THE ILLUSTRATED
Wildlife Trade Investigation Guide
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Content:
Mridula Vijairaghavan
Sahila Kudalkar

Concept & Design:
Malvika Tewari

References:
(Wildlife Crime Control Bureau - Ministry of Environment, Forests and Climate Change)

Important aspects of Investigation in Wildlife Offences (TRAFFIC India)

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

(Wildlife Protection Society of India)

Wildlife Trade: A Handbook for Enforcement Staff (TRAFFIC India)
INTRODUCTION
Types Of Wildlife Crimes
Wealthy Markets That Drive Illegal Wildlife Trade
Wildlife Trafficking Routes Out Of India
Agencies Involved In Tackling Wildlife Crime
Supporting Legislations To Tackle Wildlife Crime

DETECTION & INVESTIGATION
Detection Of Wildlife Crime Through Intelligence Networks
Investigation Overview
  • Steps For Investigation
  • Search & Seizure
  • Evidence Collection
  • Interrogation Pointers
Arrest

WILDLIFE OFFENCE REPORT & JUDICIAL CUSTODY
Wildlife Offence Report Pointers
Bail

INVESTIGATION POST WLOR
Interrogation & Further Investigation
Recording Statements
Importance of a Case Diary
Analysis

COMPLAINTS
Complaint Pointers
Prosecution
Post Trial Action

*Common Offences in Wildlife Trade
1. Introduction
TYPES OF WILDLIFE CRIMES

- Hunting
- Trading
- Consumption
- Habitat Destruction
- Abetment

A has abetted a wildlife crime
WEALTHY MARKETS THAT DRIVE ILLEGAL WILDLIFE TRADE
WILDLIFE TRAFFICKING ROUTES OUT OF INDIA

SOURCE: MENDIRATTA AND BASRUR 2017
AGENCIES INVOLVED IN TACKLING WILDLIFE CRIME

AGENCIES INVOLVED

Detection
- CISF
- GRP
- RPF
- postal Dept.
- BSF
- SSB
- Assam Rifles
- ITBP

Detection + Enforcement
- Forest Dept.
- Police Dept.
- ED
- WCCB
- Customs
- CBI
SUPPORTING LEGISLATIONS TO TACKLE WILDLIFE CRIME

- Wild Life Protection Act, 1972 (WLPA 1972)
- Code of Criminal Procedure, 1973 (CrPC 1973)
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)
- Customs Act, 1962
- Delhi Special Police Establishment Act, 1946 (DSPEA 1946)
2. Detection & Investigation
DETECTING WILDLIFE CRIME THROUGH INTELLIGENCE NETWORKS

1. Details of informant to be maintained confidentially.

2. Activities of informant to be monitored regularly.

3. Identity of informant to be protected in all legal proceedings.

4. Informants not to be made witness to arrest / seizure / legal proceedings.
INVESTIGATION OVERVIEW

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

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

STEPS FOR INVESTIGATION

1. Crime Scene Investigation
2. Interrogation
3. Examination of Witness

4. Analysis of Evidence

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

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

In case of high value goods, copy of filed complaint to be sent to Directorate of Enforcement
SEARCH & SEIZURE
SCENARIO: OUTDOORS

Secure the area around the crime scene up to a radius of 500m. Divide the area into sectors.

Position a team of officers around the crime scene before the investigation. Keep crowds away.

Freshly dug mounds near site

Investigation kit

Forensic Expert

Officer drafting Search & Seizure Memo

Female Constable/ Govt. Official/ Witness

Sketch Map Artist

Photographer
Note location and permanent features of site

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

Do not trample on evidence

Search Water Bodies Near Site For Evidence

Witnesses: Government Officers / Gram Panchayat Members
SEARCH & SEIZURE
SCENARIO: INDOORS
ELECTRONIC EVIDENCE COLLECTION

Seize Mobile Device. Note the brand, Sr. No., IMEI No.
- Call data records
- List of contacts

Seize Laptop. Note the brand, Sr. No., IMEI No.
- List of passwords
- Screenshots / Print outs / Photographs of emails

