

WILDLIFE CRIME INVESTIGATION
A Hand book for
Wildlife Crime Investigation Officers

Wildlife Crime Control Bureau
Ministry of Environment and Forests
Government of India

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राज्य मंत्री (स्वतंत्र प्रभार)

पर्यावरण एवं वन मंत्रालय,

भारत सरकार

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GOVERNMENT OF INDIA

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FOREWORD

India is one of the mega biodiverse countries of the world. This diversity is, however, under stress from poaching and organized illegal wildlife trade with global ramifications. If left unchecked, this will soon spell the end of several species. Wild Life (Protection) Act, 1972, is the umbrella legislation for wildlife crime enforcement in the country. However, it is not a complete code of procedure for action. Therefore, there is lack of uniformity among various states in procedures, practices and methodology in matters relating of wildlife crime investigation, often leading to legal and operational complications. A well codified and uniform procedure in investigation of wildlife offences is therefore the need of the hour.

I am happy to see the Wildlife Crime Control Bureau (WCCB) has identified this as a critical area for improvement and brought out this handbook which will serve as a ready reference for wildlife crime investigation officers. It will also help the courts to better appreciate wildlife crime cases, thus contributing to increasing the conviction rate in wildlife crime cases.

A handwritten signature in blue ink, which appears to read "Jayanthi Natarajan".

Jayanthi Natarajan

Wildlife Crime Investigation

Preface

The wildlife crime investigation methodology is still evolving. Though there are manuals available on investigation of various crimes, but quality books/ compilations of reference material on investigation of wildlife crimes are scarce. Therefore, there have been requests from the State wildlife crime enforcement agencies to develop the capacities of their investigation officers in professional and scientific investigation of wildlife offences. Based on this felt need, Wildlife Crime Control Bureau (WCCB) has made an effort in this direction and compiled this handbook to help the investigation officers of various agencies particularly the officers of State Forest Departments, in professional investigation of wildlife offences.

This guide is being brought out with a view to standardise practices and procedures to be followed by State police and forest departments in wildlife crime investigation. It is expected that use of this document would bring uniformity in methodology, improve investigation quality and result in better appreciation of evidence by the courts contributing to effective combating of wildlife crime.

Shyam Bhagat Negi
Additional Director, WCCB.

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CHAPTER -1

Concept of Wildlife Crime

1.1. The term “wild life” (written as two words) was first used by the famous American Zoologist William Temple Hornaday in his book “Our Vanishing Wild Life (Its Extermination and Preservation)” published in 1913. It was only in 1930s that “wildlife,” written as a single word, came into widespread usage. Wildlife means the native wild fauna and flora of a region. As per Section 2(37) of the Wild Life (Protection) Act, 1972, “wildlife” includes any animal, aquatic or land vegetation which forms part of any habitat.

1.2. Importance of wildlife is to be seen in the light of the constitutional mandate. (Protection) and improvement of environment and safeguarding of forests and wildlife is included in the Directive Principles of State Policy in the Constitution of India (Article 48 A). Article 51A (g) of the Constitution says that it is the Fundamental Duty of every citizen to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures. Prevention of cruelty to animals, Forests and (Protection) of wild animals and birds are in the Concurrent List, (List -III), Seventh Schedule under Article 246 of the Constitution of India.

1.3. Wildlife crime can be defined as taking, possession, trade or movement, processing, consumption of wild animals and plants or their derivatives in contravention of any international, regional, or national legislation(s). Infliction of cruelty to and the persecution of wild animals, both free-living and captive are also at times added to this definition. Though wild animals and plants are the victims of any wildlife crime at first place, it has got a cascading effect on the ecosystem of particular country or region. It is clear from the constitutional mandate that wildlife is our national wealth. Therefore, the country is also a victim of wildlife crimes. As illegal wildlife trade involves huge amounts of money, it is, also to be treated as a serious economic offence.

1.4. Hunting and illegal trade are the major wildlife offences. All other offences like preparation, possession, transportation, processing etc are ancillary offences. That being so, wildlife offenders can be divided into two groups - (a) the poachers or hunters who kill or capture wild animals or collect wild plants and (b) persons buying hunted and/or captured animals or its body parts or derivatives or collected plants or its parts or derivatives, for own consumption or for trade. The traders of wildlife materials constitute the most influential group of wildlife offenders and they operate in highly organised manner. Networks of such organised

wildlife criminals have global presence and they make maximum commercial gain from these crimes.

1.5. Poaching is often associated with different levels of violence. Poaching for ivory, Rhino horns etc. are traditionally based on heavy use of weaponry which may eventually bring even human bloodshed. Whereas, poaching of other species like Snakes, Orchids, Turtles etc are more dependent on technical skills to recognize high-value species. In Indian context, the poachers are often compelled by the poor socio-economic conditions.

1.6. Wildlife crimes are often interconnected to other crime forms like murder, theft, drugs etc., but differ in following aspects:

- (i) Wildlife crimes are location specific. To commit a wildlife crime, the offender has to invariably go to the place where the targeted wildlife is available.
- (ii) Acts which are now construed as a wildlife offences were not criminal acts until enactment of the Wild Life (Protection) Act, 1972. Hunting, that tops the list of wildlife crimes, was once an act of valour and a royal pass time. The great hunters used to be the heroes of their times.
- (iii) Public at large is not affected or disturbed by the wildlife crimes. In the case of conventional crimes like murder, theft or robbery, every incident infuses a sense of fear into the minds of people that anybody could be a victim of such criminal acts and public at large is concerned about such activities and contribute towards prevention of such crimes. This does not happen in case of wildlife crimes.

1.7. The United Nations Office on Drugs and Crime (UNODC) included wildlife crimes in the list of Transnational Organised Crimes (TOC) in 2003. Transnational Organised Crime, as defined by the UNODC is “a structured group of three or more persons, acting together with the aim of committing one or more serious crime, in order to obtain financial or material benefit and these crimes are planned and/or committed in more than one country”. A serious crime is an offence punishable by imprisonment of at least 4 years or more. Therefore, most of the wildlife crimes fall in the category of serious crimes.

1.8. What drives the illegal trade of wildlife?

Illegal wildlife trade is driven mainly by the huge profits earned by the traders. Low risk and low penalties make the trade highly lucrative. Unlike other conventional crimes, no stigma is attached to the offenders who commit wildlife crimes. Wealthy markets in Asia, Europe, USA and the Middle East are the force driving the illegal trade of wildlife. Craze for ornaments

made of animal body parts (ivory, tiger teeth/bones), use of animal body parts or plants in traditional medicines, keeping the skins or horns or antlers as status symbols, cultural beliefs or even superstitious beliefs are other factors driving the illegal trade in wildlife and their parts & products.

1.9. The Wild Life (Protection) Act, 1972, is the umbrella legislation in the country for wildlife crime enforcement. State Forest and Police Departments are the primary enforcement agencies with regards to wildlife crimes. Wildlife crimes are also investigated by Central Bureau of Investigation (CBI) with the permission of State Governments concerned. WCCB also takes up selected wildlife offences with trans-border ramifications for investigation. Import or export of wildlife articles/ derivatives are either restricted or prohibited under the EXIM Policy. Therefore, the Customs Department and the Directorate of Revenue Intelligence (DRI) also play significant role in the detection of wildlife offences at exit points. The border guarding agencies with prevention of smuggling mandate and CISF deployed at airports play also important role in prevention of wildlife smuggling. GRP, RPF and Postal authorities have role in combating smuggling through railways and posts especially postal parcels.

CHAPTER - 2

Collection of Intelligence

2.1. Intelligence is information collected, collated, analyzed and disseminated, in an effort to anticipate, prevent or monitor criminal activity. From sporadic incidents of poaching (mainly for meat), wildlife crimes have now grown into organized criminal activity having international ramifications. Collection of intelligence about such organized criminal networks, and their activities and collation of such information on a real time basis is the need of the hour to combat wildlife crimes effectively.

2.2. Wildlife crimes do not affect the public at large and therefore, usually, public don't come forward voluntarily to give information about the wildlife offenders. Therefore, the law enforcement agencies have to find ways and means to motivate the members of public to pass on information about such offenders. Hence, it is essential to cultivate a set of reliable informers/sources. Forest/Wildlife and police officers, who are in regular contact with the local people can identify good sources and keep a record of such persons in the format given at **Annexure-I**. These sources may often require cash incentives for their association. Besides, State CID and Intelligence Bureau (IB) have extensive presence in the country. Regular meetings with field level officials of these agencies should be held for information exchange.

2.3. Details of the sources are to be maintained confidentially in the personal custody of the officer concerned. At the time of transfer or retirement, the incumbent officer should personally hand over source records to his successor. Activities of the sources should be monitored regularly to ensure that he is not indulging in double play. Inactive sources or sources showing lack of interest should be discarded periodically.

2.4. Details of the sources need not be disclosed in any legal proceeding including trial. Section 124 and 125 of Indian Evidence Act provide for (Protection) of the identity of the informer even in judicial trial. Identity of the sources or informers may be known only to the officer employing them.

2.5. Sources or informers should not be made witnesses to the arrest, seizure or any other legal proceedings during the investigation.

2.6. If the Information received from the source cannot be acted upon for want of jurisdiction or involvement of criminal operating in more than one State or country, it may be passed on to the WCCB Bureau HQ, New Delhi or its Regional Offices at Delhi, Mumbai, Chennai, Kolkata and Jabalpur. Contact details of the offices of Wildlife Crime Control Bureau are given at **Annexure-II**.

CHAPTER - 3

Registration of Cases

3.1. In conventional crimes, investigation starts with registration of the case as First Information Report (FIR). Recovery of material evidence (stolen property, weapons, vehicles etc) takes place only after registration of the case. However, in wildlife crime cases, the seizure of the wildlife/ wildlife article or apprehension of the accused/suspect may take place before registration of the case. In other words, in wildlife offences, investigation may start with lodging of a seizure / apprehension report or the offence report, in the jurisdictional court, by an authorised officer, who makes such seizure or arrest. In different States this report is known by different names such as the Preliminary Offence Report (POR), H-2 Case, Offence Report, First Information Report (FIR), Seizure Intimation etc. However, it has been observed that some of the judicial officers who are new to wildlife crime cases doubt the legitimacy of such reports and insist on FIR/POR. There are some incidents where the jurisdictional magistrates refused to accept such reports as they are not on par with the First Information Report (FIR) filed by the police. In order to avoid such technical problems and to bring uniformity in practise, it is suggested that the first report submitted in the jurisdictional court in wildlife crime cases may be named as **Wildlife Offence Report (WLOR)**. The Wildlife Offence Report should be prepared under Section 50(4) of the Wild Life (Protection) Act, 1972. A standard format for Wildlife Offence Report is given at **Annexure-III**.

3.2 Check list for preparing Wildlife Offence Report (WLOR):

- (i) Every WLOR should be assigned a serial number maintained year wise eg: WLOR No. 1/2012 of _____, dated _____, Forest Range, Division/TRs)
- (ii) Date and time of receipt of information at the Forest Range or detection of the offence should be mentioned in the WLOR.
- (iii) WLOR should be prepared only on the standard format.
- (iv) All columns in the WLOR should be duly filled.
- (v) Correct Sections of law should be applied.
- (vi) Address, present and permanent, parentage, age, sex etc of all the known accused/ suspects are to be mentioned in the WLOR.
- (vii) If the accused/suspects are not known, the same should be mentioned in the WLOR.
- (viii) In case of involvement of unknown accused, the words "and other unknown accused" should be mentioned after the list of the known accused.
- (ix) Information part of the WLOR should be in simple language and without any ambiguity. It should provide sufficient grounds for proceeding against the accused.

- (x) Details of the wildlife involved, both common name and scientific name, Schedule under which the animal is listed in the WL (Protection) Act, quantum of punishment for the offence etc., should be incorporated in the information part.
- (xi) Name and rank of the Investigating Officer, officer who made the seizure and the officer who wrote the WLOR should be mentioned in the WLOR.
- (xii) Delay in lodging of the WLOR should be avoided. In exceptional circumstances, if delay occurs, reasons for the same should be explained in the WLOR.
- (xiii) Copy of the WLOR should be sent to the immediate supervisory officer and CWLW or officer authorised by him, without delay. This is needed so that immediate supervisory officer is aware of the commission of the offense under his jurisdiction and also enables him to advise/ monitor the progress in its investigation.

3.3. Registration of FIR and investigation of offences under the Wild Life (Protection) Act, 1972, by police officer – Violations of the provisions of the Act are not specified as cognizable offence, therefore, police officers are often unwilling to lodge FIR and investigate offences reported under the provisions of the Act. It is clarified that under Part-II of Schedule – I of the Criminal Procedure Code, 1973, offences against other laws, if punishable with imprisonment for 3 years and upwards are classified as cognizable. Most of the offences under the Act are punishable with imprisonment for 3 or more years. Therefore, an Officer In charge of a Police Station is bound to lodge an FIR and investigate the case like any other cognizable offence. However, courts shall take cognizance of any offence against the Act only on the complaint submitted by any person specified under Section 55 of the Act. Therefore, if Police officers in the State concerned are not authorized to file complaints under Section 55 of the Act, the Police report is to be submitted in the Court as complaint through an authorized forest officer. Once a complaint is filed in court, no further investigation will be conducted without the direction of the Court. Further, there is no provision for filing supplementary complaint once a complaint is filed. Therefore, any subsequent discovery, seizure, arrest etc. will be treated as fresh case and separate complaint filed in the Court.

CHAPTER - 4

Search and Seizure

4.1. Search and seizure should be made as per the provisions of Section 50 of Wild Life (Protection) Act, 1972. Although the Wild Life (Protection) Act, 1972, gives the power of entry, search, arrest & detention to the authorized officer but procedure prescribed under Section 100 of the Code of Criminal Procedure (Cr.PC), like conducting the search in the presence of two independent witnesses, preparing a list of things seized during the search, conducting the search of women occupants using women officials, handing over copy of the Search list to the occupant of the place searched etc. should be followed strictly.

4.2. Every fact and event related to the search and seizure, right from the time of receipt of relevant information/intelligence, should be reduced into writing in **Search and Seizure Memo**. A model Search and Seizure Memo is enclosed at **Annexure-IV**.

4.3. The Search and Seizure Memo should be prepared at the scene of crime/scene of occurrence. Taking down notes at the scene and preparing the Memo later in the office or elsewhere should be avoided except in exceptional cases. In such cases, valid reasons for the same should be mentioned in the Search and Seizure Memo. Moreover, the officer making it later or elsewhere, may loose many vital facts or evidence, and also create room for doubts about the authenticity of the Memo.

4.4. The place of search, distance and direction with regard to the Forest Range Office/police station, full address with house & room number (in case of residential or business premises) and some permanent features like huge rocks, trees, rivers, water bodies etc (in case of outdoor seizures like in forest area) should be mentioned in the Search and Seizure Memo. A **rough sketch map** of the place should be prepared and enclosed with the Search and Seizure Memo. Photograph or video graph of the place should be taken at the time of search. Photographs should include overview of the crime scene and close up of the articles seized.

4.5. Search should be conducted in the presence of independent witnesses. For this, services of government servants can also be obtained. If government servants are not available, two respectable persons from the locality should be associated as independent witness. In case of search and seizures in business premises, hotels etc., the Manager or any person responsible for conduct of the day to day business of the hotel or office or company may be taken as the independent witness. If the seizure is at Railway Station, officials of Railway (Protection) Force

or Government Railway Police may be associated. For seizure at a Bus Stand, the officials of Transport Corporation could be the independent witnesses. If independent witnesses are not available despite reasonable efforts, it should be explained in the Memo. While conducting search at residences or temporary settlements of the poachers/wildlife criminals, especially that of wandering tribes like Parthis and Bawarias, freshly filled up diggings in and around such settlements should be dug and searched; as they have the tendency to hide wildlife articles and other valuables in such places.

