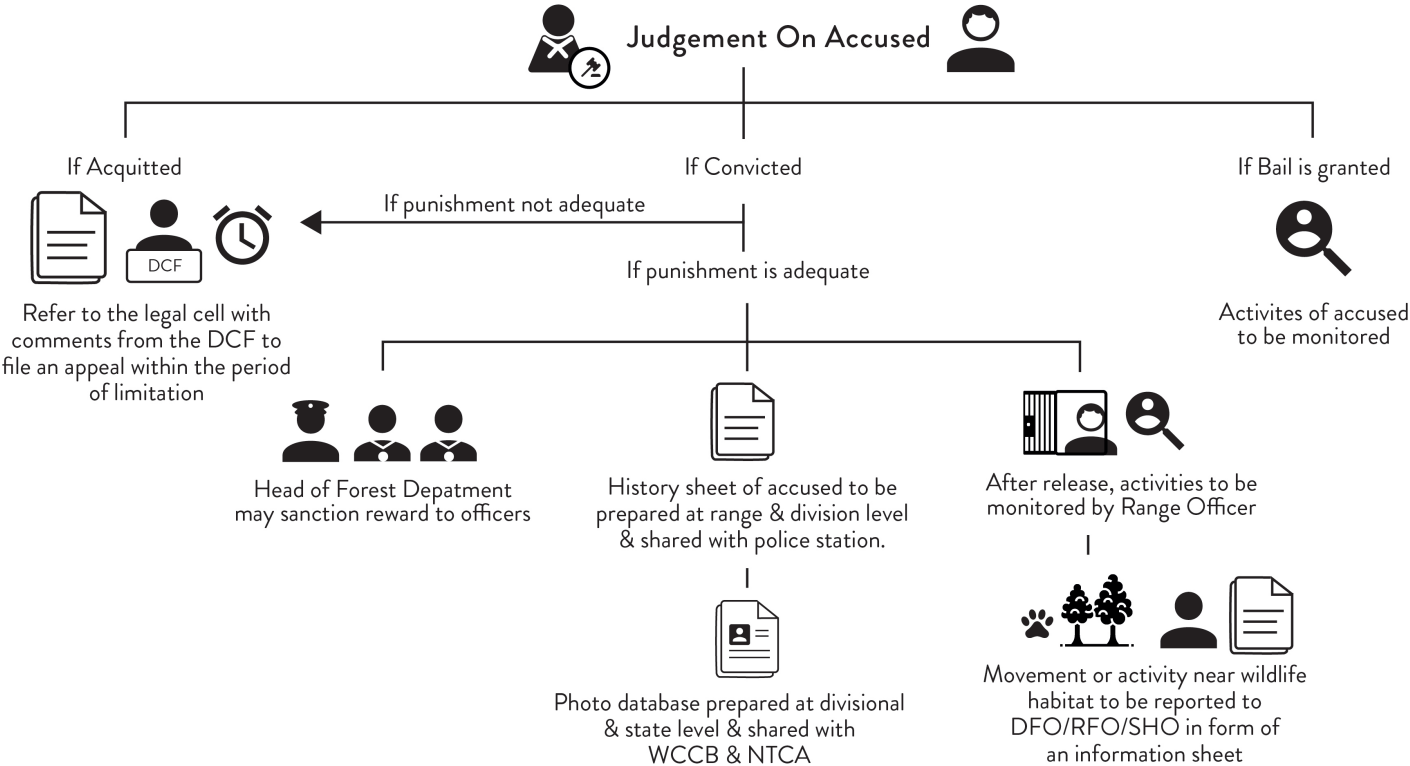


IO to work closely with the Public Prosecutor



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

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(1) Hunting of animals in Schedule II Part I, Schedule III and IV	Upto 3 years punishment or fine upto Rs 25,000	JMFC
2.	Section 9 r/w 51(1) Hunting of animals in Schedule I and Schedule II Part II	First Conviction: Not less than 3 years and not more than 7 years imprisonment and fine not less than Rs 10,000 Second/subsequent offence: Not less than 3 years and not more than 7 years imprisonment and fine not less than Rs 10,000	JMFC
3.	Section 9 r/w 51(1C) Hunting animals in the tiger reserve	First Conviction: Not less than 3 years and upto 7 years imprisonment and a fine not less than Rs 50,000 and upto Rs 2 Lakh Second/subsequent offence: Not less than 7 years imprisonment and a fine not less than Rs 5 Lakh and upto Rs 50 Lakh	JMFC Sessions Court

Sr. No.	Section / Offence	Prescribed Punishment	Appropriate Court
	Section 27 r/w 51(1) Restriction on entry into a Sanctuary	Imprisonment upto 3 years or fine upto Rs 25,000	JMFC
	Section 29 r/w 51(1) Destruction, etc. in a sanctuary prohibited without permit		
4.	Section 31 r/w 51(1) Prohibition of entry into a sanctuary with weapon	Upto 3 years punishment or fine upto Rs 25,000	JMFC
	Section 32 r/w 51(1) Ban on use of injurious substances	(In case Arms Act, 1959 is involved, the arms license is cancelled and the person cannot apply for a fresh license for 5 years)	
5.	Section 39 r/w 51(1) Wild animals, etc. to be government property	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 In case of Schedule II Part II, Schedule III and IV species, not more than 3 years or fine upto Rs 25,000	JMFC

Sr. No.	Section / Offence	Prescribed Punishment	Appropriate Court
6.	Section 42 r/w 51 Certificate of ownership	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	JMFC
	Section 44 r/w 51 Dealings in trophy and animal articles without license prohibited	In case of Schedule II Part II, Schedule III and IV species, not more than 3 years or fine upto Rs 25,000	
	Section 48 r/w 51 Purchase of animal, etc. by licensee		
	Section 48A r/w 51 Restriction on transportation of wildlife		
	Section 49 r/w 51 Purchase of captive animal, etc. by a person other than a licensee		
	Section 49B r/w 51 Dealing in trophies, animal articles, etc of Schedule I and Schedule II Part II animals		

Sr. No.	Section / Offence	Prescribed Punishment	Appropriate Court
7.	Chapter VA Prohibition of trade or commerce in trophies, animal articles, etc. derived from Scheduled animals	Not less than 3 years imprisonment and upto 7 years and fine not less than Rs 10,000	JMFC
8.	Section 52 r/w 51 Attempts and abetment	Same punishment as the offence attempted or abetted	

Note: When a person commits an offence in relation to the core area of a tiger reserve or where the offence relates to hunting in the tiger reserve-

First conviction is punishable with not less than 3 years upto 7 years imprisonment and also a fine not less than Rs 50,000 and not more than Rs 2 Lakh.

In case of repeat offenders, imprisonment for not less than 7 years and fine not less than 5 Lakh rupees and not more than Rs 50 Lakh.