- Memory Card

- Cameras

- USB Drives
- GPS Tracker

- 16 GB Memory

Note all details in the Search & Seizure Memo

- Witnesses
LABELLING EVIDENCE

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

Label must contain:

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

Mention all evidence in Search & Seizure Memo
BIOLOGICAL EVIDENCE COLLECTION

Whole

Live Wildlife
- Request permission from Judicial Magistrate for rehabilitation / release in the wild

Live Animals
- Report to ZSI, Kolkata

Plants
- Report to BSI, Kolkata

Carcass / Unnatural Death
- Post Mortem Exam by Govt. Veterinary Doctor according to NTCA guidelines

Poisoning
- Collect viscera and send to State Forensic Lab. for examination & Toxicological Report

Disease
- Collect viscera and send to authorized laboratory for pathological examination

Poaching
- Conduct investigation to establish:
  - How
  - Where
  - When
  - Who

After investigation, request for disposal of carcass. Carcass should be burnt / buried following the guidelines
**BILOGICAL EVIDENCE COLLECTION**

- **Parts**
  - **Skin / Fur**
    - Send to Forensic Lab
    - Examine for presence of chemicals as preservatives
    - Ballistic Exam on wounds for presence of gun powder to determine type of arms & shooting range
    - *In case of tiger fur, send photograph at right angle to WII, Dehradun to match the tiger from the camera trap repository*
  - **Hair / Bones / Blood / Meat /**
    - Seal evidence carefully in Ethanol / Silica Gel
    - Send to authorized laboratory to confirm the genus & species
  - **Horn / Tusk**
    - Veterinary Doctor to record the weight / circumference of the tusk / horn

Seized goods should be recorded for their freshness, shape, color, texture, pattern, length, weight, etc. Make note of cut marks or injuries on evidence.
**BIOLOGICAL EVIDENCE: COLLECTION & SEALING**

For meat / skin / scat

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

For blood
Collect in a vacutainer tube at 4°C

Sanitize gloves while handling samples from different animals

Sealing Evidence

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

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

Preliminary interrogation of suspect at the site of seizure

Source/Destination?

Mode of transport?

Payment/Buyer/Broker?

Previous involvements?

Personal background?

Motive?

Abettors?

Suspect has access to a lawyer.

Suspect’s fingerprints are recorded

In case of confession, statement is recorded within 6-12 hours, read over & signed. Evidentiary value if confession made to forest officer.
ARREST

1. In case of female, arrest should be made by female officer.


3. In case of foreign nationals, arrest should be intimated to the Embassy of their country.

4. Arrest the suspect in presence of a relative, well-wisher or two witnesses.

2. Inform accused of their Right to Bail.

3. Inform accused of the offence they are arrested for.

4. Accused has access to a lawyer.
3. Personal search of the accused & articles found on their person to be mentioned in the Arrest & Personal Search Memo

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

5. Photographs & finger prints to be collected in a Personal Profile. Details to be given to District Crime Records Bureau / Modus Operandi Bureau & Fingerprints Bureau
6. Intimation of arrest to be sent to a family member
   Intimation of arrest to be sent to the Chief Wildlife Warden
   If informed telephonically, the same should be confirmed in writing

8. Provide medical treatment if required
   Medical exam to be conducted
   Certificate of fitness from Asst. Civil Surgeon or a Government Doctor
   Repeat medical exam every 48 Hrs
   Physical injuries or deformities of the accused to be recorded in the Memo

7. Verify the address given by the accused

9. Avoid interrogation between 6 PM & 6 AM
   Accused should not be subjected to physical coercion or torture
10. **Arrest & Personal Search Memo** (with left thumb impression) to be signed by the accused, witnesses & the Investigating Officer. Copy to be provided to the accused under acknowledgement.