4.6. Interrogation of the accused/suspect should be done at the time of search and information revealed by him should be recorded in the Search and Seizure Memo. Interrogation should include details about source of procurement, mode of transportation, details of payments, details of prospective buyers, brokers or intermediaries involved in the trade, previous transactions made by him, mobile phone numbers of the accused and his contacts, his involvement in other criminal cases, other wildlife articles hidden elsewhere either by him or others and valid documents for possession of the wildlife or articles, if any.

4.7. A preliminary statement of the accused should be recorded immediately after the search, in presence of independent witnesses.

4.8. All physical parameters of the articles like colour, texture, size, (length & breadth) odour/smell, and general condition of the articles, should be incorporated in the Search and Seizure Memo.

4.9. Mobile phone handsets possessed by the accused/suspect should be examined for stored numbers and a list of such numbers should be prepared. Such list should be attached to the Search and Seizure Memo as Annexure. The mobile phone handset should be switched off immediately after its examination and its battery taken out. The Mobile phone should be seized for further examination by expert.

4.10. Laptop Computers possessed by the accused should also be examined for details like the map and other information pertaining to relevant things like details of the Sanctuaries or National Parks, e-mail files pertaining to the deals etc. All operations on laptop should be carried out in the presence of witnesses. The accused/suspect should be questioned about any passwords used for logging into the computer; email accounts etc. and the same should also be recorded in the Search and Seizure Memo. After taking the details, Laptop should be switched off, sealed and seized for further examination by expert.

- 4.11. In case of skins, thorough visual examination with regard to presence of traces of any preservatives, cuts, bullet entry points etc should be conducted and observations made should be incorporated in the Search and Seizure Memo.
- 4.12. The offences committed by the accused should be described by quoting the ingredients of the relevant Sections from the Wild Life (Protection) Act, 1972.
- 4.13. The details of technical assistance, if any, taken from forest officials, veterinary surgeons, forensic experts etc should be mentioned.
- 4.14. When search is conducted in hotel rooms, residence or business premises, the whole room/house should be searched for possible clues. Documents, traps, tools, chemicals etc related to the offence or which could connect the accused with the offence, should be seized.
- 4.15. After examination, photography and physical measurements of the seized articles, the Investigation Officer should properly mark, seal and label the seized articles preferably in transparent polythene packets so that it is easier for the court to see them at the time of first production.
- 4.16. Arrest of the accused with the time of arrest should be mentioned in the Search and Seizure Memo.
- 4.17. All pages and the enclosures of the Memo should be signed by the officials, independent witnesses and the accused. Labels with the signature of all the above mentioned persons should be pasted on the sealed packets containing the seized materials. A copy of the Search and Seizure Memo should be provided to the accused under acknowledgment.
- 4.18. Search and Seizure Memo is an important piece of evidence which needs to be appreciated by the court during the trial. Therefore, utmost care should be taken while preparing the same. It should be prepared in simple language without any ambiguity. Care should be taken to avoid over writings, alteration etc. Nothing other than the facts related to the case in hand should be mentioned in the Search and Seizure Memo.
- 4.19. Subsequent search if required during the further course of investigation should be conducted only with a Search Warrant as may be issued by the authorised officer mentioned in Section 50(8) of the Wild Life (Protection) Act, 1972.

4.20. When a search is to be conducted?

Sub Section (1) of Section 50 of the Wild Life (Protection) Act states that:

"Notwithstanding anything contained in any other law for the time being in force, the Director or any other officer authorised by him in this behalf or the Chief Wildlife Warden or the authorised officer or any forest officer or any police officer not below the rank of a Sub - Inspector may, if he has reasonable grounds for believing that any person has committed an offence against this Act....."

Therefore, any Forest Officer or Police Officer/authorised officer, conducting a search should have reasonable grounds to believe that the person whose body or residence/office or vehicle is to be searched has committed an offence under Wild Life (Protection) Act, 1972. In other words, reasonable grounds to believe an offence under this Act has been committed are a prerequisite for conducting a search. Importance of this provision is to be understood in the light of Section 53 of the Act, wherein punishment for wrongful seizure is provided. Therefore, utmost care should be taken while preparing the Search and Seizure Memo to explain the reasons for conducting search.

4.21. Search and Seizure - check list

- i. Avoid all kinds of manipulations. The officers should give personal search, preferably in presence of independent witnesses, before conducting search & seizure operations.
- ii. Briefly and chronologically narrate the events leading to the search.
- iii. Prepare the Search Memo/Seizure Memo at the search spot.
- iv. Ask the accused about the source of procurement, agents, middlemen, date and place of procurement, monetary transactions, prospective buyers, place and time of poaching, accomplices, modus operandi and all such relevant questions and incorporate the reply/explanation given by the accused in the Seizure Memo. In case a person is alleged to have shot at an animal, hand wash of his fingers should be taken to ascertain presence of any gunshot residue. This is a vital piece of evidence to establish that the accused indeed fired, in addition to fingerprints and ballistic examination report.
- v. By whom the wildlife material is identified is to be mentioned in the Seizure Memo.
- vi. Describe the features of the seized material (freshness, shape, color, texture, patterns, length, numbers, weight etc.)
- vii. Describe cut marks, injuries and other such things which may provide clues for further investigation.
- viii. In case of search of a house/office/Hotel room etc, look for documents like visiting

- cards, photographs, address/phone numbers scribbled, maps/sketches of National Parks/WL Sanctuaries, e-mail messages etc.
- ix. Seize the Laptops, Mobile phones, etc and mention the same with the brand name, Serial Number/ IMEI number etc. Mention the mobile phone numbers of the accused and his accomplices in the Seizure Memo.
 - x. Inspect the mobile phone handset for the stored contact numbers, recent call list etc and mention the numbers found in the Seizure Memo.
 - xi. Conduct search of the vehicle used by the accused.
 - xii. In case of search in hotels and seizures made at public places like Bus Stand/Railway Stations etc, keep the Hotel Manager or a responsible persons as witnesses to the seizure and mentioned it in the Memo.
 - xiii. Look for firearms, traps, etc. - seize pieces of papers with numbers/names found in possession of accused/suspects.
 - xiv. Huge amount of cash, if not explained properly, should be seized.
 - xv. All the seized items should be properly marked and sealed during the course of search in the presence of witnesses. Details of such markings should be incorporated in the Seizure Memo.
 - xvi. News Papers and other materials used in packing the articles, if relevant, should be seized.
 - xvii. While seizing vehicles, Registration Number, Engine Number and Chassis Number are to be mentioned in the Seizure Memo.
 - xviii. All unusual things noticed by the search team during the course of search should be mentioned in the Seizure Memo.
 - xix. Presence of drugs weapons etc are to be promptly reported to the law enforcement agencies concerned after mentioning the same in the Seizure Memo.
 - xx. Seizure Memo is an important piece of evidence in a wildlife offence. So, utmost care should be taken to prepare it on the incident site in presence of independent witnesses, legibly, comprehensive and without corrections or over writings. Under Section 57 of WL (Protection) Act, once the possession, custody or control of wildlife or its parts & products with the accused is established, it is presumed that the possession, custody and control is unauthorized and burden of proving the contrary shifts on the accused.

4.22. Post search and seizure activities:

- (1) Wildlife articles and other properties seized should be produced before the concerned Jurisdictional Magistrate, without undue delay, along with the Wildlife Offence Report (WLOR).

The following documents are to be enclosed with the WLOR

- (i) Original Seizure Memo along with photographs, sketch map of incident site, and Crime Scene Inspection Memo.
 - (ii) List of properties/articles seized
 - (iii) Request for disposal of seized materials, by way of destruction in case of perishable items and rehabilitation in the case of live animals.
 - (iv) Request for taking samples to be sent for expert report.
 - (v) If proper custody not available, a request for direction to local SHO to keep the accused in police lock up during the period of remand.
- (2) Intimation about the seizure should be given to the Chief Wildlife Warden or the authorised officer as per Section 50(4) of WLPA,1972, and also to WCCB when the offence has the involvement of organised/ trans - border criminal network.

4.23. Even if the offence is compoundable, seized materials should be produced before the concerned Judicial Magistrate under intimation to the Chief Wildlife Warden.

4.24. Often animals are killed and buried in soil. In such cases, following precautions should be taken:

- (i) Dig the soil slowly and carefully.
- (ii) All the bones should be collected and kept together.
- (iii) Veterinary doctor should preferably be called to the scene of crime and try to find out time of death, species, age, sex, cause of death etc.
- (iv) Bones recovered should not be cleaned or washed.
- (v) Hair and Fibres of clothes should be kept in separate envelopes. Hair can give important information such as species, age, sex etc. of the animal killed.
- (vi) Soil from the place should be sent for toxicological test in case of suspected poisoning case.

CHAPTER- 5

Arrest

5.1. Arrest of the accused is an integral part of investigation of wildlife crimes. Forest officers and Police officers not below the rank of Sub - Inspector are empowered to arrest and detain under Section 50(1)(c) and 50 (3) of the Wild Life (Protection) Act, 1972.

5.2. Proceedings of arrest should be recorded on an **Arrest cum Personal Search Memo** on the format given at **Annexure-V**. The reasons for arrest should be reasonably explained in the Memo.

5.3. All personal details of the accused like his full name with aliases, if any, parentage, age, address, two prominent identification marks, approximate built, height and weight etc should be mentioned in the Memo.

5.4. Preferably, arrests should be made in the presence of a relative or well wisher of the accused or in the presence of two independent witnesses.

5.5. Address given by the accused should be verified at the earliest. If the accused gives a false address, efforts should be made to find out his correct address. In case the accused deliberately gives a false address, the same should be mentioned in the Remand Report as also while opposing bail petitions filed by the accused.

5.6. Intimation of arrest should be given immediately to a family member/relative/well wisher of the accused as may be suggested by the accused and also to the jurisdictional Police Station. If the intimation is given telephonically, the same should be confirmed in writing at the earliest. Intimation should also be sent to the Chief Wildlife Warden or the authorised officer under section 50(4) of the Wild Life (Protection) Act 1972.

5.7. Personal Search of the arrested accused should be conducted and the articles found on his person, other than the wearing apparel should be mentioned at appropriate place in the Arrest cum Personal Search Memo. If no article is seized from his person, the same should also be mentioned in the Arrest cum Personal Search Memo. The articles not seized should be returned to the accused under acknowledgment.

5.8. Any injury and/or deformity found on the person of the accused should be mentioned

in the Arrest cum Personal Search Memo. Explanation given by the accused with regard to such injuries should also be mentioned in the Memo.

5.9. The accused should be provided with medical treatment, if required. The accused in custody should be examined medically before producing him in the court. A certificate of fitness should be obtained from the Assistant Civil Surgeon or a Government Doctor of equivalent rank. Such medical certificate has been made mandatory in many States for receiving accused in custody by the jail authorities.

5.10. If custody of the accused is obtained for interrogation or for further investigation, medical examination of the accused should be done once in every 48 hours.

5.11. In case of females, the arrest should be made by a female officer. If female officers are not available, arrest should be made in the presence of at least one female witness.

5.12. Photographs of the arrested accused should be taken and kept in the case file. **Personal Profile** (dossier) of the accused should also be prepared and kept in the case file on the format given at **Annexure - VI**. Details of all habitual offenders should be furnished to the District Crime Records Bureau or the Modus Operandi Bureau of the local police.

5.13. Finger Prints of the arrested accused should be obtained with the assistance of the local police and furnished to the District or the State level Finger Print Bureau.

5.14. All pages of the Arrest cum Personal Search Memo should be signed by the accused, the independent witnesses and the investigating officer or the officer making the arrest. Left hand thumb impression of the accused is also to be obtained on the last page of the Arrest cum Personal Search Memo. Copy of the same should be supplied to the accused under acknowledgment.

5.15. The Hon'ble Supreme Court has laid detailed guidelines on arrest of an accused by a police officer. The guidelines are given at **Annexure-VII**. These guidelines are to be followed while arresting an accused/suspect, by forest officer as well.

5.16. Arrest of an accused – check list:

- (i) Power to arrest is given to a forest officer and Police officer under Sections 50(1)(c), and 50(3) of the WLP Act 1972.
- (ii) Identity of the accused should be established before the arrest is made.

- (iii) Arrest-cum-Personal Search Memo in the prescribed format should be prepared at the time of arrest. Copy of the same should be given to the accused.
- (iv) Arrested accused should be produced forthwith before the Jurisdictional Magistrate along with a Remand Report.
- (v) If custodial interrogation of the accused is required, a separate petition should be filed in the court under section 167 Cr.P.C.
- (vi) Avoid interrogation of accused between 6.00 PM and 06.00 A.M.
- (vii) Physical coercion/torture should not be resorted to at any point of the arrest, detention or custodial interrogation of the accused.
- (viii) Photograph of the arrested person is to be taken and kept in the case file till completion of the trial.
- (ix) Finger Prints of the arrested accused may be taken with the help of local police and sent to the Finger Print Bureau.
- (x) Arrested juveniles should be dealt with in accordance with the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2000.
- (xi) Arrest of foreign nationals should be intimated to the Embassy of that country.
- (xii) Medical examination of the arrested accused, preferably by the Nearest Government Surgeon, should be done and original medical certificate should be enclosed along with the Remand Report. If the accused is taken in custody for interrogation, his medical examination is required to be done every 48 hours.
- (xiii) Arrest of an accused should be made with due diligence and discretion. If the arrest is made in absence of any close relative or well wisher of the accused, such intimation should be sent immediately.

CHAPTER - 6

Investigation and Complaint

6.1 The word **investigation** has been defined in Section 2(h) of the Criminal Procedure Code 1973 as;

"Investigation includes all the proceedings under this Code (Criminal Procedure Code) for the collection of evidence, conducted by a police officer or by any person (other than a Magistrate) who is authorised by a Magistrate in this behalf". A criminal investigation is a patient, step by step process of discovering, collecting, preparing, identifying and presenting evidence within the legal frame work.

6.2 As defined in section 3 of the Indian Evidence Act 1872, "**Evidence**" means and includes;

- (1) All statements which the court permits to be made before it by witnesses, in relation to matters of fact under inquiry; such statements are called oral evidence
- (2) All documents produced for the inspection of the court; such documents are called documentary evidence.

Therefore, evidence collected should be sufficient to convince the court that an offence as alleged is committed by the accused.

6.3. The word investigation does not find a place anywhere in the Wild Life (Protection) Act, 1972, except in Sub section (8) of Section 50. Therefore, unless there is any specific provision under the Act to the contrary the provisions of search, seizure, arrest, bail and collection of evidence given in various Sections of Cr PC should be followed.

6.4. As per Section 50 of the Wild Life (Protection) Act, 1972, the Director of Wildlife Preservation or any other officer authorised by him in this behalf or the Chief Wildlife Warden or the authorised officer or any Forest Officer or any Police Officer not below the rank of Sub Inspector are empowered to enter into any place where the wildlife materials are suspected to be kept, conduct search for such wildlife materials and seize the same, arrest and detain the accused or the suspect. It is to be understood that all the actions together constitute investigation within the legal frame work of the Wild Life (Protection) Act, 1972.

6.5. In a typical case of wildlife crime, the investigating officer should plan investigation in the following manner:

- (i) Investigation at the scene of crime/scene of occurrence/Post Mortem of Carcass
- (ii) Interrogation of the accused(s)/suspect(s)
- (iii) Examination of the witness (es)

- iv) Collection of documentary evidence(s)/samples for expert opinion.
- (v) Collection of scientific/forensic evidence/digital evidence(s)
- (vi) Collection and analysis of the evidence(s)
- (vii) Filing complaint u/s 55 of the Wild Life (Protection) Act, 1972.

Investigation at the scene of crime/scene of occurrence in cases of seizure of wildlife materials or live wild animals/ birds:

6.6. Seizure of wildlife materials or live wild animals or birds takes place either in closed premises (hotel rooms, houses etc) or in open areas like forest, Bus/Railway stations, market places etc. Such seizures are made in pursuance of reliable information received by the forest officers. All the Forest Range Offices should maintain a **Diary** wherein receipt of all such information should be recorded with the time of receipt, details of the information etc.

6.7. On receipt of any such reliable information, the Range Officer should mobilise a team consisting of sufficient number of officials/staff, procure independent witnesses where ever possible and proceed to the spot without wasting time. The team should carry **Investigation kit** along with it. A standard Investigation Kit should contain items listed at **Annexure - VIII**. If possible, the informer should also be taken along with the search team for easy identification of the accused/suspect and location of incident site, especially in case of seizure at a public place. However, presence of the informer with the team need not be brought on record for maintaining secrecy.

6.8. After reaching the spot, the staff members should be deployed at different points to prevent escape of the accused/suspect and search conducted to locate suspected wildlife materials and seize the same, if found. Guidelines with regard to search and seizure as given in Chapter - 4, should be followed scrupulously. All the seized materials should be forwarded to the concerned Judicial Magistrate along with the Search & Seizure Memo without delay.

6.9. If meat, bones, scales, hairs etc are seized, the material seized should be counted, weighed and mentioned in the Search & Seizure Memo. A sample of sufficient quantity should be collected separately for sending it for examination by the experts. Meat and other perishables should be destroyed after completing the formalities as prescribed in Section 50(6) of Wild Life (Protection) Act, 1972. Live wild animals and birds should be rehabilitated or released into the wild after obtaining permission of the concerned Judicial Magistrate. Proper care should be taken to preserve remaining wildlife articles/materials retained in custody.

6.10. Wildlife articles such as tiger skins, nails, teeth, ivory, musk pod etc. are often fake; therefore, before proceeding further, identification of these articles should be conducted to ensure that the seized products are not fake.

Investigation at the scene of crime/scene of occurrence in cases of poaching or unnatural death of wild animals:

The basic elements of a wildlife crime scene investigation and role of the Crime Scene Investigation (CSI) Team, as compiled in 'Wildlife Forensics Manual' by the US Fish & Wildlife Laboratory and the Environmental Crime Committee's Wildlife Working Group on behalf of the Interpol ECP is placed at Annexure - VIII (A)

6.11. The prime objective of crime scene investigation in the incidences of poaching or unnatural death of wild animals is to establish (i) how the animal was killed, (ii) where the animal was killed and (iii) what could be the possible date & time of killing, and (iv) who killed the animal.

6.12. After completing the formalities mentioned at Paras 6.6 & 6.7 supra, the team should reach the spot at the earliest possible. A reasonable extent of the area surrounding the place where the carcass or the body parts are lying should be demarcated for conducting search to trace evidence. The whole area thus demarcated is to be construed as the scene of crime. It should be kept in mind that anything lying within the scene of crime could be valuable evidence depending on the case. Therefore, no material or object lying within the scene of crime should go unnoticed and unrecorded.

6.13. In cases, where a carcass is found, Post Mortem examination of the carcass should be done by a Veterinary Surgeon or by a team of Veterinary Surgeons as per the guidelines issued by the NTCA in case of Tiger deaths or other guidelines issued by the concerned authorities in this regard. The Post Mortem Report submitted by the Veterinary Surgeon or a team showing the cause of death, possible time of death etc, should be sent to the court along with the complaint.

6.14. In cases where fire arms are used, the pellets or the bullets should be retrieved from the carcass during Post Mortem examination to identify the type of the fire arms used. Pellets or bullets should be sent to the Forensic Science Laboratory for examination by the Ballistic expert to ascertain the type of fire arm used. Since forest officers are not empowered to investigate offences under Indian Arms Act, therefore, whenever weapons are recovered or suspected to be used, intimation to this effect should be given to nearest police station.

6.15. In cases where only body parts like bones, pieces of flesh, hairs blood etc are found, the same should be collected, sealed and preserved preferably by the Veterinary Surgeon following all the legal formalities. The body parts thus sealed and preserved should be properly labelled and signed by the Veterinary Surgeon(s), independent witnesses, forensic expert and the Investigating Officer. The body parts or samples of the articles thus collected should be sent to the Wildlife Institute of India (WII) or other such expert institute to identify the animal killed. A list of such institutes with their contact details is given in **Annexure-IX**.

6.16. In cases of killing by poisoning, the Veterinary Surgeon should be requested to preserve samples of viscera for toxicological examination. The viscera samples should be sent to the concerned State Forensic Lab for examination by the Toxicology expert to ascertain presence and kind of poison used. Toxicology report should be sent to the court along with the Complaint.

6.17. In case of poaching of elephants, the Veterinary Surgeon may be requested to find out the possible circumference of its tusk and the same may be incorporated in the Crime Scene Inspection Memo. This information is useful to correlate the tusk, if recovered subsequently, with the elephant killed.

6.18. The scene of crime should be divided into smaller sectors and search for clues/evidence in those areas should be conducted sector wise. The evidence collected from each sector should be listed while preparing the Crime Scene Inspection Memo.

6.19. The crime scene should be thoroughly searched for evidence like empty cartridges, empty bottles of poison, broken pieces of traps & tools used in the poaching and if found, the same should be collected, packed and sealed for further investigation. An area of about 500 meters encircling the scene of crime may be searched thoroughly for evidence. In many cases it is seen that the animal moves some distance after it is hit by the bullet or it consumed poison. It is also common that the poachers remove the carcass from scene of actual crime to a convenient location for de-skinning.

6.20. Rivers, lakes or other water bodies nearby the scene of crime should also be inspected for collection of evidence as the poachers wash their body or tools used in de-skinning the animal in the nearby water bodies or rivers. It is also noticed that the poachers often enter National Parks / Tiger Reserves walking along the river banks.

6.21. Special care should be taken to preserve samples for DNA analysis. Such samples

should be preserved in saturated salt solution or in silica gel as per the protocol developed by the Wildlife Institute of India (WII). Formaldehyde solution should not be used to preserve samples for DNA analysis. The Protocol developed by WII is given in **Annexure-X**.

6.22. A **Crime Scene Inspection Memo** should be prepared on the spot narrating all the events and listing all the evidence collected from the site. A **rough sketch** of the crime scene should be prepared and enclosed along with the Crime Scene Inspection Memo. The crime scene should be **photographed**. All pages of Crime Scene Inspection Memo and enclosures should be signed by the Investigating Officer, and the independent witness. All physical objects/ evidence collected from the crime scene should also be packed, sealed and labelled with the signature of the Investigating Officer and independent witnesses. If independent witness could not be associated despite reasonable efforts, it should be mentioned in the Crime Scene Inspection Memo.

6.23. Original Crime Scene Inspection Memo along with the materials seized from the crime scene should be forwarded to the concerned Judicial Magistrate without undue delay.

6.24. After the crime scene investigation is completed, the carcass should invariably be burnt except in case of large animals like Elephant or Rhinos where carcass may be buried. Prescribed guidelines for such disposal should be scrupulously followed.

Interrogation of the accused/suspect:

6.25. Skillful interrogation of the accused/suspect is essential for any successful criminal investigation. In order to get further leads, preliminary interrogation of the accused should be conducted at the seizure site. He should be interrogated further, in detail subsequently, and his statement should be recorded by an authorised officer. Such statement of an accused recorded by a forest officer will be extra - judicial confession of the accused.

6.26. As provided in Section 50(9) of Wild Life (Protection) Act, 1972, the evidence recorded by the authorised officer under Section 50(8) (d), in the presence of the accused, is admissible as evidence.

6.27. Accused should be interrogated for backward linkages like source of procurement of the wildlife materials, monetary transactions, details of middlemen involved in the trade, modus operandi in poaching & transportation, other members of the gang, place or places where the

wildlife materials are concealed and for forward links like prospective buyers, involvement of middlemen or brokers, existence of organised gangs in the trade etc. All the replies elicited by the accused should be clearly documented.

6.28. The evidentiary value of a confession statement depends on its voluntary character. A confession made under any inducement, threat or promise loses its credibility. Thus a confession should be voluntary, true and trustworthy. It must be clear and unequivocal and admitting the commission of the crime. As per Section 30 of Indian Evidence Act, the statement of an accused can be taken into consideration against another accused involved in the same crime.

6.28. Confession statement should be recorded within 6 - 12 hours of the arrest of the accused. Undue delay in recording the confessional statement has an adverse effect on its credibility. The accused may also make up his mind not to give such statement.

6.29. It is also advisable not to record the confession statement immediately after the arrest of the accused. The authorised officer recording the confession should give some time to the accused for making up his mind to confess. It is also the bounden duty of the authorised officer to explain the accused that he is not bound to make a confession. This fact should be recorded in the statement.

6.30. As far as possible the confession should be recorded in same language and exact words told by the accused. Once it is recorded, the statement should be read over to the accused in the language in which it was made and explained.

6.31. Every page of the confession should be signed by the accused and the officer recording the statement. If the accused refuses to sign the statement, the same should be mentioned in the statement.

6.32. Where the confession discloses chance of recovery of article/ weapons, any other incriminating evidence, involvement of other accused etc., the Investigating Officer should seek custody of the accused and go for recoveries. It has been held by various courts that forest officers are competent to get remand of the accused for the purpose of investigation. Confession made before any forest officer falls in the category of extra-judicial confession and the same is admissible in evidence provided the same is made voluntarily and there is other evidence to corroborate the facts disclosed in the confession.

6.33. Accused/suspect should not be subjected to physical duress or other coercive methods to elicit confession.

Examination of the witnesses:

6.34. Section 50(8) of Wild Life (Protection) Act 1972, authorises officers not below the rank of Assistant Conservator of Forest authorised by the State Government to enforce the attendance of witnesses and to receive and record their evidence. Section 50(9) states that any evidence recorded as above shall be admissible in any subsequent trial before a Magistrate provided that it has been taken in the presence of the accused person. The expression "shall be" makes it a binding clause on the subsequent trial to be conducted by the Magistrate having jurisdiction. In other words, if all the statements of witnesses are recorded by the authorised officer in the presence of the accused person, then the pre-charge evidence can be avoided in the subsequent trial and the Magistrate can go for framing of charges.

6.35. The witnesses should be examined with regard to the facts which are in their personal knowledge. No facts which are hearsay should be incorporated in the statement. Presumptions or opinions of the witnesses should not be recorded in the statement. The Investigating Officer should ensure that there are no contradictions among the statements of different witnesses with regard to facts like time, place, measurements, name of the accused, description of the seized material etc.

6.36. Statements of all the forest officials should also be recorded with regard to the role played by them. Such statements will be useful to refresh their memory at the time of trial. Moreover, contradictions with regard to the place, time and date of occurrence and other relevant facts could be avoided if statements of official witnesses are recorded. However, statements of technical witnesses such as the doctor who conducted the post mortem examination, forensic experts, and experts from the Botanical Survey of India, Zoological Survey of India, and Wildlife Institute of India etc., need not be recorded.

Collection of documentary evidence:

6.37. Section 50(8) (c) of WLP Act empowers the authorised officers to compel the discovery and production of document and material objects. However, collection of documentary evidence is often not given due importance in the investigation of wildlife crimes. Investigation about the Bank account of the accused should be done in every case where the accused is having Bank accounts. Similarly, wherever applicable, documentary evidence with regard to transportation

of the contraband (Bus/Train/Flight Tickets, Toll Plaza slips/records, Hotel Receipts etc) should also be collected to prove that the accused procured the contraband at a particular place and brought the same for trade to the place from where it has been seized. News Papers/other packing material used for covering/ packing the wildlife material are also to be collected as evidence as the markings date, language and place of publication of the News Paper may throw light on the probable place and date of procurement of the material. It can be also be used to ascertain the veracity of the statement of the accused and also to confront him in case of any contradiction. Small pieces of papers with some jottings or telephone or mobile phone numbers written on them, visiting cards etc found on the person of the accused are to be thoroughly examined and seized if found relevant. In case of seizure of vehicle, certified copies of the ownership documents is to be collected from the Regional Transport Officer concerned. Similarly certified copy of ownership documents pertaining to house or shop should be collected in cases of seizures from house or shop.

6.38. Documents like Government Orders (GOs) declaring the area as a Sanctuary/National Park etc, and relevant Notifications under section 50, 55 etc should also be submitted to the court along with the Complaint.

Collection of scientific/forensic evidence:

6.39. Some of the situations where the Investigating Officer of a wildlife crime needs to get the assistance of Scientific Institutions/forensic experts are listed below:

(i)	Seizure of plants or plant derivatives	The samples should be sent to the Botanical Survey of India (BSI), Kolkata, to establish the genus and species of the plant.
(ii)	Seizure of living animals	
(iii)	Seizure of shells, coral etc	The specimens should be sent to the Zoological Survey of India (ZSI), Kolkata, to establish the genus and species of the animal.
(iv)	Seizure of meat	The samples should be sent to the Wildlife Institute of India (WII), Dehradun, to confirm the genus and species of the animal.

(v)	In case of unnatural death of animals	<p>Post mortem examination is to be done by the Government Veterinary doctor or a team of Veterinary doctors, in presence of independent experts and witnesses to establish the cause of death, weapon used and probable time of death. The guidelines issued by NTCA and other authorities concerned should be followed for carrying out Post Mortem.</p> <p>Viscera should be collected and sent to the State Forensic Science Laboratory for toxicological examination in case of suspected poisoning cases for confirmation and also to identify the poison used.</p> <p>Viscera should be sent to the Wildlife Institute of India (WII), Dehradun, for pathological examination in case of deaths reported due to disease.</p>
(vi)	Seizure of body parts like hairs, bones, blood etc from the scene of crime	The samples should be sent to Wildlife Institute of India(WII), Dehradun, to find out the genus and species of the animal killed.
(vii)	Seizure of weapons, traps, tools etc used to hunt the animal	Weapons other than the fire arms should be sent to the nearest Forensic Science Laboratory (FSL) to establish presence of animal blood on them. Fire arms should be forwarded to the nearest Police Station with a report for taking necessary legal action under provisions of the Arms Act. Subsequently, a certified copy of the report of the Ballistic expert should be collected from police and enclosed with the Complaint.

(viii)	Seizure of skins	<p>The skin should be examined thoroughly for the presence of chemicals used as preservatives. Samples should be collected with the help of forensic experts, wherever possible, and the samples be sent to the Forensic Science Laboratory (FSL) to find out the type of preservatives used.</p> <p>If the animal is killed by firing, the skin should be sent to the nearest Forensic Science Laboratory for Ballistic examination to find out the type of fire arms used, range of firing etc. Ballistic examination will also establish presence of Gun Powder Residues on the skin.</p> <p>In case of tiger skin, a digital photograph should be taken at right angle and sent to Wildlife Institute of India (WII) to match the stripe pattern of the dead animal with the camera trap repository available in WII, to establish the habitat from where tiger may have been poached.</p>
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6.40. The field formations should keep in mind that WII and other scientific institutions are primarily research & training institutes. Their involvement in wildlife crime forensic examination, affects their capacity to perform their primary tasks. Therefore, wildlife articles or carcass or live animals, whose genus and species identification could be done on their morphological study, should not be sent to WII or any other institute, for identification. All Forest Officers especially the ones with biology background are qualified and competent enough to give such opinions, and their reports have same level of admissibility in courts as that of the scientists from WII or other institutes. For such identification, they may refer to the species identification protocols developed by the WII, Dehradun, and the trial courts should be explained/ convinced of it at the time of trial.