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

12. **Sec. 167 CrPC**

In case judicial custody is required, file a petition under Section 167, CrPC.
3. Wildlife Offence Report and Judicial Custody
WRITING THE WILDLIFE OFFENCE REPORT

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

Original Search & Seizure Memo

Evidence

Photographs

Sketch Maps

List of seized properties & articles

Crime Scene Investigation Memo

Request form to take samples

Request form for disposal/rehabilitation

Examiner of Electronic Evidence Form

Ownership documents for vehicles, residence, shops, Bank Documents

List of Witnesses

Witness + Officer Statement

Govt. orders declaring site as Protected Area

Forwarding Letter

Confession Statement

Arrest + Personal Search Memo

Application under Section 167 (CrPC) for judicial custody
REGISTERING THE WLOR

Submitted to the Chief Judicial Magistrate / JMFC

Copy to Deputy Conservator of Forests

Copy to Conservator of Forests

Copy to Chief Wildlife Warden

Copy to Additional Director, WCCB

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

Sec. 436 CrPC

Bail applications are made under Section 436 of the CrPC

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

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

Sch.I

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

Sch.II, Pt.II
Other factors which Public Prosecutor may present before the Magistrate to oppose the bail application include:

- If the arrestee tries to run away or provides fake name and address during arrest.
- Show how his absence will severely affect the investigation of the case.
- Show that he is a threat to society/might commit another offence if released.
- Show a record of previous convictions, if applicable.
- If bail is granted, request for passport to be impounded so that accused does not escape the country.
- If bail is granted, request the magistrate to make the accused appear in the police station regularly.
4. *Investigation*

*Post WLOR*
INVESTIGATION POST WLOR

Take warrant from ACF for further investigation

Interrogate the accused

Conduct further investigation based on interrogation

Where were you at 6PM?
I was driving to Siliguri.
Did you notice any cars driving towards the forest edge?
RECORDING STATEMENTS - WITNESS

I saw him put Pangolin scales in the car.

Witness statements to be recorded by the ACF

Make sure witness statements match and there is no deviation
RECORDING STATEMENTS - CONFESSION

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

Yes, I hunted for Pangolin scales...

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

Confessionary Statement
IMPORTANCE OF A CASE DIARY

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

JUNE 3RD, 3AM
Caught x with Pangolin Scales in Pakke

JUNE 5TH, 7PM
Got Judicial Custody. Upon interrogation found links to trader in Siliguri

JUNE 8TH, 5PM
Forensic report confirms Pangolin scales. Upon further interrogation discovered that this was the 7th lot of Pangolin scales being traded.
5. Complaints
WRITING THE COMPLAINT

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

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

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

Evidence

Witness

Arrest

Witness Statement

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

COMPLAINT
LIST OF DOCUMENTS TO BE ATTACHED WITH THE COMPLAINT

- Copy of Govt. notification authorizing the officer to file complaint
- Copy of WLOR
- Reports from Forensic Lab
- Crime Scene Investigation Memo
- If crime scene is in a Protected Area, notification of the PA
- Post Mortem Report in case of unnatural death
- Call Data record if relevant to the case
- Photos of seized material
- Sec. 65B Evidence Act - Examiner of Electronic Evidence Certificate
- List of Witnesses
- Statement of Witnesses as recorded under Sec 50(8) WLPA
- Confessional Statement if any
- Any other relevant document collected during investigation
**PROSECUTION**

We need your statement...

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

IO to work closely with the Public Prosecutor

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

Judgement On Accused

If Acquitted

If Convicted

If punishment not adequate

If punishment is adequate

Refer to the legal cell with comments from the DCF to file an appeal within the period of limitation

Head of Forest Department may sanction reward to officers

History sheet of accused to be prepared at range & division level & shared with police station.