6.41. If the requisite forensic examination could be made on the basis of small sample, complete carcass or seized wildlife articles should not be sent to WII or other institute as it creates storage, and other logistical problems for these institutions. Fresh tissue, gut piles, bones, horns, antlers, hair (with follicles), teeth, claws and nails, feathers (less DNA available in downy feathers), skins

(dried, salted, or tanned), blood (fresh or dried), body fluids, cooked meats, crafted items with animal parts, medicinal items, gall bladders etc. are important materials for genetic analysis.

6.42. Samples drawn for expert opinion or forensic examination should be sent with a Forwarding Note on the format at **Annexure - X**.

Collection of digital evidence:

6.43. Often wildlife offenders are in possession of electronic gadgets like Laptop Computers, Mobile phones etc. Wildlife articles are also being traded on internet. These gadgets should be seized along with the wildlife contraband. Forensic examination of these gadgets may give a lot of supporting or corroborative evidence to prove the involvement of the accused or the preparation made by him in committing the crime. In one of the reported cases, the accused put up an advertisement on his website for wildlife materials which were subsequently seized from his possession. He was arrested from near a National Park and a topographical map of the National Park in question was recovered from his Laptop. The trial court found this digital evidence as strong circumstantial evidence to prove the preparation made by the accused and convicted him. The Laptops or Mobile phones seized should be packed and sealed properly and sent to the nearby cyber crime laboratory to retrieve the files/mobile phone numbers/text messages etc. The cyber forensic expert should also be asked to retrieve the deleted files.

Collation and analysis of the evidence collected:

6.44. It is a very important stage in the investigation. The Investigating Officer should collate the evidence in logical sequence and analyse it to find out whether the evidence collected by him is sufficient to file a complaint in the court of law. He should assess the relevance of each piece of evidence collected and link the same with other evidences to arrive at a logical conclusion. If any missing link is found in the chain of evidence, necessary corrective action should be taken before filing the complaint. All the accused are to be located/apprehended before filing the complaint to avoid supplementary complaints.

Filing Complaint u/s 55 of Wild Life (Protection) Act, 1972:

6.45. Competence of an officer to file the complaint under section 55 of Wild Life (Protection) Act, 1972, is a matter of prime importance. The complaint has to be filed primarily by the Director of Wildlife Preservation or by any officer authorised by the Central Government or by the Chief Wildlife Warden or by any other officer authorised by the State Government.

Therefore, before filing the complaint, the officer filing the complaint should ensure that he is authorised to file the complaint as envisaged under section 55 of the Act.

6.46. If the accused is in judicial custody, the complaint should be filed within 60 days from the date of arrest of the accused. In case of more than one accused, 60 days period starts from the date of arrest of the first accused.

6.47. The complaint filed under section 55 of the Act, is to be treated as a complaint filed by a public servant acting or purporting to act in the discharge of his official duties as mentioned in section 200(a) of Code of Criminal Procedure (Cr.P.C).

6.48. The complaint should preferably be typed, or neatly written without any over writings, alterations etc. A model proforma of a complaint is at **Annexure -XI**.

6.49. Full details of all the accused and the role played by them individually, offences committed by each of them with relevant sections of the Act are to be narrated in the complaint. Present status of the accused like on bail, in judicial custody, absconding etc. is also to be mentioned in the complaint. If the accused is in judicial custody, name of the jail in which they are lodged should be mentioned. In case of absconding accused, efforts made by the Investigating Officer to apprehend him should be mentioned in the Complaint. Investigation officer should take action in accordance with Section 82 & 83 of Cr P.C to get an absconder declared as proclaimed offender and get his assets attached to compel him to join investigation & trial.

6.50. The complaint should be specific and without any ambiguity. Facts not supported by evidence should not be mentioned in the Complaint. Similarly, accused against whom sufficient evidence is not there should not be named in the complaint. Facts and circumstances connected to the case should be narrated in simple language, sequentially. Most importantly name of the species involved (both local name and scientific name), Schedule in which it is listed, quantum of punishment prescribed for the offence, whether the accused is a second time or habitual offender etc should be mentioned in the complaint. List of witnesses, documents and material objects should be submitted along with the complaint. The authorised officer who files the Complaint should sign all the pages of the Complaint and its annexure, if any.

6.51. Statements of all the witnesses, including the official witnesses, recorded u/s 50(8) of the Act, as per the list of witnesses, confessional statements of the accused and statements recorded by the Magistrate u/s 164 Cr.P.C, if any, should be filed along with the complaint.

6.52 All documents in original or certified copy, as per the list of documents enclosed, should be submitted along with the Complaint. A comprehensive list of documents which are to be compulsorily submitted along with the Complaint is given below:

- (i) Copy of the Government notification empowering the authorised officer to file complaint u/s 55 of the Act.
- (ii) Notification under Section 50 of the Act empowering the officers to conduct search, arrest and investigation.
- (iii) Sketch of the scene of crime/scene of occurrence and Crime Scene Inspection Memo.
- (iv) Where the scene of crime/scene of occurrence is a protected area like National Park, Sanctuary or a Tiger Reserve, copy of the Government Notification declaring the area as a National Park, Sanctuary or a Tiger Reserve.
- (v) In case of unnatural deaths or hunting of animals, the Post Mortem report obtained from the Government Veterinary Surgeon(s)/ Team of VSs.
- (vi) Reports of experts from Forensic Science Laboratory, Wildlife Institute of India, Zoological Survey of India, Botanical Survey of India etc.
- (vii) A sheet containing specimens of the seals used for sealing the materials seized. (viii) Copy of documents proving ownership of vehicles seized, house/shops etc from where the seizure was made.
- (ix) In case of seizure of fire arms, certified copy of the Ballistic examination report.
- (x) In case of seizure of mobile phones, the Call Data Records (CDR), only if it is relevant to the case. If these are cited as evidence, a certificate under section 65 B of Indian Evidence Act should be obtained from service providers.
- (xi) Photographs of the seized material, scene of crime/scene of occurrence or video graphs of the Post mortem etc on CDs.
- (xii) Copy of the WLOR.
- (xiii) All the other documents collected during the course of investigation which are relevant to the case in hand.
- (xiv) List of witnesses.

6.53 The complaint should have a prayer at the end praying the court to issue process against the accused and to dispose off the complaint as per the law.

6.54 Once a complaint is filed in court, there is no provision for further investigation or submission of supplementary complaints in the case.

6.55. A Flow Chart of the sequential steps to be followed by an Investigation Officer in wildlife crime investigation process is given at **Annexure - XII**.

CHAPTER - 7

Compounding of Offences

7.1. Section 54 of the Wild Life (Protection) Act 1972, empowers the Director of Wildlife Preservation or any other officer not below the rank of Assistant Director of Wildlife Preservation as notified by the Central Government and the Chief Wildlife Warden or any other officer not below the rank of Deputy Conservator of Forests, to accept from any person against whom a reasonable suspicion exists that he has committed an offence against this Act, payment of a sum of money by way of compounding of the offence that such person is suspected to have committed. The sum of money accepted or agreed to accept as composition shall, in no case, exceed the sum of twenty five thousand rupees. On payment of such sum of money to the authorised officer, the suspected person, if in custody, shall be discharged and no further proceedings in respect of the offence be taken against him.

7.2. No offence for which a minimum period of imprisonment has been prescribed in Section 51 of WLP Act 1972, shall be compounded. That means, any offence involving wild animals listed in Schedule-I and Part-II of Schedule-II and hunting in the core area of Tiger Reserve are not compoundable.

7.3. Even in the case of compounding of an offence, the procedures prescribed in Chapters 4 & 5 should be followed. In many States it is noticed when offences are compounded, the seized property is not produced in the court and/or intimation is not given to CWLW or his authorised officer. This practice is a violation of section 50(4) of WLP Act 1972.

7.4. Rupees twenty five thousand accepted for compounding is per case and not per accused/suspect or per offence.

7.5. Following procedure may be followed in compounding wildlife offences:

- (i) Production of all seized materials, vehicles, traps, tools, weapons etc in the jurisdictional court along with the WLOR as provided under section 50(4) of WLP Act 1972
- (ii) Interrogation of the accused/suspect in regard to the facts and circumstances related to the offence. He should voluntarily come forward for compounding of offence
- (iii) The accused/suspect should submit a written request for compounding of offences narrating the reasons for him seeking compounding.
- (iv) At this stage, the case file may be sent to the DCF/DFO or Asstt. Director WLP for

- compounding the offence.
- (v) The DCF/DFO/Authorised officer should analyse the evidence on record against the accused and all the facts and circumstances related to the case and issue a speaking order compounding the offence against payment of a specified sum of money.
 - (vi) A copy of the compounding order may be sent to the jurisdictional court for information.

7.6. Section 60 (A) of the Act provides that the officer compounding offence may order reward to be paid to a person who renders assistance in detection of offence or apprehension of the offenders out of the sum accepted by the way of composition not exceeding fifty percent of such money.

7.7. Compounding of offences - Dos and Don'ts:

- (i) Compounding should not be done in a routine manner. It is an exception not a rule. Due care and diligence should be exercised while passing any order of compounding of an offence.
- (ii) The fact that a minimum imprisonment is not prescribed should not be the sole criteria for compounding an offence. Each case should be assessed and evidence discussed in the compounding order. In cases where the accused is involved in hunting, illegal trade and habitual offender, compounding should not be resorted to.
- (iii) Compounding of cases should be done only if the accused requests for the same citing the reasons for him to do so.
- (iv) Compounding is only a departmental proceedings, it is neither conviction nor acquittal.
- (v) Confiscation or release of vehicles cannot be done by the officer ordering compounding of offence.
- (vi) Wildlife articles, traps, tools etc are to be destroyed or otherwise disposed off after taking permission from the Magistrate.
- (vii) Section 54 of WLP Act does not say anything about confiscation of vehicle or release of vehicle; therefore, as observed by the Hon'ble Supreme Court, the same is to be ordered by the concerned Judicial Magistrate after applying his judicial mind.
- (viii) Compounding offence under section 54 of WLP Act 1972 is not on the same footing as the compounding under Section 320 of Code of Criminal Procedure.

CHAPTER - 8

Special Provisions Under Wild Life (Protection) Act, 1972

8.1. Wild animals etc to be Government property: - As per Section 39 (1) (a), (b) & (c) of the Wild Life (Protection) Act, 1972, wild animals, other than vermin, which are hunted, kept or bred in captivity, found dead, or killed by mistake and animal articles, trophy or uncured trophy or meat derived from such animals, ivory imported into India and article made from such ivory, shall be the property of the State Government and in case of offences committed in a sanctuary or a National Park declared by Central Government such animals or animal articles are property of the Central Government. Section 39(1)(d) says vehicle weapons, trap and tools that has been used for committing an offence against this Act are also Government property. Many a times the Forest Range Officers use this section to confiscate the vehicles seized, which is wrong practice in the eye of law. Instances were also noticed where the authorised officer ordered confiscation of the vehicle at the time of compounding the offences. In the light of the recent Supreme Court judgements, it may be noted that Section 39(1)(d) would come into play only after a court of competent jurisdiction found that accusation and allegations made against the accused were true and recorded the finding that the seized article was, as a matter of fact, used in the commission of offence.

8.2. Minimum punishment prescribed under Section 51 of the Act: - Section 51 of WPA, 1972, prescribes minimum punishments for certain offences. However, it has been noticed that some of the courts are awarding punishment less than the minimum punishment prescribed. Appeals should be filed against such orders. Judicial officers should also be sensitized/ informed about the minimum punishment prescribed.

8.3. Forfeiture of case property on conviction u/s 51(2): - When a person is convicted of an offence under the Wild Life (Protection) Act 1972 , the court trying the offence may order that any captive animal, wild animal, animal article, trophy, uncured trophy, meat, ivory imported into India or an article made from such ivory, any specified plant or part or derivative thereof in respect of which an offence has been committed and any trap, tool, vehicle, vessel or weapon used in the commission of the said offence be forfeited to the State Government. This section also underlines the point that forfeiture of the case property is to be done only after conviction of the accused by the trial court. Forfeiture of property as envisaged under section 51(2) of the Act is different from the forfeiture of property derived from illegal hunting and trade under Chapter VIA.

8.4. Giving reward to informers by the Courts out of the proceeds of fine u/s 60-A:- When the sentence imposed by the court includes fine, the trial court can pass an order that reward be paid to a person who renders assistance in the detection of the offence or the apprehension of the offenders, out of proceeds of the fine. This provision is also applicable in case of compounding of offences by the authorized officers. In both the cases, the reward amount is restricted to 50% of the proceeds of fine.

8.5 Presumption u/s 57 of WPA 1972, in certain cases: - Where it is established that a person is in possession, custody or control of any captive animal, animal article, meat, trophy, specified plant or derivative thereof, it shall be presumed that such person is in unauthorized possession, custody and control of the same. However, It is also to be born in mind that even with shifting of burden to the accused, the primary onus to prove the case beyond reasonable doubt still rests with the prosecution.

8.6 Forfeiture of property derived from illegal hunting and trade as envisaged under Chapter VIA of the Wild Life (Protection) Act 1972, is applicable in cases where the accused has been convicted of an offence punishable with imprisonment for a term of three years or more.

CHAPTER - 9

Prosecution of Cases in Courts

9.1. Trial in cases instituted on Complaints under section 55 of the Wild Life (Protection) Act 1972, are conducted as per the provisions of Sections 244 to 248 of Code of Criminal Procedure.

9.2. Issue of process against the accused should not be delayed after filing the Complaint. The Investigating Officer and the Public Prosecutor should work together to avoid such delays. The Investigating Officer or his staff should ensure attendance of witnesses in the court on the date of hearing, brief the witnesses properly and keep a rapport with the P.P/ Magistrate for timely completion of trial.

9.3. Each court should have a forest officer designated to follow up prosecution in cases under trial, execution of processes, ensuring the attendance of witnesses and briefing them before evidence. If it not possible to spare an officer exclusively for such duty, the concerned Investigation Officer should take the requisite action and attend the court on days of hearing. He should submit a daily **Court Diary** to the jurisdictional ACF/DCF through his immediate superior on the progress in trial of cases listed in the court on that day, attendance & performance of the prosecution witnesses and public prosecutors, next date of hearing, and any other observation of relevance made by him during the trial proceedings, on format given at **Annexure - XIII**.

9.4. It has been observed that wildlife cases are pending under trial for many years due to repeated adjournments sought by the defence lawyers. I.O./designated officer should closely monitor progress of trial proceedings and request P.P. for appropriate interventions to expedite speedy completion of trial. Supervisory officers should review the cases pending under trial on quarterly basis and issue appropriate instructions.

9.5 Some important judgments by various courts in wildlife crime cases are given for reference at **Annexure - XIV**.

CHAPTER - 10

Role of Supervisory Officers

10.1. Supervisory officers are required to personally supervise the investigation so far as is possible and when necessary to visit the scene of the offence. DFO/DCF should maintain a running note-book of wildlife offences reported under his jurisdiction, in which he should enter summary of the WL OR and the salient points of subsequent investigation on regular basis. Gist of supervisory notes issued by him should also be entered in it and compliance thereto monitored. The running diary should be closed only on disposal of the case in the court.

10.2. Role of the Divisional Forest Officers/Dy. Conservators of Forests at Division level:

- (i) Each Range Officer should communicate occurrence of any wildlife mortality/wildlife offence under his jurisdiction to his immediate superior and DFO/DCF through the quickest means available. In all unnatural deaths, WL Offence Report should be lodged and investigation initiated. A copy of the WL OR should be sent to the DFO/DCF concerned, on same day. As far as possible, senior officers should visit the scene of incident personally and supervise initial investigation of the offence.
- (ii) DCF/DFO should prepare a daily statement of wildlife offences that have taken place under his jurisdiction during past 24 hours and after review issue appropriate instructions to the Investigation Officers. A copy of such statement should be sent to Conservator of Forests/CCF of the Circle/Zone concerned for information.
- (iii) He should conduct monthly crime meetings of Range Officers to discuss and review pending investigation and trial cases. Special efforts should be made to arrest absconders and monitor the activities of habitual offenders on bail. To compel absconders to join investigation, action under Section 82 & 82 CrPC may be initiated. Steps should also be taken for special monitoring of long pending trial/investigation cases.
- (iv) He should have quarterly meetings with police, judicial officers and public prosecutors to sensitize them on wildlife cases and seek their cooperation.
- (v) Assign quarterly targets to the Range Officers for disposal of pending investigation and trial cases.

10.3. Role of the Conservator of Forests/ CCF at Circle/Zone level:

- (i) Quarterly crime meetings of DCFs and ACFs, to monitor progress in pending trial and pending investigation cases. Special drives for expediting the long pending

cases.

- (ii) Coordinating Circle/Zonal level operations to arrest absconders and monitor activities of habitual offenders etc.
- (iii) Liaise with police and other agencies to share intelligence arrest absconders, summoning witness etc.
- (iv) Maintaining crime data and dissemination of intelligence among the Divisions. Creation of WL Crime data base at Circle/Zonal Level.

10.4. Role of the PCCF/CWLW at State Level:

- (i) Crime meetings of Conservators/CCF of Forests once in six months to review the progress in WL cases under trial and investigation.
- (ii) Creating a Special Monitoring Cell to monitor of WL cases under investigation especially involving organized networks or/and Inter-state ramifications, and monitoring pending trial cases. Creation of State Wildlife Crime Database.
- (iii) Coordinating State Level operations including joint operations with police to apprehend absconders and monitoring the activities of habitual offenders.
- (iv) Coordination with WCCB, in investigation of organised wildlife crime and cases with trans - border ramifications.

10.5. Case Diaries: - Case diaries are effective tools with supervisory officers to get regular updates on investigation of cases, monitor progress and issues guidance/ directions whenever required. Though the forest officers are not bound to write case diaries, however, adoption of this practice will go a long way to inculcate professionalism in wildlife crime investigation and also have a better supervision over investigation by superior officers through timely interventions. Therefore, the Investigating Officers (Range Officer/ACF) should be encouraged to maintain a Case Diary (Refer to Section 172 CrPc), to keep record of their daily efforts in investigation of the case. The Case Diaries are to be serially numbered and prepared in duplicate. The original should be maintained in the case file and duplicate should be sent to the ACF/DCF for his information and instructions for further course of investigation. Case Diaries are to be written from the date of seizure/apprehension of accused, to the date on which the complaint is filed. Each Case Diary should contain details of the investigation conducted on that day, like places visited, names and addresses of the witnesses examined, details of documents collected, petitions filed in the court, letters/notices sent, gist of statements recorded & facts revealed by the accused /suspect during interrogation, directions of supervisory officers & action taken thereon etc. Case Diary is also useful for the Investigating Officers for refreshing their memory at the time of trial. A model Case Diary format is enclosed as **Annexure - XV**.

CHAPTER - 11

Post Trial Action

11.1. When final order is given by the trial court in a wildlife crime case, a copy of the judgement should be obtained and analysed by the DCF/ACF concerned and forwarded to the next higher formations with his comments.

11.2. In case of conviction, it should be ensured that the quantum of punishment imposed is adequate. In case of inadequacy of punishment, it should be brought into the notice of senior officers and an appeal against the judgement should be filed in the jurisdictional Sessions Court or High Court as the case may be.

11.3. In case of adequate punishment, Head of the Forest Department may consider sanctioning suitable cash rewards to the officials who were instrumental in the detection/investigation/trial of the case.

11.4. In case of acquittal, the matter should be referred to the legal cell with the comments of the DCF for filing appeal against the acquittal within the period of limitation. Short comings in all acquittals should be listed out and discussed in the next crime meeting at the Division level, so that similar mistakes are not repeated in future.

11.5. In acquittal cases, where there is no scope of filing an appeal, the reasons for acquittal should be analysed carefully and responsibility fixed on the Investigating Officer for the lapses, if any, on his part.

11.6. In case of conviction, a **History Sheet** of the accused should be prepared and maintained at Range and Division level. Standard format for a History Sheet is given at **Annexure-XVI**.

11.7. When a History Sheeter is released from prison, his activities should be regularly monitored by the Range officer concerned. Intimation of conviction should also be given to the police Station under whose jurisdiction the convict normally resides and a copy of the History Sheet should be provided to keep surveillance on his activities.

11.8. Activities of the accused on bail or released from jail after the imprisonment period, should be regularly monitored. If they are not found at the given address for long time, the wildlife habitats of his usual resort should be alerted for preventive steps. Movement of a History

Sheeter to a new location especially near a wildlife habitat, even for temporary period, should be intimated to jurisdictional DFO/RFO/SHO to keep watch over his activities and report. A standard format for such intimation through an **Information Sheet** is placed at **Annexure-XVII**

11.9. Photo database of the convicts and habitual offenders should be prepared at the Divisional & State Level and shared with WCCB and NTCA for wider circulation in the country.

11.10. Money laundering in India is criminalized under Prevention of Money Laundering Act (PMLA). Wildlife crime is driven by huge profits generated in its illegal trade. Such illegal proceeds are often laundered to disguise their illegal origin. The original criminal act from which the criminal proceeds are generated is called predicate offence, whereas the activity of disguising the criminal origins of the proceeds of crime is called money laundering. Wild Life (Protection) Act (Section 51) read with Sections 9/ 17A/ 39/44/48/49B, are listed as predicate offences under the Schedule of the PMLA. However, only officers of the Directorate of Enforcement (ED) are empowered to investigate cases under PMLA. WCCB has been designated as Nodal Agency by the ED for coordinating action under PMLA in wildlife offences. Therefore, proposals for action against the accused under PMLA should be sent to WCCB for requisite action.

ANNEXURE - I
Source Register

	SOURCE CODE						
1	Full name and parentage, age						
2	Aliases/nick names, if any						
3	Residential address						
4	Mobile phone / telephone number for contact						
5	E-mail						
6	Educational qualifications						
6	Profession						
7	Motives/weaknesses						
8	Reliability						
9	Criminal history (if any)						
10	Remarks (if any)						

ANNEXURE-II
List of the Offices of Wildlife Crime Control Bureau

Office	Address ad contact details	States/UTs covered
BHQ	Additional Director, Wildlife Crime Control Bureau, 2 nd Floor, Trikoot - 1, Bhikaji Cama Place, New Delhi -110066. Telephone: 011 - 26182483 - 85 Fax: 011 - 26160751	All India Jurisdiction.
Southern Region	Regional Deputy Director Wildlife Crime Control Bureau / Southern Region, C2A, Rajaji Bhavan, Besant Nagar, Chennai-600090. Telephone: 044 - 24916747 Fax: 044 - 24463477	Andhra Pradesh, Karnataka, Tamil Nadu, Kerala, Puducherry and Andaman & Nicobar Islands.
Eastern Region	Regional Deputy Director, Wildlife Crime Control Bureau / Eastern Region, Nizam Palace, 2nd MSO Building, 6th Floor, A.J.C Bose Road, Kolkata-700020. Telefax: 033 - 22878698	Assam, Bihar, Meghalaya, Manipur, Mizoram, Nagaland, Sikkim, Tripura, Arunachal Pradesh, West Bengal
Western Region	Regional Deputy Director Wildlife Crime Control Bureau/ Western Region, Room No.501/B, V th Floor, Kendriya Sadan Building, CBD Building, Belapur, Mumbai-4000614 Telefax: 022 - 26828184	Goa, Gujarat, Maharashtra, Daman & Diu, Dadar & Nagar Haveli.

Central Region	Regional Deputy Director, Wildlife Crime Control Bureau / Central Region, R.F.R.C Mandla Road, T.F.R.I. Campus Jabalpur- 482021. Telefax: 0761 - 2840689.	Chattisgarh, Jharkhand, Madhya Pradesh, Odisha.
Northern Region	Regional Deputy Director, Wildlife Crime Control Bureau / Northern Region, Bikaner House, Shahjahan Road, New Delhi- 110 011. Telefax: 011 - 23384556	Haryana, Himachal Pradesh, Rajasthan, Uttarakhand, Uttar Pradesh, Jammu & Kashmir, Panjab, Delhi.

ANNEXURE-III
Wildlife Offence Report (WLOR)

1. Name of the Forest Range:
and Division
2. WLOR number and date:
3. Place of detection/seizure :
4. Date on which the offence was
detected or the seizure effected :
5. Details of articles seized:
6. Nature of the offence and Sections
of law :
7. Name, parentage and full residential
address of the accused/suspects :
8. Whether the accused/suspect was
arrested, if so, by whom :
9. Place and time of arrest of the accused/
suspect. :
10. Names and addresses of independent witnesses,
if any. :
11. Whether intimation was given to the Chief
Wildlife Warden or the authorised officer:
12. Where or in whose custody the seized
properties are kept/detained :
13. Details of the incident/offence reported:

**Name & Designation of the officer
sending the Offence Report to the Court**

Wildlife Crime Investigation

Enclosures

1. Original Search and Seizure Memo in ____ pages.
2. Arrest cum Personal Search Memo in ____ pages.
3. Confession Statement of the accused in ____ pages.
4. Crime Scene Inspection Memo, photographs and sketch map of the scene of crime.
5. List of properties seized with markings forwarded to the Court.

To

The Chief Judicial Magistrate/JMFC
(Place & address)

Copy to :-

1. The Dy. Conservator of Forests _____
2. The Conservator of Forests _____
3. The Chief Wildlife Warden, _____ State
4. The Additional Director, WCCB, New Delhi

ANNEXURE-IV

**MODEL SEARCH AND SEIZURE MEMO U/S 50 (1) OF THE WILD LIFE (PROTECTION)
ACT 1972, PREPARED AT (Name of the place) ON (Time
& date on which the seizure was made).**

Today, (1) at about (2) hrs, the Forest Range Officer, (3) Forest Range, received a telephonic information from a person who did not want to disclose his identity that two persons named (4) and (5), who are currently staying at (6) are in illegal possession of wildlife materials like (7) and that they are trying to sell the same for pecuniary benefits. As described by the informer, (8) is (9) and (10) is (11). It was also informed by the informer that the transaction is likely to take place at (12) at about (13) hrs today. (14) is a wild animal listed in Schedule at Sl. No. and hunting of (15), illegal possession and trade of animal articles made of the (16) or its body parts, trophies made of (17) or its body parts etc are offences under Wild Life (Protection) Act 1972 and the animal articles/trophies of (18), in respect of which an offence against the Wild Life (Protection) Act 1972 appears to have been committed, are to be seized under Section 50(1)(c) of the Wild Life (Protection) Act 1972. As the above information is a reasonable ground for believing that the said (19) and (20) have committed an offence against the Wild Life (Protection) Act 1972, it was decided to proceed to (21) and to seize the said animal articles and trophies, if required. Shri (22), Forest Range Officer secured the presence of Shri (23) and Shri (24) to act as independent witnesses to the search and seizure operation. Shri (25), Forest Range Officer informed the independent witnesses about the seizure and its legal provisions and they have agreed to act as independent witnesses to the seizure proceedings. The above said independent witnesses and the following officers of (26) Forest Range proceeded to (27) in office vehicle bearing Registration Number (28) at about (29) hrs on (30):

(1) Shri _____ Forest Range Officer

(2) Shri _____ Forester

(3) Shri _____ Forest Guard

(4) Shri _____ Forest Guard

The team along with the independent witnesses reached _(31) at about _(32) hrs on _(33) and took positions at visible distance around the _(34) and kept watch. At about _(35) hrs, one person of _(36) and another person of _(37) carrying a _(38) colour shoulder bag reached _(39) and stood near _(40). Immediately, Shri _(41) Forest Range Officer and other team members and the independent witnesses surrounded the above said persons who were standing near _(42). On seeing the Forest Range Officer and other officials in uniform, they became frightened and tried to run away carrying the _(43) colour bag. The Forest Range officers and other officials detained them. On questioning, the person with _(44) replied that his name is _(45) and that he is residing at _(46). On questioning, the other person with _(47) replied that his name is _(48) and that he is residing at _(49). Shri _(50) Forest Range Officer asked them whether they are in possession of any wild animals or animal articles to which the person who gave his name as _(51) replied that they are in possession of _(52) which are kept in the _(54) colour bag carried by the person who gave his name as _(55). As instructed by the Forest Range Officer _(56) himself opened the bag and took out the following items:

- (1)
- (2)
- (3)

(Description of the articles, like number, size, weight, texture, colour, smell etc as applicable)

When questioned further by the Forest Range Officer, _(57) and _(58) informed that they do not have any licence for keeping the said articles in their possession or for processing or trading the same. They bought the articles from one _(59) for Rs. _(60) some 2-3 months back and they brought the articles to _(61) for selling the same to one _(62) for Rs. _(63) and that they were waiting for the said _(64) to come and collect the articles and that time the Forest department officials surrounded and caught them. _(65) further informed the Forest Range Officer that the said _(66) is resident of _(67) and his mobile number is _(68). _(69) told the Forest Range Officer that the mobile number of _(70) is _(71). When asked about the source of money for purchasing the animal articles in question, _(72) replied that the money was contributed by each of them out of their personal savings. Both _(73) and _(74) pleaded with the Forest Range Officer that they may be excused in this case and that they will not repeat this again. As _(75) and _(76) are not having any valid licence for keeping the above animal articles in their possession and for processing or trading the same,

they have committed an offence against the Wild Life (Protection) Act 1972 in respect of these articles and thus the articles are to be seized under Section 50(1)(c) of the Wild Life (Protection) Act 1972. Therefore, the Forest Range Officer seized the above articles vide this Seizure Memo, packed and sealed in the presence of independent witnesses and taken into custody for further investigation.

When asked by the Forest Range Officer, _(77)___ said his mobile phone number is _(78)___ and _(79)___ said his mobile phone number is _(80)___. _(81)___ produced a ___(82)___ mobile phone handset with IMEI No.__(83)___ and _(84)___ produced a ___(85)___ mobile phone handset with IMEI No. ____(86)__. The following numbers were found in the recent call list (both incoming and out going).

- 1.
- 2.
- 3.

(list of numbers found in the recent call list to be given)

It is seen from the recent call list that _(87)___ contacted _(88)___ (mobile No. ___(89)___) and ___(90)___ (mobile No. ___(91)___) many times from ____ to _____. The above mentioned mobile handsets were also seized, packed and sealed in the presence of independent witness for further investigation.