After release, activities to be monitored by Range Officer

Movement or activity near wildlife habitat to be reported to DFO/RFO/SHO in form of an information sheet

Photo database prepared at divisional & state level & shared with WCCB & NTCA

Activites of accused to be monitored

If Bail is granted
**COMMON OFFENCES IN WILDLIFE TRADE**

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

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Section / Offence</th>
<th>Prescribed Punishment</th>
<th>Appropriate Court</th>
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</table>
| 1.      | **Section 9 r/w 51(1)**  
Hunting of animals in Schedule II  
Part I, Schedule III and IV | Upto 3 years punishment or fine upto Rs 25,000 | JMFC |
| 2.      | **Section 9 r/w 51(1)**  
Hunting of animals in Schedule I  
and Schedule II Part II | **First Conviction:** Not less than 3 years and not more than 7 years imprisonment and fine not less than Rs 10,000  
**Second/subsequent offence:** Not less than 3 years and not more than 7 years imprisonment and fine not less than Rs 10,000 | JMFC |
| 3.      | **Section 9 r/w 51(1C)**  
Hunting animals in the tiger reserve | **First Conviction:** Not less than 3 years and upto 7 years imprisonment and a fine not less than Rs 50,000 and upto Rs 2 Lakh  
**Second/subsequent offence:** Not less than 7 years imprisonment and a fine not less than Rs 5 Lakh and upto Rs 50 Lakh | JMFC |
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<td>4.</td>
<td><strong>Section 27 r/w 51(1)</strong>&lt;br&gt;Restriction on entry into a Sanctuary</td>
<td>Imprisonment upto 3 years or fine upto Rs 25,000</td>
<td>JMFC</td>
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<td><strong>Section 29 r/w 51(1)</strong>&lt;br&gt;Destruction, etc. in a sanctuary prohibited without permit</td>
<td>Upto 3 years punishment or fine upto Rs 25,000</td>
<td>JMFC</td>
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<td></td>
<td><strong>Section 31 r/w 51(1)</strong>&lt;br&gt;Prohibition of entry into a sanctuary with weapon</td>
<td>(In case Arms Act, 1959 is involved, the arms license is cancelled and the person cannot apply for a fresh license for 5 years)</td>
<td>JMFC</td>
</tr>
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<td><strong>Section 32 r/w 51(1)</strong>&lt;br&gt;Ban on use of injurious substances</td>
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<td>5.</td>
<td><strong>Section 39 r/w 51(1)</strong>&lt;br&gt;Wild animals, etc. to be government property</td>
<td>In case of Schedule I &amp; Schedule II Part II species, not less than 3 years and upto 7 years imprisonment and fine not less than Rs 10,000</td>
<td>JMFC</td>
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<td></td>
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<td>In case of Schedule II Part II, Schedule III and IV species, not more than 3 years or fine upto Rs 25,000</td>
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<td>6.</td>
<td><strong>Section 42 r/w 51</strong>&lt;br&gt;Certificate of ownership</td>
<td>In case of Schedule I &amp; Schedule II Part II species, not less than 3 years and upto 7 years imprisonment and fine not less than Rs 10,000</td>
<td>JMFC</td>
</tr>
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<td></td>
<td><strong>Section 44 r/w 51</strong>&lt;br&gt;Dealings in trophy and animal articles without license prohibited</td>
<td>In case of Schedule II Part II, Schedule III and IV species, not more than 3 years or fine upto Rs 25,000</td>
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<td></td>
<td><strong>Section 48 r/w 51</strong>&lt;br&gt;Purchase of animal, etc. by licensee</td>
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<td></td>
<td><strong>Section 48A r/w 51</strong>&lt;br&gt;Restriction on transportation of wildlife</td>
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<td></td>
<td><strong>Section 49 r/w 51</strong>&lt;br&gt;Purchase of captive animal, etc. by a person other than a licensee</td>
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<td></td>
<td><strong>Section 49B r/w 51</strong>&lt;br&gt;Dealing in trophies, animal articles, etc of Schedule I and Schedule II Part II animals</td>
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<td>7.</td>
<td><strong>Chapter VA</strong>&lt;br&gt;Prohibition of trade or commerce in trophies, animal articles, etc.&lt;br&gt;derived from Scheduled animals</td>
<td>Not less than 3 years imprisonment and upto 7 years and fine not less than Rs 10,000</td>
<td>JMFC</td>
</tr>
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<td>8.</td>
<td><strong>Section 52 r/w 51</strong>&lt;br&gt;Attempts and abetment</td>
<td>Same punishment as the offence attempted or abetted</td>
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</table>

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

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

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