___(92)___ is a protected wild animal specified in Schedule___ at Sl. No. ___ of Wild Life (Protection) Act, 1972 and hunting of such wild animal, illegal possession, trading, processing, transportation of any body part or animal articles or trophies made of any body parts of such wild animal etc are offences under section 9, 40, 48-A & 49-B of the Wild Life (Protection) Act 1972. As per Section 39 of Wild Life (Protection) Act 1972, wild animals, animal articles, trophy, or uncured trophy of any wild animal in respect of which any offence against the said Act has been committed are to be property of the Government and that no person shall without the previous permission of the Chief Wildlife Warden or the authorised officer acquire or keep in his possession, custody or control or transfer to any person by way of gift, sale or otherwise or destroy or damage such Government property. Therefore, _(93)___ and _(94)___ committed offences under Sections 9, 39, 40, 48-A, 49-B of the Wild Life (Protection) Act 1972, which are punishable under Section 51 of the said Act and they are to be dealt with according to law. As the Forest Range Officer was not satisfied that _(95)___ and _(96)___ will appear and answer any charge which may be preferred against them, he placed them under arrest.

A separate list of articles seized with detailed description is annexed to this Seizure Memo. Photograph of the seized articles were taken before the same were packed and sealed.

No injury to any person or damage to any property was caused during the seizure proceedings. The seizure proceedings concluded peacefully at _(97)_ hrs on _(98)_.
Seizure Memo is written in the hand of Shri_(99)_ Forest Guard.
(Seizure Memo and all its enclosures are to be signed by the accused, team members and independent witnesses on all pages)

Explanations:

- (1) - date of seizure
- (2) – time of receiving information
- (3)- name of the Forest Range
- (4) & (5) – name of the accused as informed by the informer
- (6)- address of the accused
- (7) – details of the animal articles/trophy etc
- (8) & (9) – name and physical description of the first accused
- (10) & (11) – name of physical description of the second accused
- (12) – place where the transaction is to be taken place
- (13) – time of transaction
- (14)– name of the wild animal (with species name in bracket)
- (15), (16), (17) & (18) – name of the wild animal
- (19) & (20) – name of the accused
- (21) – place where the transaction is to be taken place
- (22) – name of the FRO
- (23) & (24) – name of independent witnesses
- (25) – name of the FRO
- (26) – name of the Forest Range
- (27) - place where the transaction is to be taken place
- (28) – department vehicle Regn. number
- (29) – time of team leaving office
- (30) – date of seizure
- (31) - place where the transaction is to be taken place
- (32) & (33) – time and date of arrival at the spot by the team

- (34) - place where the transaction is to be taken place
- (35) – time of arrival of the accused to the spot
- (36) & (37) – physical descriptions of the persons (repetition of (9) & (11))
- (38) - colour of the bag
- (39) - place where the transaction is to be taken place
- (40) – some structure like a temple or bus stop or tea shop etc
- (41) – name of the FRO
- (42) – repeat (40)
- (43) - colour of bag
- (44) – physical description (repeat (9))
- (45) – name of the first accused
- (46) – address of the first accused
- (47) – physical description (repeat (11))
- (48) – name of the second accused
- (49) – address of the second accused
- (50) – name of the FRO
- (51) - name of the first accused
- (52) – name of the articles
- (54) – colour of the bag
- (55) & (56) – name of the second accused
- (57) & (58) – name of the accused
- (59) – name of the person from whom they purchased the articles
- (60)- purchase value of the articles
- (61) – place where the transaction to take place
- (62) & (64) – name of the buyer
- (63) – sale value
- (65),(69), (72), (73), (74), (75), (76) - name of the accused
- (66), (67), (68) – name, address and mobile number of the person from whom the accused purchased the articles.
- (70) & (71) – name and mobile number of the person to whom they were to sell the articles
- (77), (78), (81), (82), (83) – name, mobile number, description of the handset and IMEI number of the first accused.

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(79), (80), (84), (85), (86) – name, mobile number, description of the handset and IMEI number of the second accused.

(87) – name of the accused

(88) & (89) – name and mobile number of seller of the articles

(90) & (91) – name and mobile number of the buyer of the articles

(92) – name of the animal

(93),(94), (95) & (96) – name of the accused

(97) & (98)- date and time of completion of the seizure proceedings

(99) – name of the Guard or some other person who wrote the Seizure Memo.

ANNEXURE-V
Arrest Cum Personal Search Memo

1	Name of the Forest Range and Division.	
2	Case number and Sections of law	
3	Name, parentage and age of the accused arrested	
4	Present and permanent address of the arrested accused	
5	Identification marks of the arrested accused	
6	Reasons for arrest and whether without warrant or with warrant	
7	Place and time of arrest	
8	Documents/articles which were found on the person of the accused	
9	Name and address of the independent witness(es) who was present at the time of arrest	
10	Name and designation of the officer who effected the arrest	
11	Name of the relative/friend as declared by the arrestee who has been informed of his arrest	
12	Name of the local Police Station where the arrested person is to be kept in custody or other venue of custody of the accused	
13	Any other particulars including injuries on the person of the arrestee, if any	
14	Signature of the arrested accused	
15	Signature of the independent witness	
16	Signature of the officer who effected the arrest	

ANNEXURE-VI
Personal File (Dossier) of a Wildlife Offender

Photograph

1	Name, Father's Name and Address	
2	Aliases	
3	Personal Descriptions	
	Date of Birth/ age	
	Place of Birth	
	Sex	
	Hair	
	Colour of eyes	
	Complexion	
	Height	
	Weight	
	Built	
	Citizenship	
	Language	
	Identification marks	
4	Important Personal Information	
	Telephone/ mobile phone number	
	e-mail address	
	Passport number	
	Bank account details	

	Adhaar No./Identity Card of EC, India
5	Current/Previous occupations and list of properties owned
6	Associates/Relatives and their occupations
7	Crime history and brief cases of the wildlife case(s) against him
8	Crime modus operandi
9	Area of his activities
10	Previous Acquittals/convictions
11	If declared Proclaimed Offender, details
12	Any other remarks

ANNEXURE- VII

The Hon'ble Supreme Court Guidelines on Arrest of an Accused

- (1) The Police Personnel carrying out the arrest and handling the interrogation of the arrestee should bear accurate, visible and clear identification and name tags with their designations. The particulars of all such Police Personnel who handled interrogation of the arrestee must be recorded in a register.
- (2) The Police Officer carrying out the arrest of the arrestee shall prepare a memo of arrest at the time of arrest and such memo shall be attested by at least one witness, who may either be a member of the family of the arrestee or a respectable person of the locality from where the arrest is made. It shall also be countersigned by the arrestee and shall contain the time and date of arrest.
- (3) A person who has been arrested or detained and is being held in custody in a Police station or interrogation centre or other lock-up, shall be entitled to have one friend or relative or other person known to him or having interest in his welfare being informed, as soon as practicable, that he has been arrested and is being detained at the particular place, unless the attesting witness of the memo of arrest is himself such a friend or a relative of the arrestee.
- (4) The time, place of arrest and venue of custody of an arrestee must be notified by the Police where the next friend or relative of the arrestee lives outside the district or town through the Legal Aid Organization in the District and the Police Station of the area concerned telegraphically within a period of 8 to 12 hours after the arrest.
- (5) The person arrested must be made aware of list of rights to have someone informed of his arrest or detention as soon as he is put under arrest or is detained.
- (6) An entry must be made in the diary at the place of detention regarding the arrest of the person which shall also disclose the name of the next friend of the person who has been informed of the arrest and the names and particulars of the Police officials in whose custody the arrestee is.
- (7) The arrestee should, where he so requests, be also examined at the time of his arrest and major and minor injuries, if any present on his/her body, must be recorded at that time. The "Inspection Memo" must be signed both by the arrestee and the Police Officer affecting the

arrest and its copy provided to the arrestee.

(8) The arrestee should be subjected to medical examination by every 48 hours during his detention in custody by a doctor on the panel of approved Doctors appointed by Director, Health Services of the State or Union Territory concerned. Director, Health Services should prepare such a panel for all Tehsils and districts as well.

(9) Copies of all the documents, including the memo of arrest, referred to above, should be sent to the concerned Jurisdiction Magistrate for his record.

(10) The arrestee may be permitted to meet his lawyer during interrogation, though not throughout the interrogation.

(11) A Police control room should be provided at all District and State Headquarters, where information regarding the arrest and the place of custody of the arrestee shall be communicated by the Officer causing the arrest, within 12 hours of effecting the arrest and at the Police control room it should be displayed on a conspicuous notice board.

ANNEXURE- VIII
Wildlife Crime Investigation Kit

- | | |
|---|-----------|
| 1. Surgical Gloves | - 2 Pairs |
| 2. Plastic Pouch (Cellophane) | - 4 Nos. |
| 3. Screw capped vial (50 ml) | - 4 Nos. |
| 4. Screw capped vial (5 ml) | - 4 Nos. |
| 5. Injection Syringe (5ml) | - 1 No. |
| 6. Forceps | - 2 Nos. |
| 7. Brush | - 1 No. |
| 8. Glass Slides | - 20 Nos. |
| 9. Silica Gel | - 20gm |
| 10. Slide case | - 1 No. |
| 11. Filter Paper | - 1 No. |
| 12. Measuring tape | - 1 No. |
| 13. Scissors | - 1 No. |
| 14. Magnifying Glass (Small) | - 1 No. |
| 15. Cell Flashlight (torch) | - 1 No. |
| 16. Marker | - 1 No. |
| 17. Eye Protector (orange/blue goggle)/Facemask | |
| 18. Notepad | |
| 19. Pen/Pencil | |
| 20. Ruler | |
| 21. Pocket Knife | |
| 22. Foul Weather Gear (Raincoat/Umbrella) | |
| 23. Waterless Hand wash | |
| 24. SLR/Digital camera | |
| 25. Preservation Kit for Blood Samples | |
| 26. Carry Bag | |
| 27. Light Source with Filters | |
| 28. Crime Scene (Protection) Strip | |

Pug Mark Collection Kit

- | | |
|-----------------------------|--|
| 29. Tracer | - 25 cm X 20 cm glass/ plastic with 2cm broad Wooden frame |
| 30. Sketch Pen | - 1 |
| 31. 2 m long measuring tape | |
| 32. Plaster of Paris | |
| 33. Water Bottle | - 1 Litre |
| 34. Flexible Aluminum Tape | |
| 35. Census Bag | - To keep the items (19-20) |

ANNEXURE- VIII (A)

Basic elements of Wildlife Crime Scene Investigation

The basic elements of a wildlife crime scene investigation are:

- i. Arrival at the Scene
- ii. Noting and Addressing Any Safety Concerns
- iii. Setting Initial Scene Perimeter
- iv. Scene Security
- v. Initial Scene Photography
- vi. Initial Walk-Thru
- vii. Preservation of Fragile Evidence
- viii. Re-assessment of equipment or additional personnel needs
- ix. Briefing of other scene processors
- x. Scene Search (this continues throughout the scene processing)
- xi. Visualizing the locating Evidence Items at the Scene
- xii. Evidence Location Tagging
- xiii. The Evidence Location List
- xiv. Crime Scene Photography
- xv. General CSI Photography Guidelines
- xvi. Mapping the Location of Evidence Items
- xvii. The Crime Scene Sketch
- xviii. Marking Evidence Items
- xix. Packaging and Sealing Evidence Items
- xx. Methods of Sealing Evidence Packages
- xxi. Tagging Evidence Items and Packages
- xxii. Evidence Receipts
- xxiii. Chain-of-Custody Record
- xxiv. Evidence Submittal Form
- xxv. The CSI Report
- xxvi. Specific Evidence Collecting/Packaging Issues
 - o Pesticides and Poisons
 - o Blood and Tissue
 - o Firearms
 - o Bullet and Cartridge Casings

Wildlife Crime Investigation

- o Tool Marks
- o Friction Ridge Evidence
- o Footwear and Tire tracks
- o Trace Evidence
- o Animal Traps

Wildlife Investigation Team and role of each member:

The Investigative Team Leader

The team leader will ...

- i. Contact the first officers at the scene.
- ii. Review the area for safety concerns and inform the rest of the team.
- iii. Conduct the Initial Scene Walk-thru (with the Evidence Collector) and communicate findings to the rest of the team.
- iv. Determine the setting of the scene perimeter.
- v. Take note of weather conditions and time of day (it may be better to secure the scene and wait for daylight or better weather).
- vi. Determine the number of persons/abilities needed (such as a diver) and additional equipment needs.
- vii. Assign CSI tasks to team members.
- viii. Be the point of contact for new releases.
- ix. Update superiors as to the status of the scene investigation.
- x. Monitor and record who comes in and out of the scene.
- xi. Oversee the completion of all CSI tasks.
- xii. Determine when all CSI tasks are completed.

The Evidence Collector

The evidence collector will ...

- i. Accompany the Team Leader during the Walk-thru.
- ii. Place flags next to located evidence items during walk-thru and scene search.
- iii. Place numbered Evidence Location Tags next to evidence items.
- iv. Prepare the Located Evidence List.
- v. Collect all evidence items.
- vi. Mark, package and tag all collected items.

The Scene Photographer

The scene photographer will ...

- i. Take initial scene photos from outside the scene perimeter.
- ii. Take overall scene photos on the initial walk through (showing the scene 'as found').
- iii. Take overall, mid-range and close-up photos within the scene perimeter of all evidence items.
- iv. Take photos of the victim, preferably at right angles to the body alignment.
- v. Photograph all located impression marks (footprints and tire marks).
- vi. Take close-up photos of all located evidence items.

The Scene Sketcher

The scene sketcher will ...

- i. Prepare the rough scene sketch at the scene.
- ii. Indicate North, South, East, West direction on sketch if known.
- iii. Show rough location of victim(s) on sketch.
- iv. Show rough location of all fixed reference points used for three-point measurements and evidence items on the sketch.
- v. 'Map' the exact location of evidence items as appropriate with 'distance-to' measurements.
- vi. Prepare a finished sketch for presentation in court.

Additional Team Members

Additional team members will ...

- i. Assist in securing the scene.
- ii. Assist in the search for evidence.
- iii. Place flags next to located evidence items.
- iv. Assist the Scene Sketcher in mapping the exact location of evidence items using a tape measure and 'fixed' or relatively permanent objects at the scene as measuring points.
- v. Collect flags and scene perimeter tape after CSI tasks are completed.

ANNEXURE- IX
List of Scientific Institutions for Expert Opinion in Wildlife Crimes

Sl. No.	Name and address of the Institute	Facilities available
1	Wildlife Institute of India Post Box No. 18, Chandrabani Dehradun - 248 001 E-mail: wii@giasdl01.vsnl.net.in Phone 0135-640112 – 115 Fax # 91-135-640117	Identification of all animal species. Identification of blood, tissue, hair, bones, nails, claws, teeth other body parts and derivatives.
2	Zoological Survey of India PraniVigyanBhawan, M-Block New Alipore, Kolkata - 700053 Director - 033-24986820 FAX: 033-24006893 FAX: Head of Office - 033-24008595 EPBAX - 033-24006892 / 0901 / 6092 / 0646.	Identification of all species of animals.
3	Botanical Survey of India CGO Complex, 3 rd MSO Building Block F (5 th & 6 th Floor), DF Block, Sector I Salt Lake City, Kolkata - 700 064 Phone: 033 23344963 (Director) 033 23218991, 23218992 Fax : 033 23346040, 23215631	Identification of plant species
4	Centre for Cellular & Molecular Biology Uppal Road, Habsiguda, Hyderabad - 500 007, Andhra Pradesh Telephone: 040 27160222-31 : 040 27160232-41 Fax: 040 27160591, 27160311	DNA profiling

5.	Wood Properties and Uses Division Institute of Wood Science & Technology Malleswaram, Bangalore – 560 003 Tel: 080 22190100, 080 22190200 FAX : 080 23340529.	Identification of Timber and wood properties.
6.	Gujarat Forensic Science University, Near Police Bhawan, Sector 18 – A, Gandhinagar, Gujarat. Phone – 079 – 2325650 - 079 - 2325649	Various capacity building courses on Forensic Science including WL Forensics.
7.	State Forensic Science Laboratories (SFSL). Almost all States in the country have their SFSLs under respective Home Departments, for forensic examinations of the samples in conventional crimes. These Laboratories can be approached for Wildlife Forensic Tests as well.	Toxicological examinations. Other facilities available may vary from State to State; hence, it may be checked at the local level.

ANNEXURE-X

Forwarding Note to the Forensic Science Laboratory/Institute

(To be submitted along with exhibits for examination).

Case No. Range /Division:.....

Sections of law:..... District:.....

State:.....

1. Brief facts of the case:

(Including nature of charge, brief history and any relevant details)

2. List of exhibits/samples enclosed for examination:

Sl. No	Description of the exhibits	How, when and by whom found	Source of the exhibits	Remarks

3. Nature of examinations to be made:

Memo No. Date.....

Forwarded to the Director,

Forensic Science Laboratory,

Signature

Name and designation of the forwarding Officer

Name of the forwarding court, if applicable.....

SPECIMEN
SEAL
IMPRESSION

RECEIPT

No..... Dated, the

.....Forensic Science Laboratory

Reference : Range/Division :

Case No. : District :

Date : State :

Under Sections of Law :

This is to acknowledge the receipt of

.....
.....
.....

in connection with the case referred to above.

Director

COLLECTION OF TISSUE / SKIN / BLOOD / SCAT SAMPLES

1. For collection of meat/skin piece/scat

- a. Use a screw capped **small** vial

Note: Do not use more than 100 ml/gram capacity



→ Vial

- b1. Fill approximately half of the vial with Silica Gel
(5-8 mess size)

OR

- b2. 2/3rd volume of the container with 70% or absolute Ethanol
(ethyl alcohol which is chemically C₂H₅OH)

Note: 70% ethanol can be prepared by mixing of 75 ml ethanol with 25 ml of distilled/mineral or Bislyary water. In ethanol sample can be stored on room temperature for many days.



→ Cap
→ Silica Gel or Ethanol

- c. Place a circular paper piece over the Silica Gel
(do not put anything for ethanol)



Only in case
of Silica gel
→ Filter paper
→ Silica Gel

- d. Place small meat (10-20 gms)/skin piece (3x3 cms)/fresh s cat (15-20 gms.) over the filter paper (or directly dip the sample in ethanol) and make airtight with the cap. Please write the species and place, date of collection of the sample on the vial.



→ Meat/skin
piece/scat
→ Filter paper
→ Silica Gel

Note: In case of ethanol preservation cap should be sealed properly to avoid the leakage.



Details of
sample, viz.,
species/date
& place of
collection of
sample

2. For collection of blood

- a. Vacutainer tubes (blood may be collected as usual for routine purposes) and stored at 4°C (lower compartment of refrigerator) until handover to the lab.



- b. On glass slides
(Make thick smear of blood on slide)



ANNEXURE-XI
Complaint In A Wildlife Offence
(U/s 55 of Wild Life (Protection) Act 1972)

1	Name of the Range Office/ Division	
2	WLOR number and date	
3	Place and date of offence	
4	Sections of law	
5	Details of property seized	
6	Whose custody the seized properties are lying, if submitted in the court Property Index number	
7	Live specimens, if any, seized and subsequently rehabilitated in its natural habitat as per the court order	
8	Details of perishable or hazardous materials seized and subsequently destroyed as per the court order	
9	Details of fire arms, if any, seized and handed over to the Police for investigation and the Police FIR number	
10	Whether samples were sent to Wildlife Institute of India, Zoological Survey of India, Botanical Survey of India or any other scientific experts for opinion and the details of the opinion received	
11	Name, designation and office address of the officer who filed the Offence Report	
12	Name, designation and office address of the officer filing the Complaint	
13	Name and address of the accused against whom the Complaint is filed	
(i)	Accused in custody	

Wildlife Crime Investigation

(ii)	Accused on bail	
(iii)	Accused not arrested/ absconding	
(iv)	Accused who are habitual/ repeated offenders, details of previous cases	
14	Name and address of the witnesses and facts to be proved by the evidence of each witness	
15	List of documents, if any, submitted along with the complaint	
16	Nature of offences and facts of the case/allegation made against each accused	

Prayer:

Name & designation of the complainant
with office seal

To

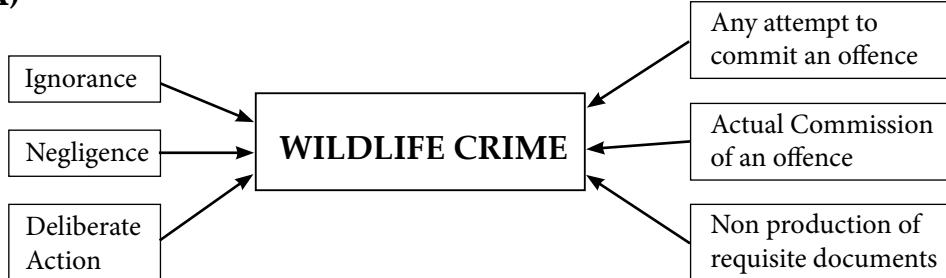
The Chief Judicial Magistrate/JMFC
(Address)

ANNEXURE - XII

Flow Chart on WI Crime Investigation Process

Wild Life (Protection) Act, 1972, was enacted to prevent, control and conserve biodiversity of the country. It extends to the whole of India except J & K.

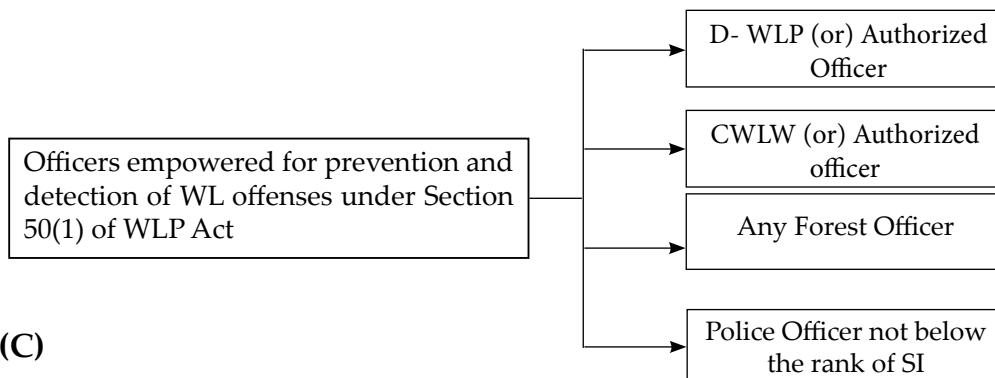
(A)



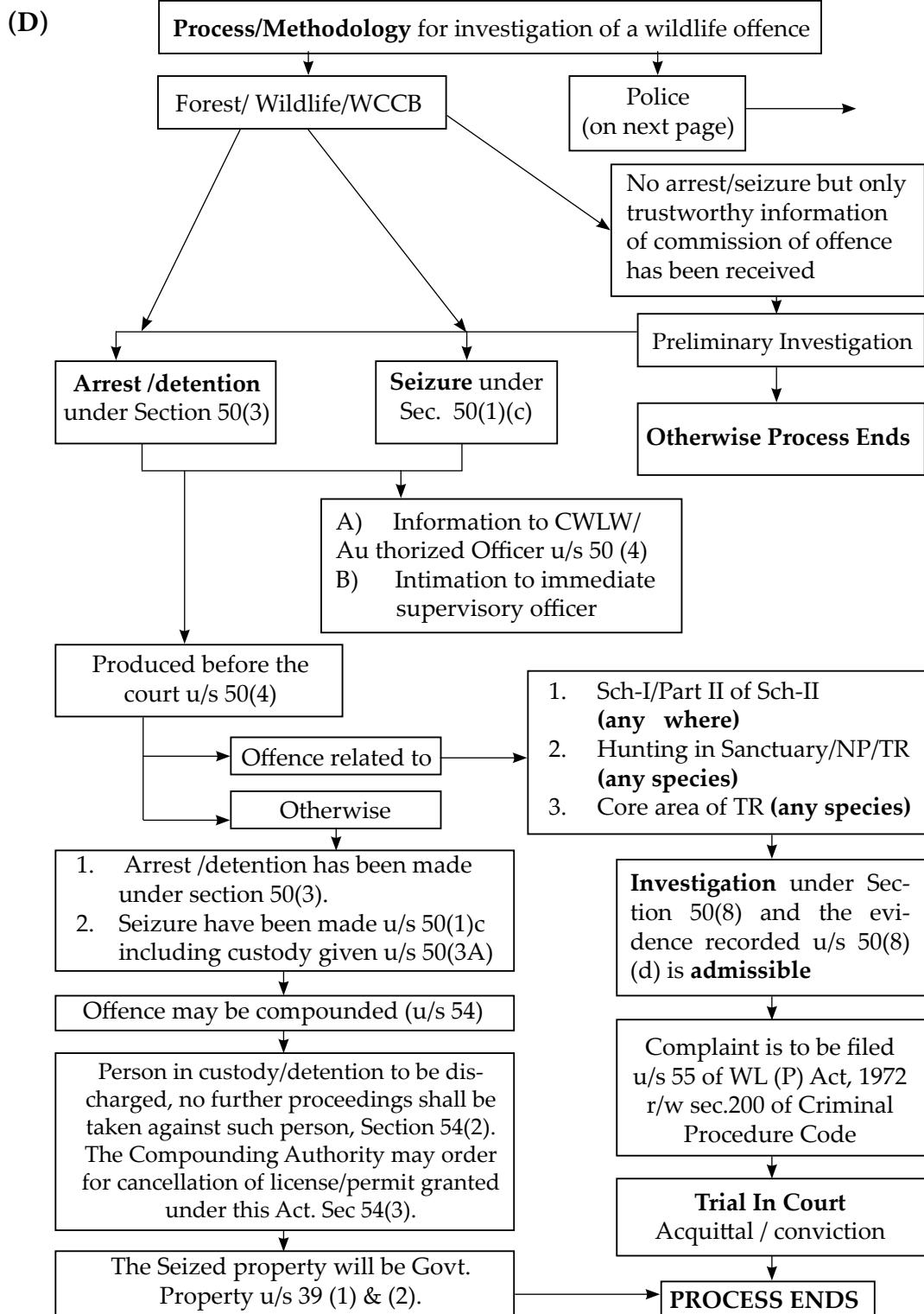
One or more offences under following Sections of WL (P) Act, 1972:

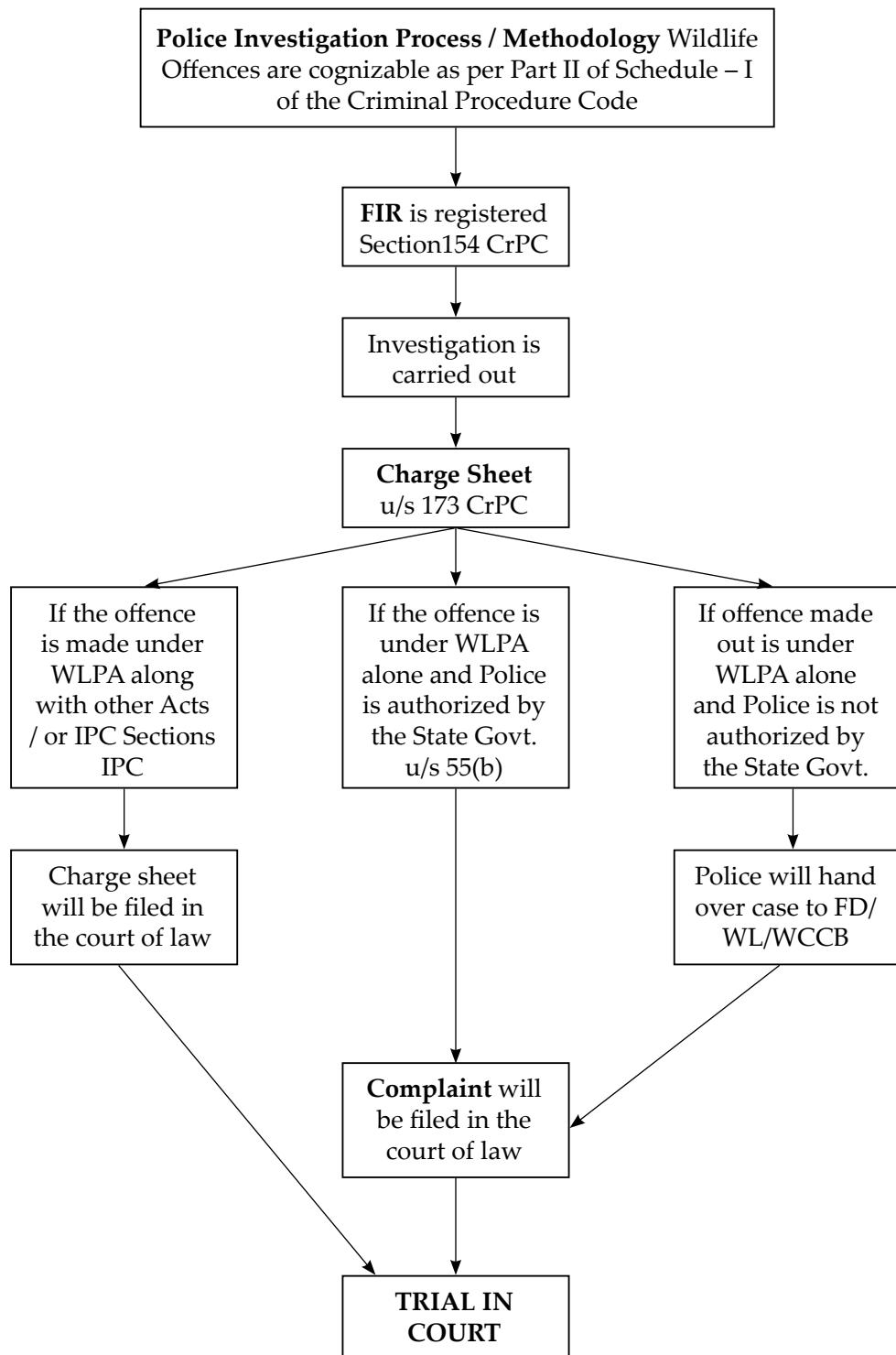
- | | |
|-----|---|
| I) | 17A, 27, 29, 30, 31, 32, 33A and 35 – up to 3 years |
| II) | 9, 39, 44, 48A and 49B – 3-7 years |

(B)



Person arrested and things seized are to be produced before the magistrate under intimation to the Chief Wildlife Warden of the State or officer authorized by him under Section 50(4) of the WLP Act





ANNEXURE - XIII

Court Diary

(To be submitted by I.O. or any other case officer deputed to follow up trial in court)

- (i). Name of court _____ at _____
- (ii). Forest Range/Division. _____ Distt. _____ State _____
- (iii) Court case No _____ Complaint No. _____ Trial No. _____
- (iv). Date of Filing of Complaint _____ Forest Deptt. Court Diary No. _____
- (v). Sections Invoked under WL.P. Act _____
- (vi). Previous date of Hearing _____ Present date of hearing _____ Next date fixed _____
- (vii). Name(s) & Address (s) of Accused(s) _____
- (viii). Son/Daughter/Wife of _____
- (ix). Address _____ Pin _____
- (x). Prosecution Status in Court(tick):

TRIAL STAGE:- Summon stage <input type="checkbox"/>	Bail stage <input type="checkbox"/>	Pre-charge <input type="checkbox"/>
CHARGE STAGE:- Plead guilty <input type="checkbox"/>	Post-Charge <input type="checkbox"/>	Pros. Evidence <input type="checkbox"/>
Defence Witness <input type="checkbox"/>	Statement <input type="checkbox"/>	Argument <input type="checkbox"/>

(xi). Performance of the witness during trial:

Type of Witness	Name of Witnesses	Summoned or Appeared	Fully supported	Partly supported	Became Hostile	If not examined then reasons
Eye						
Factual						
Technical						
Official						
Seizure						
Defence						
Forensic						
Formal						

(xii). Brief description of proceedings including cause of hostile witness & if any adjournment :-

(xiii). Remedies suggested by conducting P.P. if any damage caused to the case :

(xiv). Pairvi (Case) officer's name & rank _____ Range/Division. _____

(xv). Conducting Prosecutor's name & rank _____ Court/Distt. _____

(xvi). DCF/DFO comments _____

(Signature)
I.O. / Case Officer.

ANNEXURE - XIV
Important Judgements in Wildlife Crime Cases:

S.N	Name of the case and Court	Offence made under	Proposition Discussed
1	State of Bihar vs. Murad Ali khan and Ors. (1988)4 SCC 655 - Supreme Court.	Sections 9 (1), 51,55 of WPA Section 429 of IPC, Section 210 and 482 of Cr, PC	Objects of WPA and inherent jurisdiction discussed. Cognizance of and offence under the Act can be taken by a Court only on the complaint of the officer mentioned in Sec.55
2	Motilal vs. CBI and Ors.(2002) 4 SCC 713 - Supreme Court.	Sections 50, 51,54 and 55 of WPA, Section 4 (42) of Cr.P.C.	Offence, punishable under the Act can be Investigated by CBI. WPA is not a complete code in itself.
3	Indian Handicrafts Emporium and Ors.vs. UOI and Ors. (2003) 7 SCC 589 - Supreme Court	Article 14, 19 (1) (g) & 19 (1) 6 of COI, Sections 39,4,49-C, of WPA	Total prohibition on trade in ivory under the WPA held to be reasonable. Trade that are dangerous to the ecology may be regulated or totally prohibited and therefore regulation includes prohibition. Traders are a class by themselves. In absence of such criminal trial and offence having been found committed, Section 39 may not have any application. In that view of the matter it is evident that the properties do not stand vested in the Government in terms there for. The purport and object of the Act must be given its full effect.
4	Balram Kumarawat vs. UOI and Ors. (2003) 7 SCC 628 - Supreme Court.	Section 49-C(7) of WPA	Ban on Ivory trade. Restrictive meaning to words cannot be given.

5	Sansar Chand vs. State of Rajasthan (2010) 10 SCC 604 - Supreme Court	Articles 21, 48-A and 51-A(g) of the Constitution of India, Sections 9,49-,50 and 51 of the WPA	<p>Ecological chain and balance - Importance of wildlife conservation for the society.</p> <p>Directions issued by Supreme Court to Central and State Governments and their agencies to make efforts to preserve India's Wildlife and take stringent action against those violating provisions of Wildlife(Protection) Act.</p> <p>Extra-judicial confession in this case was corroborated by other material on record. Hence, conviction is sustained.</p>
6	Principal Chief Conservator of Forest & Anr. vs.J.K.Johnson & Ors., (Civil appeal No. 2534/2011 in Supreme Court	Sections 54,51(2) 39(1)(d) of WPA	<p>The effect of composition of offence has to be found in the statute itself. Section 54(2) provides that on payment of money to the empowered officer, the suspected person, if in custody, shall be discharged and no further proceeding in respect of the offence shall be taken against such person. In terms of sub-section (2) of Section 54, therefore, on composition of the offence, the suspected person is saved from criminal prosecution, and from being subjected to further proceedings in respect of the offence.</p> <p>Any power of forfeiture conferred upon executive authority merely on suspicion or accusation may amount to depriving a person of his property without authority of law. Such power cannot be readily read by relying on the Statement of Objects and Reasons without any express provision in the statute.</p> <p>For the seized property used for commission of offence to be the property of the state government or the central government under Section 39(1)(d), in our view, offence against the Act has to be legally ascertained and adjudicated by a competent court of jurisdiction.</p>

7	State of M.P.vs. Madhukar Rao, JT 2008 (1) SC364 Supreme Court	Section 39	Any attempt to operationalize Section 39(1)(d) of the Act merely on the basis of seizure and accusation/allegations levelled by the departmental authorities would bring it into conflict with the constitutional provisions and would render it unconstitutional and invalid.
8	Mumtaj vs. State of U.P 2000 Cri LJ4497 (Paras 5 to 7 are relevant) High Court of Allahabad.	2, Sections 49 (B) and 51 of WPA	Accused found involved in trade of skins of wild animals not entitled for bail. Ground of parity is not a compelling reason for bail.
9	Shashi Singh vs. State of Haryana And Mansoor Ali Khan Pataudi vs. State of Haryana, 2006(3) RCR (Criminal) 624 - High Court of Punjab & Haryana	Sections 9,39,50 ,57 of WPA	Taking the life of a defenceless animal, on the verge of extinction, hunting of which is specifically prohibited by Section 9 read with Schedule I of the Act, committed by the petitioners, so grave and heinous as to dissuade extending the anticipatory bail to them.
10	Forest Range Officer, Chungathara II Range vs. Aboobacker and Anr., 1989 Cri.L.J2038 - High Court of Kerala	Sections 9, 55 of WPA	Forest is an area where human activities are scanty except the clandestine adventures of poachers. The invaders of forest and wild life usually take care that their poaching techniques go unnoticed by others including wild animals. They adopt devices to keep their movements undetected. Hence it would be pedantic to insist on the rule of corroboration, by independent evidence in proof of offence relating to forests and wild life. Parliament in bringing a new legislation or (Protection) of wild life was inspired by the urge to preserve what little is left of wild life.

11	Abdul Kadar versus Govt. Of Gujrat SCR.A/1635/2010 - High Court of Gujarat	Sec 2(16),12(sec) of W.P. Act 1972, and Sec.48 & 51 A (g) of Indian constitution.	Every bird / animal (Exotic birds/ Indian Species) has a fundamental right to fly and move freely in open sky or air.
12	Case No. 5093(A)/2009 Govt. Of U.P versus Smt. Dalipo - Chief Judicial Magistrate Lakhimpur-Khiri (U.P).	2/9/39/49 /49B/52/51(A) of W.P. Act 1972	Confessional conviction but set off theory/ provision was accepted by court.
13	Govt. Of Rajasthan versus Juhru/Ramjan & others. Case No 23/318/2006 - Add. Chief Judicial magistrate, Alwar, Rajasthan.	Sec.9/27/31/39 /44/48A/49B/51 of W.P.A Act 1972	Accused were convicted.
14	Govt. of Rajasthan versus Juhru/manfool & others - Add. Chief Judicial magistrate, Alwar, Rajasthan.	Sec.27/31/9/39 /48A/49B/51 of W.P.A Act 1972	Accused persons were convicted in this case and rigorous punishment was given by the court to the habitual offenders.
15	Govt. of Rajasthan versus Juhru & others - Add. Chief Judicial magistrate, Alwar Rajasthan	Sec.9/27/31/39/44 /48A/49A/49B/51 of W.P.A Act 1972	Accused persons were convicted in this case and rigorous punishment was given by the court to the habitual offenders.

16	Govt. of Delhi versus Rajiv Khanna, Cr appeal No.1380/10 - Supreme Court of India. (SLP/Crl) No.77739/2008.	482 Sec. of Cr.P.C.Sec.34 of I.P.C	Vicarious liability & its jurisdictions relating with company/ Business/ firm/ offices etc. Justified.
17	Maharashtra State Electricity com.Ltd. & others Datar switchgear Ltd. & others - Supreme Court cases No.479/2010.	482 Sec. of Cr.P.C.Sec.34 of I.P.C. r/w192/199 Cr. P.C	Vicarious liability & its jurisdictions Relating with company/Business/ Firm/offices etc. justified
18	Forest Deptt. Of Maharajganj (U.P) versus Harsh Dhwaj Tamang & other - Chief Judicial Magistrate, Maharganj (U.P). case No.7343/2009.	9/49B/51 of W.P. Act 1972	Court up held that set off theory implied while convicting the accused i.e. the spent duration in Jail may be set off for conviction.
19	Sanjay Gandhi Animal care centre (seizure of ostriches Govt. Of NCT, Delhi & others - ACMM/ ASJ. Delhi,Tis Hazari.	CITES & provisions of W.P. Act 1972 which prohibits keeping exotic Birds/ animals as illegal without proper certification.	Whether accused has right to import and keep exotic birds without CITES certificate, proof of ownership, certificate from Quarantine officer.

20	Criminal. Revision No 41/2010-Cottage Industries Exposition versus Union of State (WCCB) - Addl. Session Judge, Delhi, Tis Hazari.	Sec.397 of Cr.P.C. Sec.40/49/49B-1/51 of W.P. Act 1972	Accused went for revision against summoning. Court held that Lower Court had discretionary Powers. Therefore accused petition for revision dismissed.
21	Kamran siddique versus Union of India - Delhi High Court WP(C) No.1038/2012	W.P. Act 1972 (Provisions) restricts personal possession of wildlife Animals.	Objects of W.P. Act 72.
22	PCCF (Govt of Andhra Pradesh versus J.K Johnson & others - Supreme Court of India Civil Appeal No.2534/2011.	54(1),54 (compounding of offences) of W.P Act 1972	Difference between forfeiture and seizure were discussed.
23	Yakub Ali versus Deputy Director (WCCB) - Delhi High Court W.P(C) No.3782/2011.	Sec 43 (2) of W.P. Act 1972	Ownership of elephant on transit documents is illegal proposition.
24	Kalya Bawaria, Juhru, Ramjan, Tayib,Hiralal etc. VS Rajasthan Govt. (Alwar) - (1) ACJM (Alwar) and (2) ACJM(Rajgarh) etc.(Rajasthan)	Sec 9/51/49B/27/31/3, 9/29/48A/49A of W.P. Act 1972	Upheled the sanctity of the provisions of W.P. Act 1972. Even in appeal this was also upheld by District. Judge, Alwar.

25	Sansar Chand versus State Govt. of Rajasthan - Supreme Court of India.Cr. Appeal No.2024 of 2010	48 A/51 A(G) of Indian Constitution & Sec 9/51 of W.P. Act 1972	There is no absolute rule that an extra-judicial confession can never be the basis of conviction.
26	Govt. Of Rajasthan versus Naryan & others - Add. Chief judicial magistrate, Alwar	Sec-9/5/39/51 /48A/51/49B of W.P Act 1972	Accused was convicted but imprisonment was set off and simultaneously declared to be borne.
27	Indian Handicrafts Emporium & others verses Union of India - Supreme Court of India Civil appeal No. (7534-35/1997/2003)	40 A/49 C Wild Life (Protection) Act 1972	Petitioner went for appeal against confiscation but S.C supported for confiscation & dismissed the petition.
28	Addl. Sessions Judge - 01 (Central) Delhi. SC No. 42/2008 ID No. 401R0009792006 State (through CBI) VS Sansar Chand and others	Section 51 W.P. Act, 1972, 120 B IPC and Section 3 of MCOCA	Issues related to further investigation in complaint cases, filing of supplementary complaint in a complaint case and applicability of MCOCA provisions in complaint cases

ANNEXURE-XV
Case Diary

1. WLOR Number & Date :
2. Case Diary Number & Date :
3. Date, place and time of occurrence :
4. Species involved :
5. Description of the articles seized :
6. Name and address of known accused :
7. Sections of law :
8. Name and designation of the :
9. Investigating Officer :

Date, time and place visited for the purpose of investigation	Details of investigation conducted

ANNEXURE-XVI **History Sheet**

Unique Serial No With date (to be given by the Range officer _____)

I. Name, Surname with aliases, if any :

II. Father's /Husband's name with aliases, if any :

III. Photograph with Date:

IV. (a) Caste:

(b) Trade or profession:

V. Descriptive Roll with date



(a) Description –

- I. Age :
- II. Height (in cms):
- III. Built :
- IV. Hair :
- V. Eye-brows :
- VI. Forehead :
- VII. Eyes :
- VIII. Sight :
- IX. Nose :
- X. Mouth :
- XI. Lips :
- XII. Teeth :
- XIII. Fingers:
- XIV. Chin :
- XV. Ears :
- XVI. Face :
- XVII. Complexion :
- XVIII. Beard :
- XIX. Moustache:
- XX. Identification marks:

Wildlife Crime Investigation

VI. Residence:

(a) Address :

House No. :

Village :

Mohalla/Street :

City :

P.S/ Range :

District:

State :

PIN

b) Important Personal Information:

Date of Birth :

Citizenship :

Telephone/Mobile No(s) :

E-Mail Address :

Passport No :

Bank Account No(s) :

Aahar No. :

VII. Name of officers who could identify / have knowledge about him:

VIII. Previous history, also showing criminality:

IX

(a) Usual field of operation:

(b) Place of habitual resort:

X. Modus Operandi :

XI. Name of principal relatives with parentage and address:

Name of the relatives	Parentage	Relationship	Address	Criminality, if any

XII. Name of associates and accomplices with parentage and address:

Name of the associates and accomplices	Parentage	Relationship	Address	Criminality, if any

XIII (a) Convictions/Acquittal(s):

1. Case No :
 2. Section/Act :
 3. P.S./Forest Range :
 4. District :
 5. State :
 6. statement with date and name of the court :
- (b) Case(s) under investigation/trial:

1. Case No:
2. Section/Act :
3. P.S./Forest Range :
4. District :
5. State :
6. Current status of the case (s) :

XIV. Property (Movable & Immovable):

XV. Current Surveillance being done (PS/ Range and Name of the In charge)

Index to History Sheets and Personal Files/Part I

1	2	3	4	5	6	7
Serial No. of History sheet and Personal File	Name and Father's Name	Address	Date on which History sheet was opened or received in the Range/ Division	Police Station of permanent residence	Date on which History sheet and Personal files were transferred to another Range/ Division	Initials of gazette officer ordering transfer or destruction of history sheet and remarks

(To be maintained Sr. No. wise)

Index to History Sheets and Personal Files – Part – II

1	2	3
Name & Father's Name	Address and police station	Serial No. of History sheet and Personal File and his criminal history in brief

(To be maintained name wise)

ANNEXURE-XVII

Information Sheet

No. _____

Dated _____

Information sheet regarding _____ alias _____

Son of _____ Caste _____

Resident of _____ Police Station/Range _____

District _____ State, Age _____ Height _____ Personal marks _____

Others details _____

INFORMATION:

NOTE: - This should explain the reasons for the information sheet, request to keep a watch over his movements & activities and intimate anything unusual/ relevant observed during his stay.

Dated: _____

Range Officer

_____ Forest Range

_____ Forest Division

_____ St

Notes

Notes

Notes